

your work your say



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Your Work, Your Say: What You Said

The Sask. Party government has a plan to overhaul 15 of the province's labour laws. Without a proper public consultation, the overhaul lacks legitimacy yet threatens to substantially change 100 years' worth of progressive legislation.

As a result, on July 31, 2012, the NDP Caucus released a response to the Sask. Party government titled, "Your Work, Your Say: Listening to Saskatchewan people's views on laws for working people." In this response, we made two recommendations to the Government of Saskatchewan:

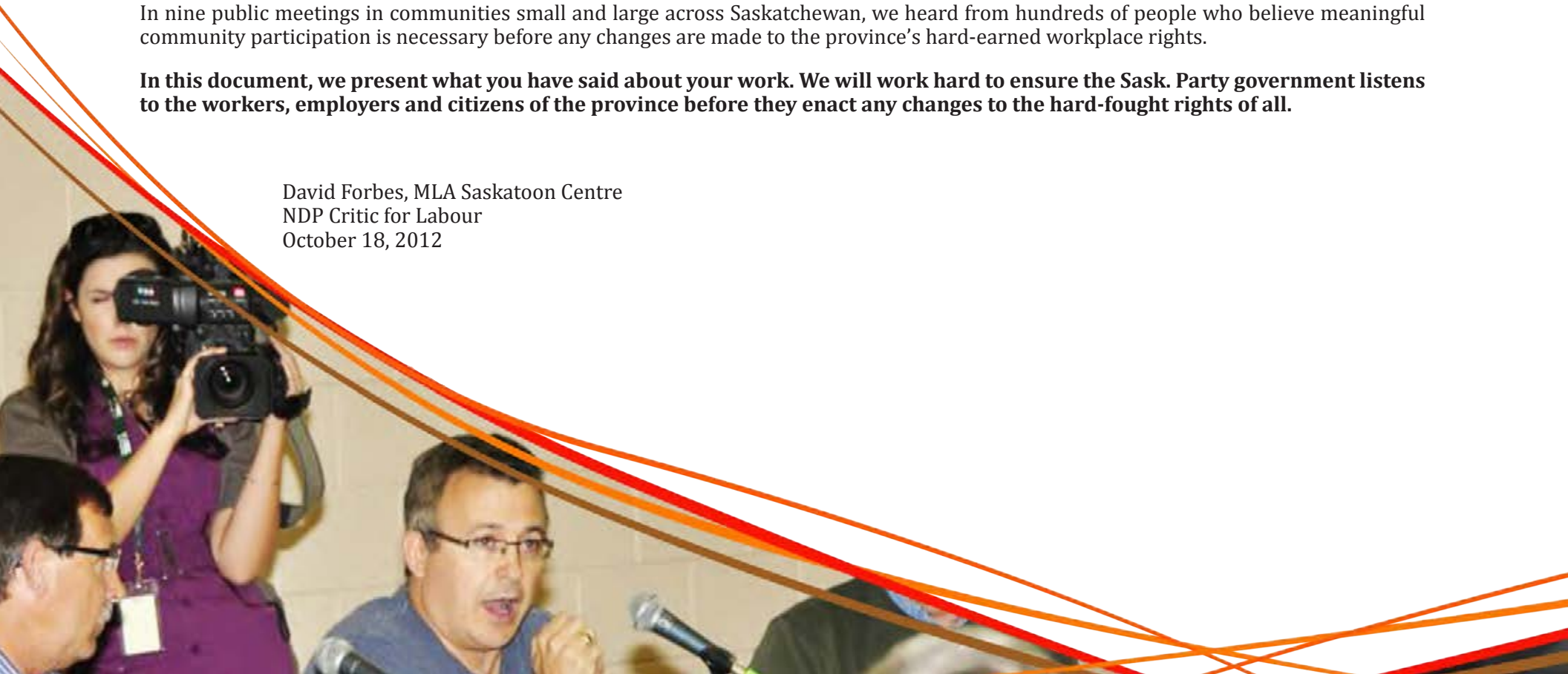
1. The Sask. Party government must revisit the whole exercise and explore what exactly needs to be fixed in the province's labour laws. If it is found that improvements are needed, the government must ask the people through public consultations how to make this happen.
2. The Sask. Party government needs to allocate appropriate resources for meaningful consultations with the public and stakeholders. These consultations must provide ample time to engage the public and stakeholders.

The Sask. Party government ignored these recommendations to consult with the public. In their absence of leadership, we promised to consult with the people of Saskatchewan, and we have kept that promise.

In nine public meetings in communities small and large across Saskatchewan, we heard from hundreds of people who believe meaningful community participation is necessary before any changes are made to the province's hard-earned workplace rights.

In this document, we present what you have said about your work. We will work hard to ensure the Sask. Party government listens to the workers, employers and citizens of the province before they enact any changes to the hard-fought rights of all.

David Forbes, MLA Saskatoon Centre
NDP Critic for Labour
October 18, 2012



Introduction

In May 2012, the Sask. Party government unveiled its plan for a massive overhaul of 15 existing provincial labour laws. The Sask. Party government billed this plan as a “modernization” of the legislation. Given that the issues had not been raised in the November 2011 election, however, the Sask. Party neglected the most essential component of revisiting important legislation: consultation with the public. In only a short, 90-day timeframe over the early summer, the Sask. Party did not hold a single public meeting to discuss 185 proposed changes to labour legislation.

As a direct result of this incomplete, inadequate and unjust process, the NDP launched a public consultation tour of its own. In nine communities across the province, the NDP provided opportunities for the public to have their say on their work. Announcements went out in newspapers and letters were issued to organizations, businesses and community groups across the province to invite the public to present their views.

The NDP met with over 700 members of the public to consult on the proposed changes to the province’s labour legislation. In Prince Albert, Regina, La Ronge, Yorkton, Humboldt, North Battleford, Moose Jaw, Swift Current and Saskatoon, the public offered varied viewpoints in favour of and opposed to specific changes proposed by the Sask. Party government. The nine meetings, starting on September 6 and concluding on September 26, offered diverse views from the public about how best to “modernize” the legislation governing people’s work and places of employment.

This document will serve as a summary of the comments made both by presenters and members of the public at these nine consultation meetings as well as provide recommendations from the public about what steps the Sask. Party government should take if it intends to revise labour legislation. These recommendations and discussions broadly fit into the following categories:

1. **The importance of public consultation.**
2. **Ensuring a balanced working environment.**
3. **The dangers of losing strong workplace legislation.**
4. **Positive changes that will work for working people.**
5. **Taking care of the most vulnerable workers.**
6. **Improving unions and collective bargaining rights.**
7. **Strengthening the economy through workplace safety and training.**





The Issues

The importance of public consultation

A prominent theme by presenters and public audience members was the lack of public consultation offered by the Sask. Party government. The points raised included:

- Public meetings are a must for government consultation on issues affecting every citizen.
- For 100 years' worth of labour legislation, the government's approach should be cautious.
- An appropriate amount of time for review is needed, rather than a rushed 90-day process.
- People need the opportunity to hear discussion, both pro and con, in a public forum rather than simply read a document on a website.
- People who do not belong to unions felt the government's approach excluded public comment by non-unionized workers, as they do not have formal representation.
- The present process must be viewed in the context of the successful court challenge against the Sask. Party's essential services legislation. The government must review what the Chief Justice said about proper consultation rather than this current process.
- One person said the 90-day summer review is just a bare minimum for consultation.
- One speaker compared the limited time frame to a much broader timeframe for other public policy con-

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sultations, including the government's six-month consultation on reviewing the system for branding cattle.

- Multiple commenters said many groups were not consulted by the government. They referenced seniors' groups, students, recent immigrants, newcomers and others. They were concerned about the Sask. Party government's exclusion of these voices from the process.

The public also appreciated the opportunity to speak in an open forum about the review, considering the government did not offer such an opportunity.

RECOMMENDATION 1

The Sask. Party government should start the process of reviewing labour legislation over again with a focus on public consultations and public input into the process. The timeframe for the review should allow for due diligence and ample opportunity for meaningful public engagement. The public consultation should take place in communities across the province, and should be opened to include members of the public that the Sask. Party government did not consult with on these proposed changes, including seniors, young workers, artists, students, recent immigrants and others.

Ensuring a balanced working environment

An overarching theme heard in the public consultations was the need for a fair balance between workers and employers in the workplace. Most speakers emphasized their desire for any legislative changes to be fair and balanced without swinging the pendulum in favour of either labour groups or employer groups. The points raised included:

- A balance allows both businesses and workers to succeed.

- Any imbalance could lead to unstable workplaces and could cause the economy to falter.
- Strife in labour relations is not needed when things are generally working well.
- People felt, in general, the province currently has a balance and losing that balance will wreak havoc on workplaces, on workplace safety, and on labour relations in Saskatchewan.
- The discussion questions raised in the government's discussion paper are chilling and emphasize the government's openness to potentially damaging changes to the working environment.

RECOMMENDATION 2

The Sask. Party government should, in its new public consultation, emphasize a balance in workplace rights between workers and employers. If a policy is deemed to upset the balance, it should be scrapped.

Multiple presenters worried about the impacts of "losing the balance," including:

- Moving forward as a province should not include a reduction in workplace rights.
- Raising the bar for workplace standards should be a goal of government, not reducing the bar.
- Non-unionized workers have limited ways to hold their employers to account for violations of workplace rights, except taking their employers to court, which may be prohibitively expensive.
- A teacher raised a concern with a potential unilateral reduction in statutory holidays in the same manner as

imbalance could lead to unstable workplaces
and could cause the economy to falter

changing the start of the school year without any consultation with teachers.

- Flexibility with working on statutory holidays is not a reason to take away the stability and predictability of holidays for workers.
- The 40-hour work week and eight-hour work day have been reasonable for seven decades and this should not change.
- Changing overtime regulations will hurt families that already count on overtime hours to make ends meet.
- Sick time and vacation time should be standard for all workers, rather than solely for those with a collective agreement.
- One presenter hoped that future generations do not have to fight for the same rights as the pioneers of the province who already worked so hard to attain these rights.

RECOMMENDATION 3

The Sask. Party government should not be considering in its review the principles of the 40-hour work week, standard eight-hour work day, three-week vacation leave, and standard province-wide statutory holidays. There is a broad consensus in the province that these standards work for Saskatchewan.

RECOMMENDATION 4

The Sask. Party government should consider the option of sick time for all employees in Saskatchewan in the public consultations.

RECOMMENDATION 5

The Sask. Party government should leave the rules for overtime the same. If employers wish for workers to work beyond the standard work day, overtime should be paid.

Some presenters said while modernizing the laws can be a good thing, they feared putting 15 pieces of legislation together could have a negative outcome. These comments included:

- Sometimes modernizing can be a good thing.
- Some points in the legislation do need to be improved and streamlined.

RECOMMENDATION 6

The Sask. Party government, if it desires to streamline the legislation, should present the various regulations in a clean and understandable format. The goal of “one piece of legislation” is not necessarily the best one when a few easily-reviewed pieces of legislation might work better.

The dangers of losing strong workplace legislation

Many of the people who attended the meetings questioned the very essence of an overhaul to today’s workplace legislation. Several speakers said a massive overhaul of 15 labour laws was completely unnecessary and may lead to unintended consequences. They indicated these laws have been developed over 100 years, they are currently working well and there is no need to make massive changes that will create a single omnibus bill. Comments on this theme included:

- The current labour legislation allows for businesses to thrive in Saskatchewan. There is nothing in the current laws that prevents business growth.
- A presenter said, in a survey of his group’s members, there is 84% support of existing labour legislation.
- The current law requires permits from the Ministry of Labour to make changes to basic workplace rights, and this permit system is a safeguard for workers. One presenter did not want the permitting system to be removed.

- Saskatchewan residents might not realize how well-off the province is compared to other places thanks to the 100 years of progressively better labour legislation. Tinkering with these successes would not be in the best interests of the province.
- There was particular concern with any shift towards US-style optional union membership.
- It was noted the current legislation functions well in the K-12 education system, working for teachers, schools and students. When there are impasses reached, the legislation allows for resolutions that work for everyone.
- A presenter said his contacts in various labour and business organizations all agree that no drastic changes should be introduced to upend the balance of the province's labour legislation.

RECOMMENDATION 7

The people of Saskatchewan believe current labour legislation is strong, fair and balanced. The Sask. Party government should work to educate the public about workplace rights so that more people understand the progress Saskatchewan has made to develop this balance over the past hundred years.



Positive changes that will work for working people

People said that while the existing laws are generally good, there is an opportunity to make changes that will strengthen already solid legislation. These points included:

- In La Ronge, it was noted that contractors in the northern areas of the province often bring their own workers, pay for their accommodations and treat them very well. The same could not be said for local workers, a person said, who are often paid minimum wage to do the same job. A regulation against this type of double standard is needed.
- A presenter said a task force of community leaders including academics, business people, union people and

community members should look at options for creating a healthier work-life balance.

- There was discussion about the progress made in Saskatchewan to create a healthy work-life balance and the need to strengthen this balance for working parents.
- Protection for whistleblowers was raised in the discussions. A concern exists that fear of losing one's job stops people from alerting others to potential problems at their workplaces.
- The potential for school division employees to be given the same province-wide bargaining rights as teachers was raised. Employees including custodians and educational support staff are laid off during summer breaks and need the same protections as teachers.
- Artists fall through the cracks and are not covered by either the *Trade Union Act* or *Labour Standards Act* because they are considered to be independent contractors. The government was encouraged to improve the working conditions of artists.



RECOMMENDATION 8

The Sask. Party government should look at options for improvements to workplace rights and fairness for workers and for independent contractors.

Taking care of the most vulnerable workers

A common theme in the meetings was the important role labour legislation has played to help protect vulnerable workers in the workplace. Specifically, many speakers focused on the rate of minimum wage in Saskatchewan and drew attention to its low standing compared with other Canadian provinces and the high costs of living. These comments included:

- The low rate of the Saskatchewan minimum wage was embarrassing to many people. They felt having the lowest rate in the country is a source of shame for the province.
- A speaker said almost two-thirds of minimum wage workers are women and a living wage would reduce the gender wage gap, while another person called for setting the minimum wage at 50 per cent of the average hourly wage in the province.
- Many people called on the government to index the minimum wage to the rate of inflation.
- Several speakers called for a living wage, where the minimum wage is set based on what it would take to raise a family in dignity. They argued it would have a ripple effect for higher wages for all low-wage workers who make just above the minimum wage.
- The government's labour legislation renewal discussion paper asked if employers should be able to pay workers with disabilities less than minimum wage. Several speakers during the tour expressed anger at this suggestion, arguing that people should be paid equally and that it is inappropriate to pay people less because they have a disability.
- One person from the business community called for



a fair and reasonable minimum wage, and that the province's prosperity should also benefit those at the bottom of the wage scale.

RECOMMENDATION 9

The Sask. Party government should index the minimum wage to inflation to take the politics out of regular increases in the minimum wage.

Improving unions and collective bargaining rights

A number of people shared their concerns about the Sask. Party government's attack on collective bargaining rights and the existence of unions. Some referenced the Fall 2011 election, when the premier assured the public he would not change the collection of union dues. Concerns included:

- Without automatic dues payment, some members said unions would be hampered by the burden of collecting dues and this would negatively impact how much time their staff would have to assist members with their collective agreement rights.

a speaker said almost two-thirds of minimum wage workers are women



- The Rand formula is a form of social contract; it exists to create better workplace relations. Employers are required to collect taxes and they should be required to collect union dues as well.
- Allowing some workers the option of opting-out of paying union dues, as was suggested by the government's discussion paper, struck many speakers as unfair. They said the fairness of representation for all includes everyone paying their dues just as people pay their taxes for fair and equal treatment for government services.
- A speaker said she has no problem paying of her union dues because she understands union dues pay for the services of the union including the bargaining of her collective agreement. The person said everyone who is a member of the union should pay their dues.
- Many questioned why unions would be required to disclose their financial records to anyone who is not a dues-paying member of the union. They said the legislation already requires unions to provide this information to the members and that should remain as is.
- It was noted that unions are democratically accountable to their members and mechanisms are already in place to ensure members have input and can vote on internal operations such as the setting of union dues. It was stressed that internal operations of a union should not be controlled by anyone other than that union's members.
- A presenter said employers are not held to the same

too many workers in the province are hurt or killed on the job

standard when it comes to financial disclosure, because the employer is not required to open its books for everyone to see.

- On the issue of essential services legislation, discussions focused on the court's mandate for the Sask. Party government to fix its legislation. A dispute settlement mechanism is vital for this change, commenters said.
- A speaker suggested other international models for union structures, such as in Norway or Sweden, might work for Saskatchewan and encourage more people to join unions because they would be modelled on their type of work.
- One person said there should be a mechanism to allow for an application for decertification of a union certification and a vote on it after the union has been inactive for more than three years. The person referenced a workplace where the union had been inactive for more than 20 years yet was still technically organized.

RECOMMENDATION 10

The Sask. Party government should let unions and their members decide what financial information they would like to disclose to the general public rather than requiring that information be posted publicly.

RECOMMENDATION 11

The Sask. Party government should keep the mandatory collection of union dues in legislation.

RECOMMENDATION 12

The Sask. Party government should apply the principles of the Rand formula and not allow for additional opting-out of dues other than for presently-applicable religious reasons.

Strengthening the economy through safety and training

People attending the forums said strong workplace health and safety laws must be in place to ensure that everyone goes home safely at the end of the day. To ensure we have a stable economy, it was also suggested there needs to be a focus on skills training. Comments included:

- Too many workers in the province are hurt or killed on the job. Stronger occupational health and safety legislation is needed to ensure fewer injuries or deaths on the job.
- The province needs to have more occupational health and safety officers to help protect workers in their workplaces.
- Many presenters said late-night retail workers need safer working conditions and pushed for changes that would not leave a late-night retail worker alone in the workplace.
- Improving the journeyman-to-apprentice ratio for trades workers will strengthen the economy. Recent changes to regulations have led to more apprentices than journeymen on some sites.

- Any review of workplaces should emphasize the need to encourage youth, especially First Nations and Métis youth, into the trades as career opportunities.
- With so many trades opportunities in the province, the Sask. Party government should be encouraging local people, rather than focusing so heavily on guest workers, to get the training needed to fill these positions, and emphasize training for First Nations and Métis people.
- The Sask. Party government has not focused on safety for agriculture and farm workers. More needs to be done to make agricultural work safer, because there are far too many accidents and injuries in agriculture.
- Farmers and others were disappointed the Sask. Party government does not include in its annual Day of Mourning the names of those farm workers killed on the job in the province, and asked for this to be changed.

RECOMMENDATION 13

The Sask. Party government should include a discussion in its review of how to make workplaces safer with improvements to occupational health and safety.

RECOMMENDATION 14

The Sask. Party government should prioritize improved opportunities for skills training for Saskatchewan workers with a focus on increased training opportunities for First Nations and Métis people.

Your Work, Your Say public forum dates

Prince Albert...	Thursday, Sept. 6	North Battleford...	Wednesday, Sept. 19
Regina...	Tuesday, Sept. 11	Moose Jaw...	Monday, Sept. 24
La Ronge...	Thursday, Sept. 13	Swift Current...	Tuesday, Sept. 25
Yorkton...	Monday, Sept. 17	Saskatoon...	Wednesday, Sept 26
Humboldt...	Tuesday Sept. 18		

Conclusion

The Sask. Party government missed an opportunity to have a meaningful public consultation on what really matters to Saskatchewan people regarding their workplaces. Instead, they rushed a controversial discussion paper past the public with a small window for limited feedback. As evidenced by the participation at the NDP-led public consultations, the Sask. Party government took the wrong approach to consulting with Saskatchewan residents about changes to the province's labour laws.

The citizens of Saskatchewan want their voices to be heard and they deserve nothing less from their government. While the Sask. Party government says the process cannot change, it is not too late to rethink changes to labour legislation. That is why we are presenting this document as both a summary of the discussions that we heard and as suggestions for areas of future discussion by the Sask. Party government. Our collective goal of a province where everyone benefits from a strong and balanced economy requires a real effort to improve the province's labour laws. The question remains whether the Sask. Party government shares this same goal for prosperity for all.





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