



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Standing Committee
on
Private Bills and Private Members' Public Bills

Bill 220, Employment Standards (Expanding Bereavement Leave)
Amendment Act, 2021

Tuesday, October 26, 2021
6:15 p.m.

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Standing Committee on Private Bills and Private Members' Public Bills

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6:15 p.m.

Tuesday, October 26, 2021

[Mr. Rutherford in the chair]

The Chair: Thank you, everybody. I'd like to call the meeting of the Standing Committee on Private Bills and Private Members' Public Bills to order, and I'd like to welcome everybody in attendance.

My name is Brad Rutherford, MLA for Leduc-Beaumont and chair of the committee. I'd like to ask members and those joining the committee at the table to introduce themselves for the record, and then we will go on to those who are on videoconference to introduce themselves as well. Starting to my right, go ahead.

Mr. Jeremy Nixon: Jeremy Nixon, Calgary-Klein.

Mrs. Frey: Michaela Frey, MLA, Brooks-Medicine Hat.

Mr. Long: Martin Long, MLA, West Yellowhead.

Mr. Walker: Jordan Walker, MLA, Sherwood Park.

Mr. Nielsen: Good evening, everyone. Chris Nielsen, MLA for Edmonton-Decore.

Mr. Koenig: Good evening. I'm Trafton Koenig with the Parliamentary Counsel office.

Ms Robert: Good evening. Nancy Robert, clerk of *Journals* and committees.

Ms Rempel: Jody Rempel, committee clerk.

The Chair: Thank you.

Going online, you can just go one at a time.

Ms Sigurdson: Lori Sigurdson here from Edmonton-Riverview.

Mr. Dang: Good evening. Thomas Dang, Edmonton-South.

Member Irwin: Janis Irwin, Edmonton-Highlands-Norwood.

The Chair: Thank you.

We're just going to have one other member joining us here at the table. I'm talking slightly slowly just to give her a moment to introduce herself. If you could.

Ms Rosin: Miranda Rosin, MLA for Banff-Kananaskis.

The Chair: Thank you.

A few housekeeping items to address before we turn to the business at hand. Pursuant to the direction of the hon. Speaker Cooper I would note that in the committee room wearing masks is required except when you are speaking, and members are also encouraged to leave an appropriate amount of physical distance around the table. Please note that microphones are operated by *Hansard* staff. Committee proceedings are live streamed on the Internet and broadcast on Assembly TV. The audio- and videostream and transcripts of the meeting can be accessed via the Legislative Assembly website. Those participating by videoconference are asked to please turn on your camera while speaking and to mute your microphone when not speaking. Please set your cellphones and other devices to silent for the duration of the meeting.

Now we are on to approval of the agenda. Are there any changes or additions to the draft agenda?

If not, would someone like to make a motion to approve the agenda? Thank you. Mr. Nielsen moves that the agenda for the October 26, 2021, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be adopted as distributed. All those in favour in the room, please say aye. Anybody in the room opposed, please say no. Everybody online that is in favour, please say aye. Anyone opposed online, please say no. That motion is carried.

I just noticed that another member has joined us online. MLA Amery, can you introduce yourself for the record, please?

Mr. Amery: Certainly. Good evening, committee members. Mickey Amery, MLA, Calgary-Cross.

The Chair: Thank you.

We're on to point 3, approval of the minutes. Members, we have the minutes of our previous meeting to review. Are there any errors or omissions to note?

Hearing none, can I get somebody to move a motion to adopt the minutes? Thank you, MLA Frey. MLA Frey moves that the minutes of the June 8, 2021, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be approved as distributed. All those in favour in the room, please say aye. Anybody in the room opposed, please say no. Moving online, all the members in favour, please say aye. Anyone online opposed, please say no. That motion is carried. Thank you.

Now we are moving on to the review of Bill 220, Employment Standards (Expanding Bereavement Leave) Amendment Act, 2021, and this will be a presentation by MLA Jordan Walker from Sherwood Park. Members, Bill 220, the Employment Standards (Expanding Bereavement Leave) Amendment Act, 2021, was referred to the committee on Tuesday, June 15, 2021, in accordance with Standing Order 74.11, and the committee's report to the Assembly is due on November 3.

On that note, I'd like to invite Mr. Jordan Walker, the MLA for Sherwood Park, to provide a five-minute presentation on the bill, and then we will open up the floor to the committee members for questions. MLA Walker, the floor is yours.

Mr. Walker: Thanks so much, Chair. Today, colleagues, I'm speaking in favour of Bill 220, Employment Standards (Expanding Bereavement Leave) Amendment Act, 2021. As it stands right now, employees are entitled to three days of bereavement leave per year upon the death of a family member. If passed, this bill would extend the definition of job-protected bereavement leave to include parents who experience a miscarriage or stillbirth. Bill 220 would clarify that anyone who would have been a parent as a result of such pregnancy is entitled to bereavement leave.

While miscarriage and stillbirth are still not openly discussed in our society, they are, sadly, not uncommon. In the case of miscarriage, the Society of Obstetricians and Gynaecologists of Canada estimates that as many as 1 in 4 women suffer a miscarriage. This type of loss can have a devastating impact on expectant parents' mental and physical well-being, negatively impacting their home life and workplace.

Throughout the last couple of months I have sought feedback from various stakeholders and constituents in the hope of identifying the different ways in which this bill would impact people, businesses, and society in general. I have met with organizations that advocate for businesses, municipalities, individuals in addition to experts that support those who have experienced miscarriage and stillbirth, and I'm happy to report that they overwhelmingly support Bill 220. We did hear from several stakeholders that three days is probably not enough time due to the

profound impact that miscarriage and stillbirth have on parents. However, they also noted that accessing bereavement leave is a significant first step for our society.

During one stakeholder meeting a pregnancy and infant loss support organization based in Calgary shared that they have seen an increase of 300 per cent in demand for their services during the pandemic. There is no doubt that the pandemic has severely affected families who have experienced a miscarriage or stillbirth. I have had several constituents share with me their stories of loss and how the COVID-19 pandemic added stress to an already challenging situation. The isolation from their families has made it harder to navigate through their grief and their loss. This is one of many reasons why this committee should recommend continuing this bill during these challenging times.

I also believe that Bill 220 is a significant opportunity to recognize the grief and loss that people experience during a miscarriage and stillbirth. It would initiate a meaningful conversation to help destigmatize these issues in our society. Miscarriage and stillbirth cause reproductive trauma, shame, and stigma. They hurt parents' hopes, dreams, beliefs, and morale.

The literature says that it takes about one year to process the loss of a loved one; meanwhile the loss of a baby takes approximately two years. We already count on job-protected leave for people whose family members pass away. It only makes sense to extend the same leave to those experiencing such a loss through miscarriage or stillbirth.

Bill 220 is relevant because it would be the first piece of legislation that addresses such a profound topic in Canada. Its broad language ensures that the eligibility covers the diversity that makes up our 21st-century, modern family, including cases of surrogacy.

Losing one's child is a tragedy. People experiencing miscarriage and stillbirth are navigating through tremendous grief while experiencing many challenges in their lives and workplaces.

I look forward to discussing Bill 220, and I encourage the whole committee to support this important bill.

Thank you, Chair. I yield the floor back to you.

The Chair: Thank you, Mr. Walker, for your presentation.

Now we are going to open up the floor to 20 minutes of questions from committee members. The past convention of the committee is to turn to the NDP caucus first if the bill is being moved by the government caucus, and I will ask Member Irwin to go first with a question and then a quick follow-up as well, please.

Member Irwin: Great. Thank you very much, and thank you as well to the member for his presentation. You know, particularly the topic of pregnancy losses is a critical one. I think many folks may know that it is pregnancy loss month, so, you know, the timing, of course, is not lost on me.

I can certainly say that in my role as critic for Status of Women I've actually had the opportunity to meet with perhaps some of the same organizations and stakeholders that the member is referring to. You know, one of the most powerful conversations, in fact, that I had was with the founder, the CEO of the pregnancy and infant loss support centre in Calgary. Her name is Aditi Loveridge. She talked about the fact that until you've been in that position, you have no idea just how much it impacts you. It impacts everyone differently, and that's important to know as well. I know she talked about the fact that particularly during COVID a lot of the challenges that folks face have been exacerbated – right? – particularly around mental health and not feeling that folks have supports.

6:25

I guess, you know, as maybe my first question, because I know I'm allowed a follow-up, I'd like to ask the member in particular: why this bill? You know, we don't get a lot of opportunities. I'm curious why the member chose to focus on this topic, and maybe he'd like to talk a little bit more about his background there.

Thank you.

Mr. Walker: Thank you so much, Member Irwin, and also thank you for your strong advocacy for women and families in general. It's very admirable, and it inspires me. It's so awesome that you also got to meet with Aditi – I met with her as well – one of the stakeholders. By the way, I'm sure you have a great Rolodex of maybe relevant stakeholders, and if you want to send any of them to me offline or through this committee – I don't know the process – please do that, Member Irwin, and we could also have a conversation.

My own story on this is, I guess, personal to a degree. I got into this politics business, like I think everyone here did, to make a difference in our community and, for me, specifically to support women and families. I believe they are the cornerstones of our society. I always said to myself, Member Irwin, that if I had a chance and won the lottery to get the private member's bill, I wanted to do something that would support women and families. Sherwood Park, as you know, Member Irwin – I know you have friends in my community, which is awesome – is a very family-oriented, great community, always seeing families out at the park and stuff.

As I included in my opening remarks, during the ongoing COVID restrictions I was really struck by new and expecting mothers and, unfortunately, those who had had miscarriages or stillbirths, the unbelievable trauma that they were under and the stress due to the isolation, especially from their family. It deeply struck me, and I said at that point that if I ever got the chance at the private members' bills lottery and had been successful, I wanted to do something of this nature. Having a few private conversations with some constituents, it deeply struck a chord with me, Member Irwin, and I feel often that we always need to do as much as we can to support women and families.

Then just a little personal about myself. You know, for the most part, I'm the product of a single mother, and my older sister also raised me, as did my aunts. I am eternally indebted to women and strong families. That's how I got here. And, hey, you can even become an MLA. That's kind of my backstory. I guess it's a personal one, Member Irwin, and I just really wanted to have a deep impact here positively for women and families.

Thanks so much.

The Chair: Thank you.

A follow-up?

Member Irwin: Yeah. Thank you. I appreciate that.

I would love for you just to clarify because I didn't quite hear. I'm curious what other jurisdictions have done in this area. I know you mentioned something along the lines that no province has passed such legislation. Can you just confirm what's been done? I'm certain you've done some sort of cross-jurisdictional scan. What's been done in other areas, particularly when it comes to, you know, the pregnancy loss piece, perhaps? If you could just give a little bit more clarity on that piece.

Mr. Walker: Yeah. Sure. Great question. Again, just to reiterate, it's my understanding that there's no jurisdiction in Canada, Member Irwin, who is putting forward or has any existing policy or

piece of legislation like I'm proposing through Bill 220. Alberta would be the first here to allow for this unpaid three-day sick leave expanding the current bereavement policy.

As for what exists in the case of miscarriage or stillbirth, well, now, federally speaking, there are no direct benefits for miscarriage or stillbirth. However, if someone works, I think, for example, 600 hours, I believe there is an avenue by which through medical or illness benefits through the employment insurance program or something related to that, they can get up to 16 weeks of benefits. Then on the unpaid side, Member Irwin, in Alberta through maternity leave if your pregnancy ends within, I want to say – we can get you the exact details – 16 weeks of the due date of the pregnancy, I believe that through the labour code you're entitled to up to 16 weeks of unpaid job-protected leave in Alberta.

Then, just finally, expanding it beyond specifically miscarriage and stillbirth, some provinces offer paid bereavement leave and some offer unpaid. I know that P.E.I., I want to say Quebec, and a few others offer up to five days of paid bereavement leave for family members having passed, and then the rest offer unpaid leave. So it's a bit of a patchwork quilt system. With that said, no one does specifically miscarriage or stillbirth, so that's why I'm so excited to move this conversation forward.

It was so rewarding for all of the stakeholders and myself to also destigmatize this conversation. I want to do that. I'm glad to do this with this committee and yourself as a champion for women and families.

The Chair: Thank you.

We'll now turn to MLA Frey, please.

Mrs. Frey: Thank you, Mr. Chair, and thank you so much, Mr. Walker, for bringing this forward. I know that in working with you, you are passionate about many things, and your Rolodex is quite large as far as what you know. I was very happy to see that you are going to be exploring this topic in a private member's bill.

I know you started talking about destigmatization of the issue. For me, that's something that really sticks out. I know that a lot of women, even in my immediate circle and their families – it goes even far beyond the mother – are experiencing, have experienced significant trauma because of pregnancy loss or stillbirths. We know that it doesn't matter how far along you are. That little person is something that really mattered to that family, and that little person – it's an impossible loss to take.

I guess my question for you, first of all, is – we also know that families are changing. We see women, men, some combination of the two, taking on very different roles within a traditional family structure than we have seen in past years. Would your bill apply to anyone who needed to take a bereavement leave, or would it only apply to mothers?

Mr. Walker: This would be an expanded definition. You're right, Member Frey – congratulations again – that the modern family has changed so much, and good on that for happening. In my bill you'll see in section 2 specifically – I think you see subsections (b) and (c) – that it captures surrogacy. It captures both parents and also surrogacy. We wanted to cast a wide net. When speaking to many of these very knowledgeable stakeholders, we also have to remember that with surrogacy, for example, the surrogate mother, the woman carrying the couple's child, also experiences mental and emotional pain. I was very educated on that, and I had figured that anyway. We believe the net has been cast wide enough through this language to cover both. So, yes, both the partner and the mother as well as the surrogate would be covered.

Mrs. Frey: I think that's really great to hear, that there's an expansion of that definition as to who exactly is included when it comes to a pregnancy and what that means for families, so kudos to that.

I guess my final question would just be – you started talking about your stakeholders. I think Member Irwin asked some really awesome questions, so I'm not going to beat the same drum as her. I was curious if you could expand on the stakeholders that you have met with and kind of what their feedback has been. I'm sure it's very well researched, but for the purposes of the committee can you please let us know what you've been up to?

Mr. Walker: Sure. Everyone wants to know what I've been up to – I think that's great – so let me update you. Here's what I did over the summer with Bill 220, Member Frey. I got great stakeholder feedback. What I found, often through various lenses, through important social lenses as well as mental and emotional health lenses and, of course, economic – let me just highlight. Let's go to economic for a second. We've been talking a lot about the social side, which is so important. I was able to meet with people from the Canadian Federation of Independent Business, and it was quite interesting to hear their take. They're supportive, and they told me that they believe – and they can get me data on this if I want – that most of their members are already de facto, through just being good-natured people, doing this, allowing this. That doesn't mean that it still shouldn't be put in the legislation. We want to clarify this, I think, and continue this great conversation. They were broadly supportive.

6:35

Now, on the mental health and emotional side Member Irwin had brought up the great pregnancy and miscarriage and infant loss healing and coaching centre. They were absolutely amazing. They were saying, as I included in my opening remarks, Member Frey, that they saw an increase of 300 per cent in the need for accessing their services. They also struck home for me that even beyond this measure, which they're supportive of and is great, there are more social supports needed for pregnancy loss and mental health and emotional supports.

Then I just also wanted to highlight that there is a leading academic researcher – perhaps Member Irwin and other people on the committee have heard of her – Dr. Janet Jaffe out of San Diego, California. She has been an academic leader in this field. She really spoke eloquently to the unbelievable trauma that people experience when they experience a miscarriage or stillbirth because for that family that unborn child is their child. Again, the literature says that it can take up to two years for that family and particularly the mother to mentally and emotionally recover, if you ever really do, as opposed to another family member dying, when it can take up to about a year.

Then what Aditi had made clear to me, too, is that ultimately in terms of mental and emotional health recovery it's case by case with everyone. I've had so many emotional conversations, ultimately very rewarding and educational, with families, particularly women, who have had miscarriages or stillbirths years ago, and it's still very raw. Again, I just deeply appreciate that.

I guess I don't want to – Chair, can I keep talking for a bit, or should I just yield? I could go on.

The Chair: If you're still answering the question, but we do have one other person on the list.

Mr. Walker: Yeah. Let's go to the other. I want to give other people time.

The Chair: That sounds good. Thank you. MLA Sigurdson, please go ahead.

Ms Sigurdson: Okay. Thank you very much, and thank you so much to MLA Walker for his presentation and bringing forward this bill. As Member Irwin already said, it's certainly timely. Certainly, it is a profound tragedy when a woman does experience a miscarriage. Having some supports in place is an important thing.

We know that in Alberta we generally have – there are different kinds of leave that people can take. You have talked about bereavement leave for this particular bill. We also know that there's compassionate leave. There's sick leave. Certainly, as the critic for Seniors I know that there's so much stress that people are experiencing during the pandemic because services like home care, that would support people and give people a break, are not necessarily as available as they were before because of the redeployment of those resources. So many people are stressed and need that kind of support. Yeah, we do have sort of a few different ways of classifying what kinds of supports are out there.

My question is regarding the types of leave available to Albertans, you know, those three I identified: bereavement, compassionate, and sick leave. I guess I'm asking you: how are they distinguished? Could not a woman who has had a miscarriage receive support through sick leave? Like, I'm curious why you're calling it bereavement leave.

Mr. Walker: Great question, Member Sigurdson, and just thank you for your advocacy on these issues for so long in supporting women and families. Now, when I went about to do this bill, I looked at specifically bereavement leave, and when I realized that it was only inclusive of the family member, you know, I thought this was an area where we could move forward on this conversation and allow for it to include miscarriage or stillbirth. Even though this is ultimately a private member's bill and how I want to go forward, I will proceed, if you will, working with the ministry of labour to get their own thoughts and counsel on this. It's my understanding that for miscarriage and stillbirth there isn't anything available via sick leave or compassionate care, but it's certainly worth looking into. That's my understanding.

Ms Sigurdson: Okay. I have a follow-up, Mr. Chair.

The Chair: Yes, go ahead.

Ms Sigurdson: Thank you. This was actually brought up by MLA Frey. I have a little bit of a different spin on it. I'm just going to again address that in section 2(2) it talks about who actually can take advantage of this support, and it talks about that this could be a spouse or common-law partner or a person who would have been a parent of a child born as a result of pregnancy. You know, certainly, traditional family systems are sometimes but not always how families are constellated. We have quite a myriad of families. Maybe the spouse, though, is not actually with that woman who has experienced a miscarriage, so perhaps her own mother is her support or her grandmother or her friend. I mean, you seem to be tying it very closely to a spouse or someone who has actually had a miscarriage themselves. I'm just wondering if that thinks about: what is the best support for the woman? Can there be someone who would be in that kind of support role but not a spouse?

Mr. Walker: That is very thoughtful, Member Sigurdson. Yes, I think I understand your line of thinking here. You're saying that, yeah, this ties to a traditional spousal or some form of, at some point, romantic relationship, a spouse or they had procreation at some point or what have you. How about emotional relationships

and who's actually providing the emotional and sometimes even financial support, which can often be? Like, my mother was a single mother for, well, the longest time. I mean, for example, she leans most closely on her elder sister. They talk every night on the phone. I hope not about me, and if they do, that it's something good.

Anyway, you know, I'll take that into consideration, and maybe you and I can talk more offline. I mean, the intent of this bill right now is moving forward for the more traditional definition, not to say that I'm ruling out your thoughtful advice here, but just making sure that this is sort of clean and clear and keeping it tight. That is very thoughtful, and I will think more about that. If you have any other thoughts on it, please send them my way. The reality is – you're right – that there are other people who are actually the primary other person in the relationship with the mother.

Ms Sigurdson: Thank you.

The Chair: Thank you, Mr. Walker. MLA Long, you have 30 seconds.

Mr. Long: So much time. First and foremost, thank you, MLA Walker, for bringing this forward. I know I've personally witnessed people who have had to experience this circumstance. I'm glad that someone is bringing forward potential legislation to help. It's something that I think is long overdue. Unfortunately, I'm going to run out of time before I get to my question.

The Chair: Thank you, MLA Long. I appreciate that.

We are now going to move on at this point to a presentation from Ms Sabir. The Ministry of Labour and Immigration has declined the committee's invitation to make a presentation regarding Bill 220. However, from the ministry we have Ms Sabir, the executive director of the workplace policy and legislation branch, who has joined us this evening in case the committee members have questions regarding the existing provisions of the Employment Standards Code. I just want to highlight that she can comment on the existing provisions of the employment standards act. I thank Ms Sabir for being here.

I will now turn to the members to see if they have any questions. We have 20 minutes allotted for that if anybody would like to ask a question.

Ms Sigurdson: I'd like to ask.

The Chair: MLA Sigurdson, you're first up.

Ms Sigurdson: Yes. Well, thank you very much. I'm not quite certain, but maybe the chair can help me with this. Is this the technical briefing that we're having right now?

6:45

The Chair: The ministry declined, and Ms Sabir has come from the ministry on their behalf. She's the executive director of workplace policy. That's the portion that we're in, just so you're aware of Ms Sabir and her role. It's not a presentation from Ms Sabir but a chance to ask her questions about the existing employment standards act.

Ms Sigurdson: Okay. Thank you.

Thank you for coming. I guess I want to follow up from some questions I asked MLA Walker, just about the types of leave we have in Alberta. For this particular bill that's being put forward, we're talking about bereavement leave, but we also know that we have compassionate leave and we have sick leave. I guess I'm questioning whether "bereavement" is the appropriate term.

Perhaps you can help us understand the distinctions between those three.

Ms Sabir: Yeah. Thank you. In terms of the existing leaves in Alberta, one of the leaves you were asking about is the personal and family responsibility leave. That leave is accessible to an employee who is subject to provincial jurisdiction for purposes of labour legislation. That leave can be utilized by the employee for their own illness or to attend to the illness of a family member or for other personal and family responsibilities. That is five days per calendar year, and there is no requirement in the legislation for an employee to provide any type of documentation to their employer.

In terms of compassionate care leave, for that particular leave, it aligns with an existing employment insurance benefit. To access that, the individual must provide medical documentation that demonstrates that there is a prognosis with a reasonable likelihood of death for the person who is suffering an illness. It was initially introduced for cases of illness such as cancer where the prognosis is a negative outcome, then death.

In terms of bereavement leave, the way that's described in the legislation is that it's three days of leave that is accessible upon the death of a family member, and the definition of a family member is the same definition used for compassionate care. It's extremely broad. It does reflect, I believe, more in line with the nontraditional family type.

Those would be the three types of leaves available.

The Chair: Thank you, Ms Sabir.

MLA Sigurdson, a follow-up?

Ms Sigurdson: Yeah. I just want to know: from your reading of the legislation before us, do you see this as qualifying for bereavement leave? Is that the definition that we should be using, those terms? Should we be using that for this particular bill?

Thank you.

Ms Sabir: I don't believe I can comment on the policy per se, but in terms of the proposed amendment, I do understand that it's attempting to expand the existing bereavement leave provision by identifying clearly that if you experience the loss of a child, those specific parties should be able to access this leave.

The Chair: Thank you.

MLA Nixon, go ahead.

Mr. Jeremy Nixon: Thank you, Mr. Chair. My question is in regard to the last time the department conducted a review of bereavement leave and if the policy change recommended here today was on the radar, and if you can kind of comment a bit on what came up in that review if there was a review.

Ms Sabir: Yes. In 2017 there was a significant public consultation, and at the time there were a number of job-protected leaves that were added to the legislation, and that would have included bereavement leave. From my recollection, having had a role and participating in conducting consultations and reviewing submissions, I don't recall anyone specifically mentioning this type of leave. However, I do recall that there was overall support for the addition of the bereavement leave. Prior to 2017 there was no bereavement leave at the minimum standard in Alberta.

Mr. Jeremy Nixon: Can you comment a bit on the progress that's been made since 2017, if any?

Ms Sabir: There were a number of job-protected leaves added in 2017, and they were maintained. They're fairly recent. The

legislation would have been tabled in 2017. The leaves would have been applicable in 2018, and they have been maintained as they were introduced.

The Chair: Thank you.

Any other questions for Ms Sabir? Okay.

Hearing none, Ms Sabir, thank you for your time in joining us this evening and again, MLA Walker, for your time in presenting to us and answering questions.

It is now time, members, that the committee must decide how to conduct its review of Bill 220. In accordance with our approved process, the committee may choose to invite additional feedback from up to six stakeholders, three from each caucus. Alternatively, the committee may choose to expedite this review and proceed to deliberations. Does anyone have any thoughts on this? We have agreement.

MLA Frey, go ahead.

Mrs. Frey: Okay. I absolutely think that this piece of legislation is something that Alberta needs. I think that MLA Walker has demonstrated a considerable amount of work, but I think that it would be really great to hear from the people that he has consulted. If I know anything about Mr. Walker, it's that he's very thorough, so I'm sure he has a lineup of people ready to go, to present to this. I believe, if I'm correct, that there is a motion wording for me to use, but I would move that we invite stakeholders on this bill.

The Chair: Thank you, MLA Frey.

I'm just going to, like Minister Ellis did so accurately every time, read some wording off to you, and then if that's what you meant to move, we will go forward with that. MLA Frey moves that the Standing Committee on Private Bills and Private Members' Public Bills invite up to six stakeholders, three proposed from the government caucus and three proposed by the Official Opposition caucus, to make presentations regarding Bill 220, the Employment Standards (Expanding Bereavement Leave) Amendment Act, 2021, at an upcoming meeting and provide a stakeholders list to the chair by 3 p.m. on Wednesday, October 27, 2021.

Is that accurate, MLA Frey?

Mrs. Frey: I couldn't have said it better.

The Chair: Perfect. Any comments to the motion? Mr. Nielsen, go ahead.

Mr. Nielsen: Well, thank you, Mr. Chair. I appreciate you bringing the motion forward for stakeholders. Of course, we'll thank Mr. Walker for bringing this forward. I was certainly pleased to see the addition about common-law partners as we know that's incredibly common nowadays.

I'm certainly thankful about starting up the conversation around stillbirth and miscarriage because it does take me back to the days when I was a shop steward and actually had to deal with a situation like this with an employee that wasn't actually at my work site but one right beside. It was an incredibly difficult thing to deal with with that individual. I guess, long story short, I was able to convince the company at the time to give the individual five days' sick pay. So certainly a conversation around that.

I always appreciate when employees, you know, at least get something to work with. I'm always, of course, going for the more robust, because when you do deal with something as difficult and, let's be quite frank, as traumatic, the last thing you need to be worrying about when trying to address that is getting paid and being able to take that time off without any worries. So, of course, I'm a very, very large proponent of these kinds of things being paid.

I'd love the chance to be able to speak with stakeholders, find out what their thoughts are around that. You know, maybe there's an opportunity to provide some suggestions to the House in terms of maybe potential amendments and things like that that could make that even stronger. I'm very much in favour of having stakeholders coming in, and I would certainly urge others to vote in favour of that as well.

The Chair: Thank you, Mr. Nielsen.

Anybody else with a question or comment?

Mr. Dang: May I get in here?

The Chair: Yeah, MLA Dang. Go ahead.

Mr. Dang: Thank you, Mr. Chair. The only comment I would have is that I think that the timeline – sorry if I misheard, but I believe it was tomorrow for the deadline for stakeholders. Is that correct?

The Chair: That is correct, 3 p.m. tomorrow. We have to report back to the Legislature by November 3, so it is a tight timeline. That is why the stakeholders list needs to be in quickly.

6:55

Mr. Dang: I'm just wondering, could we get an extra maybe two days on that? I'm worried that if we're trying to get the list together, it's going to be extraordinarily tight to get that in by tomorrow, even Thursday, so that we can get invitations out Friday for a meeting next week. I think that would make a big difference in terms of that.

The Chair: Mr. Nielsen, do you have a comment to that?

Mr. Nielsen: Yeah, I do, Mr. Chair. I believe we had recently amended the reporting-back timelines from I believe it was eight to 12 days. Does this actually give us a little bit of extra time on this? I think we had extended it just a little bit.

The Chair: I'm getting some conflicting opinions.

Ms Robert, do you want to jump in?

Ms Robert: It's eight days. I believe there was a motion before the Assembly proposing to change it, but I believe an amendment was made to that motion to remove that change, so it remained at eight days.

Mr. Nielsen: I see. Okay. Thank you.

The Chair: I do believe that we're going to need to have these in quite quickly, but, then again, I'm the chair, so I'm only just trying to keep the meeting moving forward and to relay to you the best information I've got. I know this one is tight, just given the timelines that we have, but if there are any other comments to that.

Mr. Nielsen, go ahead.

Mr. Nielsen: Yeah. Thanks, Mr. Chair. Other members of the committee might be willing to, I guess, maybe look at a little bit of extra time. I mean, you know, the reality is that we won't actually be able to reach out to stakeholders until tomorrow morning, probably 9 a.m., 10 a.m., giving us, hopefully, six hours or less just to try to get a response if they can attend. So even a day is helpful.

The Chair: MLA Frey, go ahead.

Mrs. Frey: Yes. I do remember – and perhaps Mr. Nielsen remembers. He and I have been on this committee for what seems like forever, actually since the committee was created. So I'm curious. I do believe there was a time – and maybe the clerk would know – where we did extend that deadline. We pushed it a little bit

further. I know that the eight-day constraint is quite critical, but I wouldn't be opposed personally. I mean, as one member of the government caucus I wouldn't be opposed to extending that deadline by an extra day if we could, but if there's something in the standing orders that prohibits that, then I guess that's something we have to cross.

The Chair: It's not prohibiting it. It's just the timeline that we have to prepare, because we also need to prepare a report back to the Legislature as well on this.

Ms Rempel, do you have anything? Is it possible?

Ms Rempel: Thank you, Mr. Chair. I mean, certainly, you know, it is the will of the committee. There are a lot of logistics that go into any committee meeting, and certainly one where we have stakeholder participation would have even more than the usual. If the committee wishes to push it out a small amount, we could probably make it work, but then, of course, the committee needs to be willing to have the meeting and proceed with its own deliberations and decision-making fairly promptly.

The Chair: MLA Frey.

Mrs. Frey: Then I guess that, in the spirit of true co-operation, I would ask that we give the Official Opposition an extra day to provide stakeholders. I'm sure MLA Walker is ready to roll, but perhaps if the Official Opposition needs an extra day, then we should, in good faith and in good co-operation, provide that leniency.

The Chair: Okay. I just want to double-check. What do we need to do? Do we need to have an amendment now? Yes? Okay.

Mr. Nielsen, do you have an amendment?

Mr. Nielsen: I would, Mr. Chair, move that we change the date for reporting back from the 27th to the 28th by 3 p.m.

The Chair: Yeah. If you want to just change 27 to 28, I think that would take care of it.

Mrs. Frey: So we have to vote on an amendment to the motion?

The Chair: That's right.

Mrs. Frey: Okay.

The Chair: Okay. We are now on an amendment. Pretty straightforward. Any comments or questions to the amendment? None.

All right. I'll call the question on the amendment. All those in favour in the room, please say aye. All those opposed in the room, please say no. All those in favour of the amendment online, please say aye. All those opposed online, please say no.

The amendment has passed.

We are now on the amended motion. Any questions or comments to the amended motion?

Hearing none, I'll call the question. All those in favour of the amended motion in the room, please say aye. All those opposed in the room, please say no. Moving online, all those in favour of the amended motion, please say aye. Anyone online opposed, please say no.

That motion has passed.

Given that we will now proceed to stakeholders on this, some of the other business will be after those stakeholders at a following meeting.

We will move now to other business. Is there any other business that needs to be brought up?

Mr. Dang: Sorry, Mr. Chair. Can I get in here?

The Chair: MLA Dang, go ahead.

Mr. Dang: Thank you, Mr. Chair. I just wanted some clarification. I understand that the ministry declined to give a technical briefing today. Would it be possible for us – or I would even be happy to move a motion – to invite the ministry to provide a technical briefing? I can provide some comments on why I would want to do that if that's . . .

The Chair: They've already declined the request and had Ms Sabir come to answer questions, obviously, from what I said before, on the existing employment standards act. I don't know if a motion would – you could try to move a motion if you like, but they already declined once.

Mr. Dang: Yeah. I mean, I guess I'll give some context, and maybe while I'm doing that, Parliamentary Counsel can help me out a little bit with the wording. I'm just a little bit concerned that – and I do appreciate that Ms Sabir came and answered some questions for us, but I think that this is a fairly substantial piece of legislation that has big impacts that are very important. I think that understanding how the government may want to implement these policies and how the government wants to bring this into effect is really important and will be important in terms of us understanding how we want to make a recommendation and if we want to recommend anything like amendments or whatnot to this bill.

I think that we want to get this right, and I think every member here is going to agree that there's a significant gravity to these issues and that we want to move forward in the best way possible. I'm hopeful that we'd be able to invite the ministry again, maybe with some of that context, and say: hey, we want to make sure that if this were to move forward in the House, we just want to have a fulsome understanding of how the government would actually be applying this, because it is such a significant issue.

The Chair: Thank you, MLA Dang. During that, we were just having a slight sidebar here, because there was an established process by a subcommittee.

Ms Robert, do you want to go over the points you were sharing?

Ms Robert: Certainly, Mr. Chair. Thank you. It's just that the committee adopted a report of the subcommittee of this committee, and it adopted a formal process for these reviews. The process is, as you saw tonight, a briefing from the sponsor, an invitation for a technical briefing from the ministry, which was declined, and now you've moved past that. You've moved on. You know, you're at your decision tree, and you've decided not to go straight to deliberations. You've decided to go to stakeholder input, and that's the stage you're at. You've already gone past the ministry technical briefing stage, so I think our advice would be that perhaps it's too late for inviting the ministry for a technical review.

The Chair: Any questions to that, MLA Dang, for Ms Robert?

Mr. Dang: Yes. Thank you, Mr. Chair. I appreciate that the committee adopted a process through a subcommittee, but obviously this committee is the master of its own domain, and if we were to adopt a subsequent motion for this bill review, I believe that this committee should be allowed to have that power to change our process. I think that, certainly in this case, while the government has made a habit of not giving technical briefings on bills and not appearing before this committee, that's very disappointing, and I think that we need to have that fulsome conversation. Particularly,

this is a government member's bill, and I'm hoping the government caucus would be able to get that input from the ministry.

The Chair: Sorry. Go ahead.

7:05

Mr. Koenig: Thank you, Mr. Chair. If it's helpful, I'm happy to make a couple of additional comments. Mr. Dang, you're quite right that the committee is, within the bounds of the standing order, the master of its own process, so certainly if the committee entertains a motion and passes it to deviate from the agreed-upon process, it can do so. What I would suggest, however, though, is that the committee has already agreed to a process by which all bills will be reviewed. Of course, it would be up to the chair to decide if a motion to deviate from that process would be in order.

The Chair: From my perspective, I understand that the subcommittee has made the recommendation and that the technical briefing has already been declined, that we have now a motion that has passed that the NDP caucus can invite three stakeholders. If they want to try to invite whoever they like, they can make that choice. Those invitations might get declined, so they do have three, but if Mr. Dang wants to move a motion, I don't see how it's out of order if he's trying to get the main committee to make a decision going forward.

Mr. Dang: Thank you, Mr. Chair. At this point, then, I'd be happy to make a motion, with the context of some of the comments I've made, that we invite the ministry to present at the next meeting with the stakeholders and that either immediately before or after the stakeholders we have that process gone through again. I think that would be beneficial to all members, and perhaps the table can help me with the wording there.

The Chair: We're just working on some wording here, MLA Dang.

Mr. Dang: Thank you.

The Chair: So the wording that they have, MLA Dang, is that the Standing Committee on Private Bills and Private Members' Public Bills invite the Ministry of Labour and Immigration to make a technical briefing on Bill 220, Employment Standards (Expanding Bereavement Leave) Amendment Act, 2021, at the next meeting.

Mr. Dang: That's perfect. Thank you very much. I have nothing else to add.

The Chair: Okay. MLA Frey.

Mrs. Frey: I do really respect the intention coming behind this motion from Member Dang. I heard a number of times from Speaker Cooper and other Speakers in the past that we should not be doing indirectly what we cannot do directly, and I feel like this is a prime example of that in the fact that we have processes set out for a reason. The committee has agreed to them. I understand there are new and different members coming into the committee when changes are made, but this seems like it could be a gateway into another conversation. I feel like this is a better – on this bill, we've made it very clear, I think both sides of the aisle here if there is an aisle. I don't know what the heck this is, but both sides of the room here have said pretty clearly that they have strong and positive thoughts about this bill. So I think that if we were to hear from stakeholders, the Official Opposition could choose whoever they want for that. But I feel like this motion – of course, not to critique the decision of the chair, but I do feel like this motion is dilatory.

The Chair: Thank you.

Any other comments or questions to the motion?

Mr. Dang: Mr. Chair, if I may respond.

The Chair: Yeah. Go ahead, MLA Dang.

Mr. Dang: Thank you, Mr. Chair. I'm sorry, but I believe that's, frankly, a mischaracterization or a misunderstanding of the application of that quote that she's attributed to the Speaker there. Very clearly, that's talking about when we can't break the standing orders. Obviously, as we have just heard from the table and from the chair, this motion is in order. This motion is not trying to do indirectly what we can't do directly, because we can do this directly. That's what the chair just told us, so I encourage all members to vote in favour of this. I think having more information and understanding what's going to happen is important, and if the government members and indeed the government ministry decide that we want to push forward without having the proper understanding of how to properly implement these changes, then I think that's pretty disappointing. I think we just want more information.

The Chair: Any other questions or comments? Mr. Nielsen.

Mr. Nielsen: Yeah. Now that I've had a chance to think about this a little bit more, Mr. Chair, the ministry declined the technical briefing, yet they sent somebody to talk about employment standards questions. So did they really refuse, then, the technical? I'm now sensing some confusion here about how they should have – if they declined, then they should have just sent nobody. I kind of find myself – I'm going to have to support this motion. I mean, if they want to decline, they certainly have the right to do that. To decline but then send somebody seems a little inconsistent, to say the least.

You know, hopefully, I guess, members will reconsider that because it seems very confusing when you look at it from that perspective. I mean, let's get all the information we can get. This is potentially a good bill, and we want to make sure that we

recommend everything to the House appropriately. I mean, it's – what? – an additional 20 minutes of time, and looking at the amount of work that's in the House right now and the number of bills that are there, I think we have the time that we can spend on this, and we should.

The Chair: Thank you.

Any other comments?

Okay. Hearing none, I will call the question on this. All those in favour of the motion by MLA Dang in the room, please say aye. All those opposed in the room, please say no. Oh, sorry; MLA Amery, you went a little bit too quickly there. All those online who are in favour of the motion, please say aye. All those online who are opposed to the motion, please say no. Thank you. That motion is defeated.

Any other comments . . .

Mr. Dang: Can we do a recorded vote, please?

The Chair: Yes, MLA Dang, we can have a recorded vote. Just give me one moment.

All those in the room who are in favour, please raise your hand. Mr. Nielsen. All those in the room who are opposed, please raise your hand. MLA Nixon, MLA Frey, MLA Long, and MLA Rosin. Then we're going online. All those in favour online, please say aye. MLA Sigurdson, MLA Dang, and MLA Irwin. All those online who are opposed, please say no. MLA Amery. Thank you.

So it is defeated, five to four.

Any other topics or other business? Thank you.

Moving on, the date of the next meeting will be at the call of the chair.

Can I get a motion to adjourn? MLA Long has moved that the meeting be adjourned. All those in favour in the room and online, please say aye. Anybody opposed, please say no, in the room or online. The meeting is adjourned.

Thank you.

[The committee adjourned at 7:14 p.m.]

