HANSARD
NOVA SCOTIA HOUSE OF ASSEMBLY

COMMITTEE
ON
HUMAN RESOURCES

Tuesday, August 25, 2020

Via Teleconference

Appointments to Agencies, Boards and Commissions

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HUMAN RESOURCES COMMITTEE

Brendan Maguire, Chair
Suzanne Lohnes-Croft, Vice-Chair
  Bill Horne
  Rafah DiCostanzo
  Ben Jessome
  Brad Johns
  Larry Harrison
  Kendra Coombes
  Claudia Chender

In Attendance:

  Judy Kavanagh
  Legislative Committee Clerk

  Gordon Hebb
  Chief Legislative Counsel
HALIFAX, TUESDAY, AUGUST 25, 2020

STANDING COMMITTEE ON HUMAN RESOURCES

10:00 A.M.

CHAIR
Brendan Maguire

VICE-CHAIR
Suzanne Lohnes-Croft

THE CHAIR: I’ll bring the Human Resources Committee to order. First we’ll do a round of introductions. We’ll start with the NDP.

[The committee members and staff introduced themselves.]

THE CHAIR: We’ll start with committee business.

BILL HORNE: For the Department of Communities, Culture and Heritage, I move that the following be appointed as members to the Nova Scotia Boxing Authority Board: Barry Bernard, Paul Carrigan, Jason Kassouf, Marissa McNeil, and Joshua Martin.

THE CHAIR: Are there any objections or questions? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Next, Mr. Horne.
BILL HORNE: For the Department of Communities, Culture and Heritage, I move that Murdoch Moore be appointed as a member to the Cape Breton Regional Library Board.


The motion is carried.

Next, Mr. Horne.

BILL HORNE: For the Department of Communities, Culture and Heritage, I move that Chester Muise be appointed as a member to the Nova Scotia Museum Board of Governors.


The motion is carried.

Next, Rafah DiCostanzo.

RAFAH DICOSTANZO: I would like to bring in the nominees for the Department of Health and Wellness. I move that Marilyn Swaffer be appointed to the Board of Directors of the Nova Scotia College of Dispensing Opticians as a public representative.


The motion is carried.

RAFAH DICOSTANZO: For the Department of Health and Wellness, I move that Karin Wallace and Laura White be appointed to the Midwifery Regulatory Council of Nova Scotia as public representatives.


The motion is carried.

RAFAH DICOSTANZO: For the Department of Health and Wellness, I move that Phoebe Mandry be appointed to the Nova Scotia Board of Examiners in Psychology as a public representative.

The motion is carried.

BEN JESSOME: Mr. Chair, for the Department of Justice, I move that the following be appointed as members to the Law Foundation of Nova Scotia Board: Tokunbo Omisade, Paulette Anderson, Laura Broz, and Lee-Ann Conrod.


The motion is carried.

SUZANNE LOHNES-CROFT: For the Department of Labour and Advanced Education, I move that the following be appointed to the Nova Scotia Apprenticeship Agency Board: Charmaine Roma as member for the service sector, and Ann Sylliboy as member-at-large.


The motion is carried.

Do we have other committee business?

BRAD JOHNS: We do, Mr. Chair.

CLAUDIA CHENDER: Are we supposed to review the correspondence or do we just have it in our email?

JUDY KAVANAGH (Legislative Committee Clerk): There are three pieces of correspondence - just to go through each one to see if there’s any discussion on them.

THE CHAIR: Okay. Everybody should have the correspondence. Are there any questions or concerns about the correspondence?

BRAD JOHNS: Mr. Chair, having brought forward all three, these are responses to all three questions that I’ve raised in the past.

I do want to thank the ministers as well as the staff who’ve responded to these. I found all the correspondence answered the questions that I had. Particularly the one in regard to the Department of Communities, Culture and Heritage appointments to the Halifax Convention Centre. I certainly appreciate that correspondence and clarification, as well.

I’m happy with all of those. I don’t know if we send a letter saying that or if just the minutes can reflect that all three answered my questions and thank you very much.
THE CHAIR: Duly noted, Mr. Johns. We’ll have the minutes reflect that.

Did you have something to say, Ms. Chender?

CLAUDIA CHENDER: I do have a motion I’d like to put forward if we’re moving on to the next agenda item.

THE CHAIR: Are there any more questions or concerns around the correspondence?

Okay, we’ll move on to the next thing. Ms. Chender.

CLAUDIA CHENDER: Thank you. I think the clerk will have sent this around.

We’re all aware that Nova Scotian students, teachers, and staff will be returning to school in two weeks for the first time since March. This will represent the largest re-opening in terms of people since we closed down the province, basically, at the end of March.

Unfortunately, the plan to re-open schools - the Back to School Plan that was released - is essentially an outline. It indicates the priority of safety but there is not enough detail.

Earlier in the Spring, Nova Scotia businesses were asked to present detailed re-opening plans by sector to the Nova Scotia Government. The NSCC was asked to do this for each of its campuses. But as far as we can tell, schools are sort of being left on their own in this case.

Our caucus, along with teachers, staff and families have many concerns and unanswered questions about how this plan will be operationalized and what it will look like in reality.

We have concerns about the reliance on classroom cohorting. As you know, with bus drives and after school and extracurriculars, we’re going to be talking about multiple cohorts. We are concerned that the department and the Minister of Education and Early Childhood Development have said that they have no responsibility in terms of guidelines for before- and after-school care programs, including those offered in schools.

These are some of the reasons why I put forward at this committee a motion to hold a public forum to hear from teachers, staff, and families about this plan. Unfortunately, the government members of the committee voted that down, but we continue to want to see this government make the necessary investments and interventions and communications to ensure that schools reopen safely. We want to see more public accountability for these decisions and we want to see clear communication with teachers, staff and families.
Therefore, I would like to put forward the following motion:

I move that the committee write a letter to the Minister of Education and Early Childhood Development calling on him to publicly release both:

- the findings of the ventilation assessments currently being conducted;
- the number of classrooms in each Regional Centre that will be able to accommodate students while maintaining a minimum of one metre of physical distance; and
- the plan for ongoing communication with teachers, staff, and parents as we move forward.

THE CHAIR: Are there any comments? Mr. Johns.

BRAD JOHNS: Mr. Chair, I would say that the PC caucus certainly supports this as we’ve raised in the past at this committee. Our Critic for Education, Tim Halman, recently released a letter on behalf of the Nova Scotia Progressive Conservative caucus. It was an open letter to Minister Churchill expressing 125 questions and concerns that we’ve heard from constituents and residents across the Province of Nova Scotia.

As we’ve stated in the past, there seems to be significant concern and anxiety being raised by parents concerned about the well-being of their children. This is just one of those many questions that we’re being asked on a daily basis, so we certainly support the motion that’s on the floor before us.

THE CHAIR: Are there any other comments?

RAFAH DICOSTANZO: I’d like to put this to a vote, please.


CLAUDIA CHENDER: Could we do a recorded vote on this?

THE CHAIR: I think the recorded vote would have to be called before the vote happened. Maybe we can talk to Legislative Counsel about that, but they already voted yes before she requested it.

CLAUDIA CHENDER: And know whether or not the majority of people are voting.

THE CHAIR: How does that work, Gordon?
GORDON HEBB: I think it’s appropriate to call for a recorded vote, particularly with the difficulty of hearing voices.

THE CHAIR: Even after the vote was done?

GORDON HEBB: I guess the question is, is it to clarify how the vote went or is it to . . .

THE CHAIR: I heard four for yes. What I’m trying to figure out here - it doesn’t matter to me either way, but if a vote is already cast, are we allowed to go back and say, let’s redo this with a recorded vote?

GORDON HEBB: If the committee is willing to do that, you can. The norm is certainly, as the Chair has suggested, that it’s asked for before the vote is taken. If it’s merely for clarity, which sometimes happens because you don’t know the voice, where you would normally ask for people to raise their hands in that situation, which you obviously can’t do in a teleconference, then that’s a separate issue.

THE CHAIR: So it would be up to the committee to decide if they want to have a recorded vote after a vote. I’ll leave it up to the committee to decide. Obviously, there was a vote cast and then the request was put in. I’ll leave it up to the committee members to decide if they want to proceed with a recorded vote or not.

BRAD JOHNS: I would certainly second MLA Chender’s motion for a record. It’s very hard, given that we’re on the phone, to know how many people voted what way. I heard two or three things all at the same time and it was very unclear to me how that vote was. I would certainly second and support a recorded vote for this and probably for all motions while we’re doing teleconference. In this particular case, I would support it for this particular one.

CLAUDIA CHENDER: Just to clarify, and further to Mr. Hebb’s comments, my request is for clarification. I can’t distinguish individual voices and numbers of voices on the phone. I just think for clarity’s sake, as long as we are meeting via teleconference and voting on motions, it makes sense to do a roll call.

THE CHAIR: Are there any other comments? Kendra Coombes.

KENDRA COOMBES: I’m in agreement with both my colleagues.

THE CHAIR: Are there any other comments?

BEN JESSOME: Mr. Chair, you just finished saying that you heard four Nays on this side and it’s four Yeses, so I’m not sure where the confusion is. I believe committee business is at the discretion of the Chair in terms of this scenario. That’s just my observation here.
THE CHAIR: I think for clarity’s sake, let’s go with a recorded vote if everybody is okay with that.

RAFAH DICOSTANZO: I’m okay with that.

THE CHAIR: NDP and Progressive Conservatives, are you okay with that?

BRAD JOHNS: We are. Thank you, Mr. Chair.

CLAUDIA CHENDER: Yes, we are.

THE CHAIR: Can we get the recorded vote called, please?

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THE CLERK: For, 4. Against, 5.

THE CHAIR: Are there any other motions or business? Mr. Johns.

BRAD JOHNS: Mr. Chair, as the Progressive Conservative Critic for African Nova Scotian Affairs, I think it’s somewhat incumbent upon me to raise a particular issue. With the recent and ongoing discussions around systemic racism - not only across North America, but here in Nova Scotia as well - it’s somewhat concerning to me that the Council on African Canadian Education currently has 12 vacancies out of its council of 17 members. There is another additional vacancy that’s coming forward in October, so that will be 13.

The object of this council is to promote the rights and the interests of African Nova Scotians and provide recommendations to the minister on programs and services in public school and on adult education, and perform other duties that are determined by regulations, but its main concern is to be able to provide some recommendations.

The school boards are supposed to provide and implement programs and policies that would promote the African Canadian education, including learning materials, information respecting history, heritage, culture, traditions, and the contribution to society of African people and African Nova Scotians.

Therefore, Mr. Chair, I’d like to bring the following motion forward: that the committee write a letter on behalf of this committee to the Minister of Education and Early
Childhood Development - and copy to the Minister of African Nova Scotian Affairs - to address the need to have a full complement of members presented to this committee for consideration at our next meeting.

I feel that a first step in addressing racism is education, and education in our school system is vital. I’d like to see this committee take the first step today by helping this committee to fulfill its mandate and address the shortcomings, and write this letter to the Ministers of Education and Early Childhood Development and African Nova Scotian Affairs.

I would so move that.

RAFAH DICOSTANZO: Mr. Chair, can we take five minutes just to read it properly and then have a discussion between us and we’ll get back to you?

THE CHAIR: You have until 10:27 a.m.

[10:21 a.m. The committee recessed.]

[10:26 a.m. The committee reconvened.]

SUZANNE LOHNES-CROFT: Mr. Chair, could we have an extended recess - another five minutes perhaps?

JUDY KAVANAGH: I don’t think the Chair is back yet.

THE CHAIR: Sorry everybody, my phone dropped off there.

SUZANNE LOHNES-CROFT: I’ve asked for an extension to the recess - another five minutes, please.

THE CHAIR: Okay, another five minutes it is.

[10:27 a.m. The committee recessed.]

[10:32 a.m. The committee reconvened.]

THE CHAIR: Hello? Can anyone hear me?

JUDY KAVANAGH: It’s Judy here. I can hear you.

BILL HORNE: I am here.

THE CHAIR: Ms. Lohnes-Croft, are you there? Do you need an extension?
SUZANNE LOHNES-CROFT: Yes, please.

THE CHAIR: How many minutes do you need?

SUZANNE LOHNES-CROFT: Let’s take five.

THE CHAIR: Okay.

[10:32 a.m. The committee recessed.]

[10:38 a.m. The committee reconvened.]

SUZANNE LOHNES-CROFT: Mr. Chair, can we extend another five minutes, please?

THE CHAIR: Ms. Lohnes-Croft is requesting another five minutes. Thank you.

[10:38 a.m. The committee recessed.]

[10:45 a.m. The committee reconvened.]

THE CHAIR: Are we good to go?

SUZANNE LOHNES-CROFT: I’m just wondering if everyone is here.

THE CHAIR: It looks like we’re good to go.

BRAD JOHNS: Mr. Chair, if I can comment on the motion that is before us just to make sure that everybody here has some history. The establishment of the Council on African Canadian Education was a primary recommendation from the Black Learners Advisory Committee Report on Education. I guess my concerns are, with currently only 5 of 17 possible members, only 5 of those positions being filled, and another one becoming vacant in October, I’m really questioning the commitment of the government towards the African Nova Scotian population and the principles laid out in the report.

I remember back to the speech that Minister Ince gave in the Legislature back in March 2018 when he was talking about the need for collaboration between education and different government departments, and that collaboration would thereby be better serving students and communities that could be perceived as being at a disadvantage. At that time, I totally supported the comments that the minister made. I thought they were valid and I applauded him for bringing those forward.

I am concerned and disappointed that despite those comments there are that many vacancies on this particular committee and the neglect that has come forward to appointing people to that committee. I think the motion that’s before us is actually me providing an
opportunity to the government to rectify the situation and not allow it to be seen that it’s turning its back on the recommendations of the BLAC report.

SUZANNE LOHNES-CROFT: I do not agree with the remarks from the member. I want to say that this government has diversified more boards than any other government and will continue to do so. We strongly believe in inclusive recruitment and we are continuing to keep this development going forward.

We do not agree with some of the wording in this motion so this caucus will be turning it down and offering another motion. I call for the vote.

THE CHAIR: Would all those in favour of the motion please say Aye . . .

CLAUDIA CHENDER: Mr. Chair, I thought that we had agreed that we would do a roll call for these motions, just for clarity.

THE CHAIR: I thought that was just for the last motion, but if everybody wants to do it, let’s go.

CLAUDIA CHENDER: I just think it’s easier to tell what the final outcome is.

THE CHAIR: I just don’t know what has changed in the last four or five weeks, but let’s start the recorded vote.

YEAS
Kendra Coombes
Claudia Chender
Brad Johns
Larry Harrison

NAYS
Ben Jessome
Rafah DiCostanzo
Bill Horne
Suzanne Lohnes-Croft
Brendan Maguire

JUDY KAVANAGH: For, 4. Against, 5.

THE CHAIR: Ms. Lohnes-Croft.

SUZANNE LOHNES-CROFT: Mr. Chair, I move that this committee write a letter to the minister - and cc the Minister of African Nova Scotian Affairs - requesting an update on this board and report back at our next meeting.

THE CHAIR: We’ll put that to a recorded vote.
KENDRA COOMBES: Mr. Chair, I have a motion.


KENDRA COOMBES: As my colleague for Dartmouth South has pointed out, the re-opening of the province’s schools will be the largest gathering of people in the province since March just at that time when all jurisdictions are preparing for a second wave of COVID-19 infections.

Currently, Nova Scotians calling 811 are being told that they are expected to wait 72 hours for a COVID-19 test and up to another 72 hours to receive their test results. During that time, individuals are expected to self isolate. They cannot go to work or attend school. Many parents are worried about their ability to maintain employment while following public health directives.

Government has a role to play in ensuring all workers have access to paid sick days and requiring businesses to accommodate workers with dependants so that women in particular are not further disproportionately impacted by the ongoing COVID-19 pandemic.

I move that the committee write a letter to the Minister of Labour and Advanced Education calling on him to immediately introduce changes to the Labour Standards Code to provide paid leave to all workers in Nova Scotia, and communicate with all employers to remind them that accommodation of employees with ongoing care responsibilities is required by law because family status is protected under the Nova Scotian Human Rights Act.

THE CHAIR: Any discussion?

BRAD JOHNS: Mr. Chair, we’ll support this. I know that members of the PC caucus are getting contacted by residents throughout the province with concerns around what may be the outcome of the school re-opening in September.
As I stated before, there’s a lot of concerns in regard to lack of planning with the re-opening of the schools. Particularly - which comes directly to this motion - many people are concerned what’s going to happen if their child does return to school and unfortunately gets COVID-19, and then has to isolate for 14 days. That also means that the family members would have to isolate for 14 days.

There’s a lot of uncertainty in regard to the impact that would have on people’s jobs and sources of income - that they would then have to take an additional 14 days, and potentially longer than that, to self-isolate if their kids end up getting COVID-19 at school. The PC caucus supports writing a letter to the minister.

KENDRA COOMBES: Just for clarity could we have a recorded vote, please?

YEAS
Kendra Coombes  Claudia Chender  Brad Johns  Larry Harrison

NAYS
Ben Jessome  Rafah DiCostanzo  Bill Horne  Suzanne Lohnes-Croft  Brendan Maguire

THE CLERK: For, 4. Against, 5.

THE CHAIR: Just a reminder to all members to please remember that committees don’t set policies. That’s up to the government and the Legislature to do that. We have a role to play, but one of the roles that we don’t do is actually set and put into play policy and legislation.

Is there any other committee business? Ms. Chender.

CLAUDIA CHENDER: I would like to point out that the motions today were all to write letters to the relevant ministers requesting various things. I don’t think any of that would constitute policy setting. Further, I think . . .

THE CHAIR: Well one of them was . . .

CLAUDIA CHENDER: I would like to finish - I think I have the floor, Mr. Chair. Further, I would like to say that the elected MLAs in Nova Scotia have not had the opportunity to meet in any policy-making forum since this pandemic started many months ago, so we are left with the Human Resources Committee as the only committee that cannot be stopped by the Liberal majority. Therefore, this is our venue to put forward the suggestions, the ideas, and concerns that we hear from our constituents.
We are elected to represent our constituents and to put forward their concerns. This is the only venue in which we are meeting. We are not attempting to set policies. We are conveying our concerns and our ideas to the relevant ministers.

THE CHAIR: I appreciate your comments, but there are also rules and regulations around this committee that we have to follow. I do know you, as the House Leader for the NDP - I do know that there are ongoing discussions between you and the other House Leaders around committees and legislation. We do look forward to that information being forwarded and brought to all of us.

BRAD JOHNS: Two things, Mr. Chair. First of all, just for clarification, the PC caucus certainly agrees with all the comments that Ms. Chender just made. We certainly do not preview any of what is coming forward here today as policy setting. It is writing letters to particular ministers as to what the requests are. We certainly support all the comments that Ms. Chender just made.

Having said that, I’d like to put the following motion on the floor. With the economic situation as a result of COVID-19 and the looming uncertainties about jobs and future labour negotiations, it is incumbent upon us as a committee to consider the effects this may have on future negotiations. Members of this committee may notice that the Arbitration Advisory Committee is currently without a Chair - in fact, there is no Chair and no members. The object of this committee is that it provides advice to the minister respecting the selection of arbitrators and matters relating to the arbitration. Realizing that the government has not considered arbitration as a valuable tool during the recent years and that leadership is changing, maybe it’s now time to consider that we actually fill this committee.

Therefore I move that the Minister of Labour and Advanced Education be sent correspondence, copied to the Minister of Labour Relations, recommending that the mandate of the Arbitration Advisory Committee be fulfilled by recommending a Chair and appointing members to serve on this committee, and be brought back for the attention of this HR Committee before the end of this calendar year - so moved.

THE CHAIR: Mr. Jessome.

BEN JESSOME: Mr. Chair, we may need a little more time here. I’m not comfortable voting on the motion until I have it in front of me. I would suggest we perhaps extend the meeting just a little bit in fairness to have that motion considered.

THE CHAIR: How long are we going to extend the committee meeting?

BEN JESSOME: Let’s say five minutes because again, I don’t have the motion in front of me. I don’t feel comfortable voting until I see it. Thank you.
THE CHAIR: You’re asking for a five-minute break to review the motion that’s put in front of you?

BEN JESSOME: Yes, please.

RAFAH DICOSTANZO: Mr. Chair, I believe we should do at least 10 minutes. Five minutes is not going to be enough for us.

THE CHAIR: Okay, a 10-minute recess.

[11:00 a.m. The committee recessed.]

[11:06 a.m. The committee reconvened.]

BEN JESSOME: Mr. Chair, I think we’re ready to get going.

THE CHAIR: Let’s get going.

BRAD JOHNS: Mr. Chair, I’m not quite sure why the recess. I recognize the member said it was to read the motion. I’d clarify that basically this is a request for this committee to write to the appropriate minister - the Minister of Labour and Advanced Education - to ask and recommend that there be appointments made to the Arbitration Advisory Committee. There’s no appointments, there’s no members, and there’s no Chair currently of that committee. It’s a pretty straightforward motion.

All we’re asking is for a letter to be written to get those appointments done by the end of the year. I’m confused as to why we needed to take the long recess there. I just wanted to clarify that motion.

THE CHAIR: Mr. Johns, the members of the committee have the right to request a recess. It is up to myself as the Chair and I would treat every single member the same. If you wanted to have a 10-minute recess right now to discuss something that’s put on the floor, I wouldn’t deny it. They have the right to request it. As per my position as Chair, I would approve it.

BRAD JOHNS: Thank you, Mr. Chair. I certainly recognize that. Thank you.

THE CHAIR: Okay. Is there a motion on the floor or do we want more discussion on this?

RAFAH DICOSTANZO: Mr. Chair, I’d like to do a vote. We have passed the time for this and we all have appointments after. I think we need to do a recorded vote and adjourn the meeting as soon as possible.
BEN JESSOME: Question. Question.

THE CHAIR: Okay. Let’s start the recorded vote.

YEAS
Kendra Coombes
Claudia Chender
Brad Johns
Larry Harrison

NAYS
Ben Jessome
Rafah DiCostanzo
Bill Horne
Suzanne Lohnes-Croft
Brendan Maguire

JUDY KAVANAGH: For, 4. Against, 5.

THE CHAIR: So, we’re up against time here. We have run over the allotted time for the committee meeting.

BRAD JOHNS: I would move that we extend the meeting by 15 minutes please.

THE CHAIR: There’s a motion on the floor.

SUZANNE LOHNES-CROFT: I have to leave. I have an appointment that I have to get to.

THE CHAIR: We’ll put it to a recorded vote. Let’s move this forward.

YEAS
K. Coombes
C. Chender
B. Johns
L. Harrison

NAYS
B. Jessome
R. DiCostanzo
B. Horne
S. Lohnes-Croft
B. Maguire

JUDY KAVANAGH: For, 4. Against, 5.

THE CHAIR: With that, the meeting is over. Could the clerk let us know, when is the next meeting for the Human Resources Committee?

JUDY KAVANAGH: It will be the last Tuesday of September.

BRAD JOHNS: September 29th.

JUDY KAVANAGH: Thank you.
THE CHAIR: Everybody have a great day. Maybe we’ll see you before then.

[The committee adjourned at 11:11 a.m.]