

STANDING COMMITTEE ON HUMAN SERVICES
Hansard
Verbatim Report No. 9 – April 28, 2008
Legislative Assembly of Saskatchewan
Twenty-sixth Legislature
STANDING COMMITTEE ON HUMAN SERVICES

Mr. Glen Hart, Chair Last Mountain-Touchwood

STANDING COMMITTEE ON HUMAN SERVICES 239 April 28, 2008

[The committee met at 15:31.]

The Chair: — I recognize Mr. Forbes.

Mr. Forbes: — Thank you very much, Mr. Chair, and good evening to all the officials. I appreciate the questions so far and I have several. But I just want to start with just a little clarity around the harassment unit. Is there a special adjudicator hired now?

Hon. Mr. Norris: — I'll actually have Wynne Young, our deputy minister, spell out what this process is.

Ms. Young: — We do actually have a process under way to identify two special adjudicators. We have taken a little bit different approach. And rather than hire two full-time because we're not seeing the business, if you will, which is a very good thing, and so what we're trying to do is identify two part-time individuals that will be special adjudicators and we will use them on a per diem basis going forward. And we're in that process right now.

Mr. Forbes: — A retainer type of process.

Ms. Young: — I'm not sure if there's a retainer or if it will just be a per diem. I don't know the details but it won't be a full-time occupied position.

Mr. Forbes: — That's an interesting concept. And we'll have to think about that because I know we have adjudicators and other mediators. We have a list of . . . or you have a list you go through. And I think the intention, especially in this case, is to have someone with very specialized skills. So if the ministry can do that, that would be a very good thing because it is good. It's no point having somebody sitting around not working. But you do have to be looking for someone with a specialized skill set here and that's hugely important.

I just have some very quick questions. And of course there's been a transition in government as we go forward and so we've been asking these questions. How many

employees have been terminated since November 21 in the, what was formally the Department of Labour and now a branch? How many employees were terminated and what areas would they come out of?

Hon. Mr. Norris: — I certainly appreciate the question. There has been obviously a transition and I'll have again Wynne Young speak to the details of that transition.

Ms. Young: — Actually we took this question the first time we were in estimates and when I answered it was for the whole of the ministry. I'm pleased to answer again, but . . .

Mr. Forbes: — Oh okay. Well I'm curious about the labour area specifically.

Ms. Young: — Oh okay. There were terminations that I was involved with. There were seven terminations; six of them were in the former Department of Labour.

Mr. Forbes: — Okay. Now you could identify this or if you want to give me the information in written form, what I'm curious about is how fully staffed the department or the labour branch is right now. In the worker's advocate, the OHS [occupational health and safety] area, the Labour Relations Board, how many positions are and are you fully staffed right now? And that would be for every section.

Hon. Mr. Norris: — Wynne will give you a more detailed highlight. I would say we're probably not more than about a handful and most of those are just in the midst of being filled, but Wynne can give you a breakdown.

Ms. Young: — All of the branches, it's about one that they are off. Occupational health and safety is now recruiting so it has a few more vacancies, but . . . either actively recruiting or they have just been recruited but have not yet started. So I will get the specific numbers as of today because it does change.

Mr. Forbes: — Sure, okay. I'm looking at page 171 where we talk about the FTE [full-time equivalent] restatement and that type of thing, so . . . and I know it's a challenging area. It is a very challenging area to find qualified people in these spaces, but it's a very important question that as we go forward in this very strong economy to have people in those areas.

Hon. Mr. Norris: — I agree with that and I think you'll join me in, the quality around the table here is very high . . .

Mr. Forbes: — Very much, yes.

Hon. Mr. Norris: — As far as the officials that have been with us and have recently joined us.

Mr. Forbes: — Yes, good. Yes, I want to go back to some of the questions. My colleague had asked several questions about occupational health and safety, and this is a

very, very important one. Today of course being the day of mourning — and the minister made some very good remarks today that are very important — can you provide an analysis of what deaths were caused by in the previous year? You don't have to give it orally but, you know, a written statement would be very good.

Hon. Mr. Norris: — For the benefit of those who may be viewing and it may be worth actually reading into the record if that would be all right. I agree, it's a very . . . it's a solemn day. Motor vehicle accidents, there were eight in the '07-08 year. A seven-year average, that would be seven, so this is one above average. Cancer relating to asbestos, there were 10 which is four higher than the seven-year average. Cancer through exposure, the number was four and that seven-year average, one. Heart disease or heart attack, seven, and that would be a seven-year average of two, so that number is up. An aircraft accident, one which is about on par with the seven-year average. Fatality through being crushed, one which is just below the seven-year average. A fall, one, consistent with the seven-year average. Struck by falling object, two, consistent with the seven-year average. Those electrocuted, three, just two above the seven-year average. And that provides us with the number 36 for whom were killed out of province.

These numbers, as you know, come from the WCB, and so it provides a snapshot in time. And I know you share with me, and I appreciate all the work that you've done previously, obviously a very solemn day — a solemn day, a day of reflection.

Mr. Forbes: — Thank you for that. That is true because, you know, as you read the names or you get your reports, it's a huge impact in some . . . You know, the work that we have to do is huge. And one that I'm looking for good results is around the falls because in construction that's a huge area, and I know that was one area where we're trying to move forward in.

And the cancers are just one that . . . and we'll see that number, unfortunately, probably will go up before it goes down again, and so that's a big, big one. It was alluded to earlier around the smoking piece, so I hope that comes out.

But I know there was a phase 3 of the occupational health and safety, and I'm curious to know where that is at right now. And one of the key pieces of that was workplace hazard assessment. So where is that?

Hon. Mr. Norris: — Thanks for the question. Obviously the phase 3 initiatives relate to regulations as they pertain to hazards. There's a level of complexity. This is certainly under review. It is obviously going to provide an opportunity and obligation to get out and consult with various stakeholders. And there may be some other avenues to actually get some of the sectoral associations to do some of this work. I'll actually turn it over to Mike Carr to actually elaborate a little bit on some of that complexity and some of the challenges around this.

Mr. Carr: — Thank you, Minister. There are, as you will know, some very significant issues around trying to create an opportunity for sharing of information around hazard

identification and response. And the challenge continues to be trying to find a mechanism that will allow those employers that lack the infrastructure and the support to do that, to have some venue under which they could seek advice and seek assistance in that undertaking. And we're trying to get our arms around how that might occur.

It's for that reason that we're firmly committed to the idea of going out and consulting stakeholders very broadly on all of those phase 3 activities so that we can make sure we can identify two things — one a best practice and the second a delivery mechanism that will allow that to in fact be exercised and brought forward. So we're not really sure the timing of that, but it's a fairly significant undertaking as you know.

Mr. Forbes: — For sure, because the work hazard assessment itself, that one requirement, is significant for every workplace. Many have it in place already, but it's the ones that don't that have the issue. Will you be utilizing the occupational health and safety committee? You know it's made up of both business and labour. That report they brought forward last time was huge, so it must almost be time for them to start their next report. So I don't know when it is. It might be next year. I'm not sure. when is it? When do they start? And will you be using that group?

Hon. Mr. Norris: — It is next year. There were 200 recommendations that they brought forward. We're going through them. That's where the smoking initiative came up. What we said is, here's one that has a pretty significant impact. It's not to undervalue some of the other pieces, but it's to turn and say on that one we wanted to move forward. So yes, it is next year. And yes, the insights provided right across the policy community, you know, and the work that's being done — employers and from organized labour as well as other stakeholders — I mean there are insights to be gained and to be appreciated from every source.

Mr. Forbes: — Well they are a very thorough group, and they'll do their work. The other question I have regarding some of the regulations that had come into force . . . And actually the Health minister had made a, it would almost be a re-announcement. But he re-announced the lifts in hospitals in February. And I'm curious to know how that is going, and he seemed to have been able to provide more information. That's a very significant area because we know in the health sector back injuries are a big part. And so this is a very important area to move forward in. How is that going? And if you can provide an update, much appreciated.

Hon. Mr. Norris: — I appreciate the question. And you're right; it's a significant area. Thank you for the question. There's an element here obviously of significant continuity — an investment that you're aware of, over \$30 million, and an impressive investment from the last government.

This initiative has a time frame of November '08, and so what we're seeing on a go-forward basis is continuing dialogue about, if you want, the most effective avenues and mechanisms that will actually help to address some of these key occupational health and

safety concerns, especially as it relates to lifting and shifting within the health care setting.

Mr. Forbes: — So are you saying by November 8 we should be seeing what kind of results? What will we be seeing by then?

Hon. Mr. Norris: — I'll just confirm that. That's a regulatory deadline.

Mr. Forbes: — Okay.

Hon. Mr. Norris: — And then from there on a go-forward basis we'll begin to see those specific investments.

Mr. Forbes: — Investments in the beds and all of that will be taking place over the winter? Or they should be in place by November?

Hon. Mr. Norris: — You know, it's the Minister of Health that obviously is the lead on this. What I can say is the regulatory deadline is November, and then the rollout will be overseen by the Ministry of Health.

Mr. Forbes: — Okay. But I'm just wondering, and it's interesting because we have had our first charge against a health region last spring and so when you say regulation . . . I maybe should know this; I'm not sure. But I just want to be clear on this because I was asked to ask this question: when will the actual hardware, the beds be expected to be in the hospitals?

Hon. Mr. Norris: — We'll, you know, we'll have to defer that question.

Mr. Forbes: — Okay.

Hon. Mr. Norris: — Obviously we'll have to consult with our colleagues in the Ministry of Health.

Mr. Forbes: — That would be great. Okay. And so the regulation comes in force on November 1.

Hon. Mr. Norris: — Yes.

Mr. Forbes: — Okay. Good. Thanks. Okay.

Hon. Mr. Norris: — It may not be . . . it's within November '08.

Mr. Forbes: — Oh, okay.

Hon. Mr. Norris: — Sorry, November 20 is the actual date.

Mr. Forbes: — Oh, okay. Okay. My next question goes to another major report — and I saw you had this in the House the other day — the committee of review.

Hon. Mr. Norris: — Yes.

Mr. Forbes: — It's a fairly thick book. I'm just curious what the plans are of the minister in terms of implementing this and bringing it forward.

Hon. Mr. Norris: — Thank you. As it relates to the WCB, if I'm not mistaken, there were 69 recommendations included within it. It is a very significant report. We're just going to bring the vice-president from the WCB up.

There was a bit of a delay on this one, and it went about one year over what was intended. It was struck in '06, and you'll be familiar with that. Certainly the WCB has taken steps already to act on nearly 30 of the recommendations. Those are mostly administrative, so I certainly don't want to leave an impression that we've been passive on this.

The others are under review. Part of the delay is that — and I think, again, this is an area of continuity — in part because of the election. If I'm not mistaken, during the summer of '07 there was an invitation from the past government to offer stakeholders additional opportunity to provide feedback. We were still receiving stakeholder feedback into '08. And so that's been helpful, but what that's done . . . Just, again, given the scope, 69 recommendations, we are acting, so I want to make sure that it's not sitting on the shelf. Nearly 30 of those administratively the WCB has taken up, and the others are still under review based on stakeholder feedback. Again, well into January we were still getting some of that feedback. Again, part of it being the disruption from the '07 election. And you saw a limit to that as well.

Mr. Forbes: — I'm very aware of that, and it's a tough one because you want to make sure. There are some very significant ones. I'm going to ask you about some and your thoughts or specific plans. Because I know when there are 69, some, like you say, are administrative, but some are pretty fundamental and some big, big shifts.

And one that I know we wrestled with — and it would be interesting to see because I think this is one that has to be resolved — and that's the maximum wage rate. At some point we're going to have to . . . this government, this province, is going to have to bite the bullet and deal with that, deal with the indexation of that. And that's recommendation 3 and 4. And I'm curious to know what your thoughts are on that in terms of it being a priority. I understand this may have to be legislation, so it's not one that you can do outside of that. And so what are your thoughts around that?

Hon. Mr. Norris: — Yes. These maximum rates, there isn't — again, because it's under review — there isn't a definitive answer. Certainly there's a balance to be had between benefits but also working within a framework of fiscal and financial stability that I know

you would have considered as well. That being said, there are also a number of options within that fiscal framework.

So it's still under consideration. It's certainly one that has our attention and we're still working on, but I think we've identified what that balance, you know, the key element here — fiscal prudence and benefits.

Mr. Forbes: — Well it's one that I would really encourage you and glad to hear that there are options being considered because this is the opportunity we have now to resolve this issue. And it's like many other things, that if things don't work out and you let it go, then it's hard to get it at a fair rate. And of course the people who are hurt are really hurting then.

A couple of other ones that I think are very important, one is about increasing the board size. They made a recommendation to increase the board membership, and of course, you know, actually you can do that as a minister and actually with cabinet approval. You don't need to change the legislation. Have you considered that?

Hon. Mr. Norris: — I think again there's an element of continuity here. If I'm not mistaken, the previous government opted with the status quo, and certainly that's, that's our orientation at this time. And you know, we're obviously impressed with some of the performance.

Mr. Forbes: — What was expressed to me, actually by both business and labour, was that if the board was actually bigger, more people could understand the work that the board does, and therefore the board could be supported with a smaller board and that they were left to do work really about appeals and that type of thing. People didn't see them out and about, and if the board was increased, they actually could help communicate the work of the board.

Two other areas I wanted to highlight. One was around the shift work. And it was, the board researched the effects of shift work when developing and interpreting compliance policies. I know that the department, now the ministry, had supported some work, research in shift work, which I think will become a bigger and bigger problem in Saskatchewan especially in areas like the mines, that type of thing. As we're going full tilt in this province, that this is an area that I think needs to be explored, and I don't know if the minister has any thoughts on this. I think it's an important area, and I know that labour has often asked about this, and we had supported them. I'm not sure if we continue to support them or that there was a request, but your thoughts around shift work.

Hon. Mr. Norris: — Thank you. We're certainly monitoring developments through the WCB, but I think some significance — and I think, if I'm not mistaken, it's out of Nova Scotia — that there was a claim that originated out of shift work and it was rejected. So again, there's a bit of a balance. Obviously there are from both employers and employees within some sectors, they're more than satisfied with shift work, especially within the resource sector. They're in locations where there's a mutual agreement to continue on.

It's certainly something that we're conscious of and cognizant of, and the board is doing due diligence on that. But I appreciate the question, especially in these times. You know, it's one that we'll be attentive to.

Mr. Forbes: — Good. Thank you. Now a question around the Labour Relations Board, but it's more the IT [information technology] because it's one that the Labour Relations Board has struggled with for a long, long time. And I believe you had made a comment maybe in the House around the IT part of it. Will there be increased funding to bring the IT up to speed at the board?

Hon. Mr. Norris: — Yes, I have commented on this one on occasion. There are new dollars for the LRB [Labour Relations Board]. The IT component actually is going to reside within ITO [Information Technology Office]. And the analysis that we're doing right now — and, you know, certainly this is within the purview of the LRB so we received reports on this; they're doing the work — is to turn and get a bit of a needs assessment. And I think again there would be, there would be wide support that there needs to be a much more efficient, effective system regarding the IT component. It's profoundly uneven right now, and what I'll do is I'll ask Wynne Young to expand a little bit on that element.

Ms. Young: — You, I'm sure, are aware that there was some work done a couple of years ago on the automation, the state of automation at the LRB. And it would be our view that the first step is to look at that, and we understand that's what's being done too, to bring it up to date and to assess whether it's still in place. And then the work begins to try and find resources to match to that, but we don't want to start from square one. If the work done a couple of years ago is still valid or only needs some updating, that's what they'll be doing.

Mr. Forbes: — You're talking about the analysis — I can't think of the word — but the state of affairs at the Labour Relations Board in terms . . . I don't think there was any actual physical work though done, was there?

Ms. Young: — There was an assessment done.

Mr. Forbes: — An assessment done, right. Yes. And you're right. Your word profound is right on. And I think there would be huge, wide support right across the board both from labour and from business as it was explained to me that this is a major problem over there. And all the other ones . . . And I know we've talked a lot about the other issues, but this is one that I think that significant dollars need to go into and as quickly as possible would be very, very good.

Hon. Mr. Norris: — Actually I appreciate your comments. Thank you.

Mr. Forbes: — Yes. And it's been raised with me an awful lot. Now we're just about five more minutes, but I just want to ask one just general question if it hasn't been asked, or if it has been asked, forgive me. But has there been any third party funding that the

department or Ministry of Labour typically funded but has now cut? I know one would have been the unemployment workers centre is no longer receiving funding. Are there any other groups that will not be receiving funding this year?

Hon. Mr. Norris: — You've asked a very good question. I think in the specific case that you raise there were some reductions from another ministry. This is complicated to phrase. Not complicated in concept; it's a very simple concept. It's complicated because there are some other pieces to this that are actually much more optimistic. We're still working through some stakeholders.

So the question actually identifies . . . You're right on the nexus of a very important question. And I think in the coming weeks I hope — and I'll await your judgement and assessment on this — I hope actually on the specific question that you've raised is there may be more optimism around this than at first blush.

Mr. Forbes: — Right. So what I'm hearing . . . I mean I guess what I need to know for an answer, are there specific groups that are going to see their funds cut? But am I hearing you also say that there are specific groups that will see funding that didn't get, typically, get funding?

Hon. Mr. Norris: — Thank you for the question. Actually I appreciate you rephrasing. Thank you for the question. I'll answer generally because there are some negotiations going on with various stakeholders. I again am happy to address this, you know, at a later time, but my sense on this — and again, we'll await your observation and judgment — my sense is you'll see great continuity.

Mr. Forbes: — Well I hope so. You know I think that some of the programs, some of the things that we were able to support were really important in terms of developmental initiatives, that type of thing. You know I think of one like the We are Many: A Festival, in Saskatoon, about sustainability which is important in terms of the workplace, very important.

Hon. Mr. Norris: — I agree, and certainly there are examples of the one you've just mentioned where, you know, there's certainly a lot of very solid initiatives. I guess in part it branches out into other areas of our ministry, and that's where the, you know, the privilege of having this.

As we came forward on training initiatives for example questions, very legitimate questions have been raised about the institutional training spots. But what we've done is actually not only focused on institutional training spots but also focused both upstream and downstream, let's say, on issues relating to literacy. And I think it relates. You know if literacy is an indicator, we turn and we say, whether we're speaking about occupational health and safety or whether we're talking about the full potential of an individual being met within the labour force, it's one of the mechanisms that serves as empowerment.

And so there's a continuity. And as I say, you know, I think in the coming weeks you'll see some elements, and I welcome your feedback. From where we sit, I think you'll see significant continuity.

Mr. Forbes: — Good. Well thank you for that. And I see the clock is running out, and I have a lot of more questions. So I'm just going to make an assumption that many things like the things that happen in the North in terms of the northern overtime is going well. Some of the stuff in labour standards, the collections unit, some of those things are still in place and going well.

I'd be curious, at some point — you've talked about, you know, institutionalization and that kind of thing — if you've had a chance to take a look at the vulnerable workers report? Because in many ways that's framing . . . you know, it was an important document of how we moved forward on some very significant things across the government not just within the Department of Labour.

But I see our clock is . . . I, you know, can't pick one really good question to end on, but I just want to thank the officials. I know this is a very important ministry and branch within it, the good work they do. People want to go to work every day knowing that they'll come home every night safe and be treated fairly. So thank you, officials, and thank you for your answers. Thank you, Mr. Chair.

The Chair: — Minister.

Hon. Mr. Norris: — You know, I really appreciate the opportunity to appear before the committee and its members this evening. As we've done in the past, it's one thing for elected officials to be working until various hours of the evening, that comes and . . . with a certain relish to it. But I wonder if I could invite the committee members in joining me to thank all of the officials that have helped us substantively and procedurally here this evening for their time and all the efforts that have gone into them being here with us this evening. So thank you all very, very much.

Some Hon. Members: — Hear, hear!

The Chair: — Committee members, this brings us to the close of our time for consideration of vote 37 and 169, Advanced Education, Employment and Labour. The committee will take a 15-minute recess to facilitate the change of ministries and officials. We will reconvene at 8:15 at which time we will consider vote 36, Social Services. The committee stands recessed.

[The committee recessed for a period of time.]