

Legislative Assembly of Alberta

Title: **Wednesday, March 23, 1994**

8:00 p.m.

Date: 94/03/23

head: **Committee of Supply**

[Mr. Tannas in the Chair]

MR. CHAIRMAN: Order. I'll call the committee to order. Tonight we're in Committee of Supply, and I want to just remind committee members a little bit of the rules. It's partly for the benefit of the gallery, but it's also more importantly for the benefit of the members. First of all, the Chair would like to apologize for being a little lax and letting people stand around at various times during committee stage. This is not appropriate. You obviously have to stand in order to move from one place to another, and you are allowed freedom of movement, but freedom of movement does not mean hanging out at the back for prolonged periods of time engaged in lively discussions. This is the informal part of the Legislature. People are not confined to their own chairs. They may move and sit in other people's chairs. They may bring, indeed, juice or coffee and may remove their jackets if they so feel. The air conditioning in here is sometimes interesting.

Before we begin tonight's estimates, I would like to request unanimous consent to the Introduction of Guests. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.
Deputy Premier.

head: **Introduction of Guests**

MR. KOWALSKI: Thank you very much, Mr. Chairman, and thank you very much to the members of the Assembly for allowing me an opportunity to introduce some guests tonight. Just north of Edmonton is the very dynamic community of Westlock, and with us tonight is a rather large delegation of members of the Westlock Chamber of Commerce, who've come to visit the Legislative Assembly to have a consultation with their Member of the Legislative Assembly.

In recent days, Mr. Chairman, I might add, there's been a rather strange rumour going around that once again this Assembly would want to deal with their most important of all projects, their hospital. So they came into Edmonton tonight just to reinforce the importance of that facility, and I assured them that their being here and being on the opposite side of the opposition was very good timing should this subject matter come up. I also let them know that it was not only the opposition sometimes I had to fend off for their hospital but even some of my own colleagues now and then but very, very few of them. It's recognized as one of the most important projects in the province of Alberta.

They're led by their president, Marge Sterling. I would like to ask all of the members of the Westlock Chamber of Commerce to stand and be recognized by my colleagues in this Legislature.

head: **Main Estimates 1994-95**

Labour

MR. CHAIRMAN: The hon. Minister of Labour.

MR. DAY: Thank you, Mr. Chairman. I am delighted that the Deputy Premier introduced the good folks from his constituency,

because my colleagues here were thinking these were all officials from the Department of Labour. Actually, when my officials heard this group was coming, they decided to stay away tonight because this is an equally astute group, I would say. We welcome them to the Assembly.

I also do want to thank the Deputy Premier for his patience over the years in prevailing upon us as colleagues to see the importance of that particular hospital. I want the people gathered to know that this is quite a load off my shoulders of responsibility in terms of one of the areas that we're responsible for under Labour: fire safety. It's a tribute to the people who have operated that facility all these years that indeed problems have not developed, because it is in dire need of the replacement that is coming. We will all be breathing a collective sigh of relief to know that it'll be modernized, obviously. We are pleased with that and pleased to note also that this is really an all-party support, because it was less than a year ago that the Leader of the Opposition was speaking very strongly in support of the hospital also. So we appreciate that we have that.

Further to the Labour estimates, we have already had one session, and I'm looking forward actually if things work out to also be making my estimates available at yet another time before we leave here some time in July for a brief summer recess.

Mr. Chairman, I do want to say that last time there were a number of good comments brought forward. We've been working hard doing some of the follow-up work, and I'm looking forward to continued comments, suggestions, and positive criticisms regarding the estimates of the Department of Labour.

MR. CHAIRMAN: The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you. We did recently look at the Labour budget, and I'm glad that we are back here to discuss it. I'm particularly thrilled to hear that we'll be back here one more time to continue the discussion on Labour. It must signify that the government does believe that labour is indeed important in this province and that the safety and well-being of workers in this province are of paramount importance. [some applause] Thank you.

In looking at the Labour budget, I would, firstly, like to continue where I left off in my discussion on March 7, 1994. The area that I was heading towards in terms of discussions was with regards to the issue of safety, particularly with regards to the DROs, or the delegated regulatory organizations. I was in the midst of speaking on the boilers and pressure vessels branch and the potential privatization or the eventual privatization of this particular inspection function and looking at what some of the areas of concern are with regards to that particular DRO being set up. I've had occasion to look at this particular area a bit more in depth. It is an area that I must confess I am having a hard time quite getting a grasp on in terms of understanding exactly how the various pieces of the DRO are going to work in conjunction with the safety council and with the various disciplines.

An area of concern that I've had expressed to me perhaps not so much around the DRO or the DRA - we're not sure now whether it's a delegated regulatory organization or a delegated regulatory authority and whether that shift in terminology also means that there is a shift in terms of the actual function of that particular body - is with regards to the inspections and the ability of I believe it is the safety council to designate the inspection, to certify inspections. This is an area where I believe there's a fair amount of confusion within the industry as well, as to whether that will mean that there will be certified inspectors in the municipalities, whether there will be certified inspectors as well

within areas such as Imperial Oil and the various larger refineries, et cetera, and whether also there will be inspectors certified with regards to smaller organizations, smaller businesses. So this is an area that I would indeed like some clarification on from the minister so that we can dispel any misconceptions in terms of what this particular area of concern is at this point in time.

There are some other areas that I did not get a chance to comment on in the last debate on the budget, and that's with regard to the fees that will be user fees or hidden taxes – you know, there are a variety of terms that we can use – with regards to Labour. There are some things that just jump out and say to me: what am I doing here? One of them is the mobile-home labels. In looking and talking to some people in the industry, it seems that right now there are labels that are provided on mobile homes, and I would appreciate some clarification as to what exactly that means. It seems that the label has to be fitted at the time of manufacture, but my understanding is that that is happening right now, that there are stickers. So is that a hidden tax on the cost of a new mobile home when someone is buying a home?

8:10

There are other areas of concern in terms of the radiation equipment, laboratory courses, reviews, and explosives permits which are now going to be \$20 to \$50. These seem to be extra charges. There do not seem to have been charges for this before. Again, we're looking at an additional user fee for those employers that will be requiring those certifications, I assume is what that's for. The other part of that is again – the government side seems to like to talk about citizens as consumers, so will that then be passed on to the consumer, and in what way, and is there any regulation that in fact is going to ensure that that doesn't occur? Again, when I look at this, is this just another step towards privatizing services which are in effect privatized in some instances, but for full privatization when we're looking at radiation or radiology, X-rays, et cetera?

There are some other areas. I know the minister brought up the concern of the potential hazard of fire at the current hospital in Westlock, but when I look under the fees that are going to be allotted to various areas under Labour, one is with regards to fire safety fees, and what it says is acceptance letters, enquiries, summary letters, per hour. I guess the question there is: if somebody phones up to say, "Is this what the fire safety regulations are?" and that's an inquiry, is there then going to be some kind of billing system put into place so that they can be charged \$100? Are we going to be setting up all these fees – this is another issue – be setting up an infrastructure that will have to collect the fees? I'd like to know where the cost is within the budget that addresses that particular issue. I don't see anywhere in here or in the budget where it says that for the collection of these fees – and there are fees in different areas, so I don't see how it could be one-stop shopping either. What's going to end up happening is that there has to be a support system built into the collection.

There's another area that I touched upon briefly on March 7 that I am looking forward to a response from, and that is the lightning rod permits, which again is a new fee. Well, it's lightning rod permits, fire alarms, fire protection and sprinkler systems. There are a whole lot of different areas that are thrown into those four categories, and some are brand new in terms of lightning rod permits. I don't know that Alberta Labour has an explanation as to how that got into there and what in effect that has to do with Alberta Labour. Again, that's under the heading of fire safety fees, so I guess that's an extension of the Fire Training School and those kinds of things, but it's just a very odd

area in terms of this whole section. Again, it brings to mind the question: how do we collect, and also how do you enforce? If you were not hiring any further inspectors, which I don't see within the budget that you are, if you are not looking at anything more than an auditing function in terms of Labour's role, then how in fact are you going to ensure that the sprinkler systems are up to snuff, never mind collect on the installation of those sprinkler systems, if that's what that is? Those are some of the concerns with regards to the section called selected premiums, fees, and charges in the Budget '94: Securing Alberta's Future document.

There are other areas of concern that I did touch on in our last discussion with regards to the budget. A couple of those areas have not gone away, and I think it's worth while discussing in the context of the role of Labour. One of those is with regards to the request from the Alberta government to have 5 percent reductions in salaries from the public sector this year and zero, zero for the next two years.

Again, what we're seeing is that the reductions are much more than the 5 percent that is being requested. We have an example in this particular city of Alberta Hospital Edmonton, the board of directors of which is directly responsible to the Minister of Health. There does not seem to be any ability by any of the ministers to have any, I guess, ability to pick up the phone and talk to the board to say: "You are out of line. You are asking for 33 percent even though the union has put forward and agreed to the 5 percent, zero, and zero and has agreed to some other concessions."

What is happening at Alberta Hospital Edmonton is that, in fact, they are being asked for a 33 percent rollback, and I will reiterate that that is one-third of someone's salary. As the employees did not and could not agree to this 33 percent rollback, what has ended up happening is that over a hundred workers have been given termination notices for the end of this month and will in fact be joining the UIC or welfare lines. The function that is being performed by these particular workers, who we must remember take their salaries and reinvest in our economy, is now going to be performed by a private contractor.

Another issue I've brought to the attention of the Legislative Assembly as well – and this deals not so much with the budget as with the Department of Labour and some of the labour laws within this particular province – is specifically with regards to having replacement workers. We are now seeing, again within the city of Edmonton, a situation at Engine Rebuilders where in fact what is happening now is that the employer has had to hire replacement workers, and there is real potential for violence on that picket line.

Those are some of the broader issues with regards to labour. I would like to mention a couple of other areas. One is in terms of the employment pensions branch, which in my understanding has for some time been struggling to perform its function with a very small work force, and there's been added complexity to the job with regards to the Income Tax Act regulation of pension plans. So what has happened is that the audits of the pension plan administration have not been proceeding to a significant degree, although this function is imperative to protect the interests of plan members. What I would like to have the minister assure the House is that the hold-the-line budget for pension plans administration and enforcement will in fact be adequate to meet the needs of the pension plan members. We've had a lot of talk in the past few years in terms of: will pension plans be adequate to meet the needs of those members who are retiring? I think that this is an area of significance that was not addressed in the last debate.

Just to move back to the privatization of the delegated services that will occur with regards to the implementation of the Safety Codes Act, one of the questions that I have of the minister is:

who accepts the ultimate responsibility, whether it's the Safety Codes Council that will have to accept the ultimate responsibility if in fact a boiler does blow up or if there are electrical requirements that haven't been fulfilled in terms of the building of an establishment, et cetera? Is it that council who is directly responsible, or does the minister still hold the ultimate responsibility in terms of the actions or omissions for the delegated regulatory organizations/authorities?

I have another question in terms of the severance packages, and I'm sure the minister will be able to direct me to the right areas within the documentation to both the severance packages of the workers who are going to be laid off or have been laid off within government, as well as the work force adjustment programs. I notice that there was one entry under the Health budget. I would have hoped that we would have seen an entry for work force adjustment within the Labour budget or within other areas, other departments of the government. I have not been able to find it, and perhaps the minister will be able to direct me to the areas where those dollars are allocated.

8:20

I congratulated the minister on March 7 with regards to the planned approach that the Department of Labour has taken with the downsizing. This business plan is not as specific or as detailed as I would like to see it, but it is not the first business plan that the Department of Labour has put forward. It is in fact a process that the Department of Labour has gone through over the last three years. We are seeing that, and I think the Department of Labour is setting an example in terms of trying to find innovative ways to deal with individuals who are going to be laid off as a result of privatization of certain functions within government.

In debating the Labour budget, I'm not going get into the pros and cons of privatization. I'd rather leave that for another time and place. I don't think this is the time to address that, because I know we can go at length with regards to the differences of opinion as to what is happening in privatization within the government.

So with those comments, I would like to thank the minister in advance for the comprehensive answers that I'm sure he will providing, hopefully in advance of the next time we're at the discussion.

Thank you.

MR. CHAIRMAN: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Chairman. If you would first afford me the liberty that was given to the Member for Red Deer-North to extend my warmest regards to the directors and staff from the Westlock hospital district. I had the opportunity for four years of being part of district No. 24, which is now Capital Care. I sat on the board of the Alberta Hospital Association for years, so I know how dear the concepts of good health care, good health care facilities are to most Albertans, and I don't blame them a bit for fighting for something that they feel is right. [interjection] They've got to fight for it, Mr. Deputy Premier. It's good that we can have facilities that are good.

Now, Mr. Chairman, dealing with the portfolio of Labour tonight, first of all, can I ask the minister: is he going to entertain questions or references to the WCB portion of his portfolio in this discussion tonight? Within my 20 minutes, I want to know if I have to enlarge.

[Mr. Clegg in the Chair]

MR. DAY: Mr. Chairman, I think estimates are wide-ranging enough that certainly questions can be asked. As you know, in terms of the portfolio itself the minister is responsible for making sure WCB is being compliant with legislation and with policy. We don't get involved in the day-to-day operations. Certainly, if there are questions you want to ask, there are dollars obviously that flow through the Department of Labour to WCB. However, those dollars are in light of agreements for pre-1974 pensions. I'll have to let the Chair ultimately decide, but I would think that in the spirit in which estimates are done, it would be related to that. However, there's wide range. If you had a list of questions either tonight or some other time, I'd be happy to try and respond.

MR. WICKMAN: Mr. Chairman, first of all, I want to congratulate the minister on his approach in certain areas of Labour and the WCB and other related pieces of legislation. I quite often find myself differing somewhat with his philosophy, but I think he is very sincere in carrying out his functions, and he does have good staff within his office down there on the first floor. I get to go by there quite often using that access out the side, and I kind of miss that smell of fresh popcorn that used to be there at one time. Possibly the staff don't have the time to do that anymore.

Mr. Chairman, I was very, very closely related to labour in the early '70s. I was the founding president of a CUPE local at the University of Alberta, which was kind of a milestone in itself in that university staff were not allowed to unionize formally, but because we were employed by the students' union, about 40 or 50 of us were able to form a formal union and became a CUPE local. We had many, many interesting experiences in being a new union and dealing with management that wasn't accustomed to it. We had a lot of struggles, but we made some major gains in terms of better working conditions.

I've always had a great respect for unions. I know there are a lot of people that tend to be a bit antiunion, who feel that there is no longer a need for unions. The difficulty is that if you didn't have those unions, we would slip back into situations which we saw many, many years ago. There are instances where possibly unions are on occasion too concerned with their own interests rather than being broader, but by and large there is a very, very, very specific role for unions within the province of Alberta.

When we look at the labour situation now, there is a great change, Mr. Chairman. There are things that we used to take for granted. Many segments of the working population were fairly accustomed to job security. Even people that worked for the provincial government, the federal government, cities such as the city of Edmonton - it was always kind of regarded as a position where once you landed it and once you got beyond your initial probation period, you were kind of set for life in terms of job security, because it was very, very unusual for downsizing to occur or for positions to be eliminated. So it is a different ballpark. I respect the fact that the minister has a much more difficult time than some of the previous ministers would have had.

I guess it points out that if ever there was a time for sensitivity towards workers, including provincial workers, health care workers, teachers, and such, now is the time because of the uncertainty out there, the frustration out there, and the experiences that many workers face. I was very, very disheartened when our shining star from Fort McMurray stood up in this House and pointed out the example of a hospital board in his constituency that first convinced the staff to take a 5 percent rollback, and then a good number of them were laid off, and their severance package was based on the 95 percent instead of the 100 percent that they had been receiving prior to their voluntarily agreeing to a wage reduction. That does leave a very, very sour taste in workers'

mouths. They feel like they've been hard done by, and then there's a lack of trust that develops. It's unfortunate.

We see what's happening – and the Member for Edmonton-Meadowlark pointed it out – at the Alberta Hospital, for example, where the Premier may have said very clearly: 5 percent rollbacks are expected in various segments of the population. But then we see that passed on where it is communicated that wage demands in terms of rollbacks are as high as 33 and one-third percent. Again, those workers feel helpless. They can't turn to government, because government's response is that they have a hospital board that is responsible, so government tends to wash its hands of it. In that particular case the president, Ron Hodgins, is pleading with the Premier and government members to step in and demonstrate some justice to those workers.

Now, looking outside the public employ – health care workers, teachers, government employees and such – and just within industry itself and what's happening in the workplace, I've seen people affected by it. My wife, for example, worked 21 years in the food industry, for Safeway specifically. We saw what happened there in terms of the downsizing, but at the same time what was happening – and it's also happening in virtually every facet of the retail operation throughout the province. I stopped by the new opening of Eagle Hardware on the way here. They're in that same situation too. I got to talk to some of the employees. Most employees are being brought on part-time, and that's become very, very standard in the retail industry. They don't have the same provisions in the Alberta labour Act. They don't have the same right to certain benefits. They don't have the same right to protection. They're really, really disadvantaged. There are some of them, yes, that prefer part-time employment to full-time, but there are many who are forced into that situation because other opportunities aren't there. So often, Mr. Chairman, it is those that can least fight for themselves, those that are at the lower end of the scale, those that don't have a union to back them up and, in a lot of instances, the female sector of the population that find themselves in that particular position. That has to be taken into consideration, that not only has the workplace changed within government, within public employees and such, but it's also changing on a broad basis. More and more, of course, we're gearing towards service industries in terms of employment opportunities. Well, that's one area that really hasn't been addressed by government, protection for part-time employees. We've advocated it.

8:30

Another situation that has not been addressed – I was going to say fully addressed, but it really hasn't been addressed – is the question of the reference that is used for replacement workers. It's no longer fashionable, I guess, to use the term scab workers, but they are known as scab workers in some parts of trade unions in particular. We've seen some horrible situations in the past, with the lumber company for years and years. That one was resolved. We saw the ugliness at the Gainers site during the strikes there. There's got to be a way of dealing with those types of situations, building in some type of mechanism that prevents that from escalating to the point that it does.

In terms of labour, I believe the minister has to look at changing times throughout the entire work force, in terms of the entire workplace.

Also, safety on the job, Mr. Chairman. That's been a pet peeve of mine over the years. I myself was injured in an industrial accident, and those things can happen. Mine wasn't carelessness on anybody's part; it was a freak accident. But there are many instances where workers are killed or injured because

proper safety provisions weren't in place or proper safety practices weren't being practised or weren't being enforced the way they should. Workers' lives and workers' well-being and workers' health and such can't be taken lightly.

The Member for Edmonton-Meadowlark referred to one of the other portions that the minister is responsible for, the inspectors. That's a question I have, too, that I'd like the minister to address. I, for example, was approached by a businessman who said that he didn't really understand how this whole new system of inspection – in terms of elevators, in his case – was being practised, was being enforced. Were these private inspectors? Was he going to be allowed, when the Otis people came in twice a year, to allow them to inspect once? There would be a conflict there obviously. Or are they municipal inspectors? Are they provincial inspectors? Are they all going to be privatized? Exactly what is going to happen there?

I just want to touch very, very briefly before I wrap up, Mr. Chairman, on workers' compensation, again kind of a pet peeve of mine, having stated that I was hurt in an industrial accident. Of course, workers' compensation has played a very, very major role in my life since 1964, and I must say that I've had some very, very beneficial, positive experiences with workers' compensation. I've had my hassles, like a lot of workers have, but by and large I've found them to be really, really good from my point of view. But of course I was there accessing programs and benefits when times were a lot different than they are now. Now a lot of the injured workers are facing struggles that I didn't face back in my day.

The Member for Lethbridge-West has a private member's Bill that causes me a great deal of concern. I really don't see this Legislative Assembly changing the WCB to the extent that that Bill proposes. It's very, very important to keep in mind that the WCB serves a purpose for the employer as well as the employee. The present provisions, which would be undone by the member's Bill, prevent the possibility of lawsuits, and that's the protection the employers have. To cap the benefits, as the member proposed, at I believe it was 66 and two-thirds percent or 70 percent rather than the current 90 percent would cause some hardships, and to ask employees to start paying a portion of the premiums changes the picture entirely. But we'll have the opportunity to debate that when that Bill does come before the House.

In terms of the WCB I've always felt myself – and there's disagreement in this caucus by some members, and I'm sure there's disagreement in that caucus as to how the WCB should be approached. In my case, for example, I was given back then a pension of \$263 a month. If they would have said, "Okay; now you're out on your own" – because back then many people told me that I would never re-enter the work force. If they would have said, "Here's your pension; that's it; we're finished with you," I guess I would have accepted it because I wouldn't have known better. But rather than that approach, Mr. Chairman, what the WCB did is run me through psychological testing, and they said, "You have the potential for this and this." They encouraged me, plus they provided me additional financial assistance to go back to get retrained. So I became a very, very productive member of society in terms of repaying benefits through income tax and such, rather than vegetating in an institution and being a drain on society.

I see that the board has a dual role. One is, yes, to provide that loss of income – I'll use that term – and, secondly, to encourage the injured worker, to provide the climate to re-enter the workplace. Now, there's disagreement there when we talk in terms of loss of income. I would have difficulty proposing outright that pensions become redundant once that injured worker

is back in the workplace making an equal salary or a better salary than prior to the accident, but that happens in many, many cases, my own for example. It happens in many cases that the board provides the necessary tools to go out there and make a greater income than what was being achieved previously, tax free to boot. It's very difficult to argue that that's bad for someone already receiving it, and there are a lot of injured workers out there that are receiving their pensions. To start taking it away now in some cases would cause problems.

These things can always be grandfathered somewhere along the road, and the Vern Millard report addressed it to a degree. Somewhere along the road the board has to start looking at the pensions as loss of income. I know there's the other argument, that because you've got to spend the rest of your life without your legs or without arms or whatever, you have some form of additional compensation in addition to just a basic right to go back to work and earn a salary. It is a touchy one; I admit it, Mr. Chairman. It's a very touchy one, but somewhere it has to be addressed. Vern Millard tried to address it, and that report or that recommendation really is sort of in limbo.

Another part of the process I was never able to determine what eventually happened to: there was a subcommittee struck that worked to review about 250 or 275 hard-done-by cases that had been fought over the years. Somewhere along the line that report was sidetracked, and I don't know to this day what happened to those 270 cases that were before the board, if they were each resolved one by one. We notice, for example, a Mr. Horlak* that used to sleep out in front of the Leg. Building. Obviously something was resolved there, because I haven't seen him around for two years, and normally people don't come to demonstrate or protest if everything is hunky-dory. I have to assume that somehow the board sat down with this gentleman and they came to some agreement, some arrangement, which I guess they owed to him, that he was probably entitled to. I just wonder if the same happened to the others, so maybe the minister will have the opportunity to respond to that.

I can understand if the minister doesn't have the opportunity to respond to everything tonight verbally, but written responses are always appreciated. On that note I'll conclude, Mr. Chairman.

Thank you.

8:40

MR. DEPUTY CHAIRMAN: Thank you, hon. member.

Hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Chairman, for giving me the opportunity to add my comments to the Labour estimates debate. My comments are going to be somewhat historical, general, yet estimates-related. Firstly, I want to speak to a matter that is critical to the whole fabric of our society as we have known it in our lifetimes. I speak of the protection of employee rights. These rights include being able to work in a safe environment, fair employment standards, collective bargaining, the right to an adequate wage, and some kind of job security. But apart from some pious platitudes, I see little indication that the government has any serious concerns about these fundamentals. In fact, when I peruse the budget details, I see the erosion of these fundamentals through funding cuts and user fees.

Furthermore, the state of our economy tends to foster and heighten disharmony between management and labour, disharmony, Mr. Chairman, at a time when good relations are even more critical than usual. The spending estimates of the hon. Minister of Labour and the comments recently of some hon.

members across do not hold out great hope that the government has any intention to alleviate this serious situation. If so, where is the evidence of it?

Mr. Chairman, I would also like to consider today some specific matters of great concern to the workers in Alberta, to organized labour in Alberta, and indeed to all Albertans. First, it would be useful to consider very briefly part of the heritage of the labour movement, a movement that despite its stormy history helped give us many things, including the sense of equality we hold strongly in our society today, a sense of equality that makes this Assembly one that represents Albertans, all Albertans, not just privileged Albertans.

Hon. members will recall learning that in the early part of the industrial revolution in England labour organizations tended to be local and usually informal, with hours of work and seasonal time off to handle the agricultural matters that were still the mainstay of the community being of prime concern. However, as the industrial base of the economy became more complex, so did the attempts of workers to protect themselves from some of the horrendous abuses we have all read about. Unfortunately, the combination laws, which for decades had been rarely enforced, became effective tools for stamping out unions in individual factories. The combination laws were repealed in 1824, and from then on the union movement grew steadily, albeit not without its difficulties in size, industry power, legal status, and political clout.

In this it was aided, sometimes inadvertently, by a group of parliamentarians who were responsible for passing laws forcing employers to improve work conditions. Hon. members will remember learning that the most popularly known of these was Lord Shaftesbury, who is credited with establishing, at least in basic form, the principle that an elected government has a responsibility to extend basic economic protection to all citizens, not just to the privileged citizens. Albeit briefer and less dramatic, the Canadian labour experience was similar, moving from local organizations before Confederation to after the Second World War, the labour movement momentum we have all been familiar with.

Keeping in mind the lessons of the past, I would like to address some of the more current concerns of this Assembly. Today we are concerned – and if we're not, we should be – with the struggle of the labour movement for survival. This government with its New Zealand privatize-everything plan is also endangering labour. The privatization of ALCB is a good example, Mr. Chairman. As government services are sold off to private enterprise, employees are laid off and low-paid, non-union workers are hired. The private sector is picking up on this as well, and if continued, unions as we know them today may indeed soon be extinct. Yet this seems to be exactly what this government wants. If accomplished, it will set history back 100 or more years. Can sweatshops and child labour be far behind? These practices may also spell the demise of the middle class, as has happened in New Zealand.

Mr. Chairman, without doubt we are headed for, if we don't already have, a confrontation/co-operation dilemma. Both sides clearly feel the other is trying to intimidate or dominate the other, yet both sides need each other. If both sides are happy and producing, it makes for a healthier Alberta, which, of course, makes us all happier and wealthier. Surely even this government can see that it must consult with all relevant parties with a view to developing a solution acceptable to all. Or can it?

Mr. Chairman, let's for a moment turn our attention to the public-sector workers. After all, as all hon. members know, in this jurisdiction they are the ones who make the governance of the

*This spelling could not be verified at the time of publication.

province of Alberta actually work, as well as making sure that services are delivered. Some years ago the economist John Galbraith noted that stinginess toward the public economy invariably led to significant loss of valuable opportunities. He wondered if society in the long run might get more satisfaction out of better schools and more parks than out of bigger automobiles. I'd like to quote John Galbraith. He said that it is scarcely sensible that we should supply our private wants in reckless abundance while in the case of public goods, on the evidence of the eye, we practise extreme self-denial, unquote.

Now, I am not for one moment suggesting that we return to the reckless spending of the past few years. What I am saying is that we must be fair in how we treat our public- and private-sector workers in all aspects, including fair wages. Workers I think realize that the good times are over, for the moment anyhow, and they are willing to contribute their fair share to getting our deficit and debt under control. What they don't want is that it be done strictly or largely on their backs. Even today we are hearing from the nurses who the government has asked to take a 5 percent cut in pay. Now local boards are asking for another 5 percent or 10 percent or 15 percent. Are they going to be requested to do so again next year and the following year and the following year? Does this make for a happier, productive work force? Is this going to open up valuable opportunities for our economy when we have a demoralized work force? This is what economist John Galbraith talked about many years ago, and I think this government would be well advised to heed his advice.

The minister some time ago said that he would like to see Alberta as the most attractive place for employers and employees to work. There is little example of this right now, so we will wait to see if this indeed does happen.

8:50

Mr. Chairman, I have been speaking of the plights of organized labour, but perhaps it is wise to somewhat widen the range of our vision, especially as we consider the rapidly changing nature of the work environment. I would like to again reflect on the observations of Dr. Galbraith. In his classic book *The Affluent Society* Dr. Galbraith noted that workers' desire for economic security was long considered a great enemy of increased production. He developed an elaborate carrot-and-stick analogy to explain the standard theory that economic insecurity of the work force was necessary for economic health but then went on to refute that standard theory by observing that an historical analysis shows precisely the opposite. It shows that the highest periods of productivity occur when workers feel most economically secure.

Mr. Chairman, this is not a time of security. Indeed, from the position of most workers it is, at least in their working lifetimes, a period of unprecedented insecurity, and in addition to the high rate of unemployment and the overall volatility of the job market, we have a massive and massively changing nature of the type of work available to the work force. Consider, for example, the rapidly increasing numbers of part-time, contract, and home-based business workers. While their economic situation may be in the short term somewhat satisfactory, what about their long-term needs for such things as medical and dental care and pension benefits? Can we not work out some prorated contributory system so that we will not a few years from now leave these new-style workers out in the cold?

In conclusion, Mr. Chairman, I hope I have provided some food for thought. In considering these matters, we must always remember the principles of fairness, equity, and the needs of today and the expectations of tomorrow.

MR. BENIUK: I would just make a few comments. Regarding the WCB, I would like the minister to possibly explain something about the unfunded liability. At one point it was around \$600 million. He indicated a few days back on a radio station that it had dropped by \$200 million in the course of one year. If you take into account the 7 and a half percent levy, that will come out to \$35 million in the course of a year. I was wondering how the unfunded liability could have dropped by around \$200 million in a one-year period without injuring the benefits, rehabilitation, and compensation to the injured workers. It becomes very crucial that one would have to take a serious look at how the unfunded liability – in fact, the entire liability – of the WCB is calculated.

The information that he tabled at my request was an in-house report. I was wondering if he would be considering having an outside source do an evaluation of the liabilities at the WCB, considering the impact that that is having and is driving such Bills as the one that's coming forth, Bill 210, to overcome the unfunded liability. There's a great deal of emphasis right now, as the minister is fully aware, at the WCB to reduce liabilities, and if the unfunded liability is not accurately being calculated because some of the assumptions are not valid, it does create a warped result which does not benefit either the injured workers or the employers.

I do believe it is crucial for everybody to be able to know exactly what the liabilities are at the WCB, what the assets are, which I believe stand around \$2 billion, and what the unfunded liability, which, using the figures that were being bounced around, started off at around \$600 million. If they dropped by \$200 million, now they're in the \$400 million range, but I believe some figures are like the \$350 million range. It's very difficult to see how this drop could have taken place, considering that the income of WCB through their levies and other sources, interest sources, comes in, I believe, at around \$450 million to \$500 million. Take \$200 million out of that; that's 40 percent of the year's income. That is very difficult to comprehend, the drop taking place without injuring the benefits, et cetera, for the injured workers. There is a social contract in place between the employers and the employees that employees don't sue employers; in return employers pay the benefits that look after the injured workers.

I will leave it at this. I do believe I'd like to leave a few minutes for the minister to speak. I thank you.

MR. DEPUTY CHAIRMAN: The hon. Minister of Labour.

MR. DAY: Thank you, Mr. Chairman. There's been some good comments and input and suggestions, as there was in the last session of estimates. The members opposite and members on the government side who have raised questions know from past experience that I do everything I can to get back to them in a detailed way, and then I ask them for comments on my comments just to see if I've left things out. We have a lot of detailed questions again here tonight and some suggestions. To do justice to them, I don't want to address them superficially, but a lot of these I want to look at in-depth. I'll touch on a few, however.

The user fees. I know that was raised last time by the Member for Edmonton-Meadowlark and some others. It's our basic thinking and philosophy that people who gain benefit by a certain service from government should indeed be the ones that directly pay for that service. It's not a hidden tax; it's very openly described and pointed out. Nobody likes paying for something which they once received for free. In fact, as we look at the different industry groups we've worked with, they have acknowledged and said that yes, we should be paying for certain services that indeed we're getting. It's not spread across the entire tax

base, but in fact it's assessed on those people who are getting the service for it.

The question about – and it's related to the safety codes and also the DROs, and there was even a reflection again from the Member for Edmonton-Meadowlark and the Member for Fort McMurray in terms of who retains the ultimate authority and jurisdiction when something gets privatized or moves into a DRO. All the legislation that you see and the regulations are going to be pointing plainly to the fact that the government retains control of standards, and the government retains control of service levels. There will be routes of appeal for individuals and companies that are regulated by a DRO or that move into a privatized area, but the government will be retaining the control of standards and service and, therefore, ultimately will be responsible and will not try and shirk that responsibility.

Both the Member for Edmonton-Meadowlark and the Member for Edmonton-Rutherford talked about replacement workers and the perceived difficulty and problem that it's caused there, and there was reference to Engine Rebuilders. It's the difficult balance that we try to achieve. We know there isn't agreement philosophically with everybody in terms of allowing for replacement workers. It is trying to achieve that balance, though. If somebody goes on strike, they do have the option of still using other means to bring in an income. So the balance to the employer is to provide for them an option on continuing income, albeit reduced because replacement workers usually are not of the same training level and level of expertise. However, it's very plain in the legislation that a replacement worker has to step aside when the strike is over, and, first of all, everybody who was on strike gets priority in terms of getting back into the employment of that particular business that was on strike.

I'd like to say also that it was good to see both Ziedler's operations resolve their long-standing disputes. Again, maybe everybody wasn't delighted with it, but two very long-standing disputes and several years in duration, and it was good to see them finally settle.

The Member for Edmonton-Beverly-Belmont talked about the right to an adequate wage and to job security and felt that the government has been somewhat deficient in securing those. In fact, there is no legislated ability these days to say that we all have job security or in fact that anybody has job security. What is going to make a job secure is an efficient work force and a management team that cares about that work force, communicates with them effectively, is very open with information sharing, and the two forces in fact seeing themselves as one: the employees seeing themselves as wanting to do everything they can to make the employer or the company successful, and then the other side is the employer or the company doing everything they can to meet the needs of the employee. That's what's going to guarantee job security. There's no way it can be secured in this highly competitive global marketplace in which we live and work, that we can pass any kind of legislation that guarantees or secures a job. In fact, the most security will be gained by that type of relationship which I've talked about.

9:00

There was a reference also about disharmony between management and labour. I think the records will show that the person-days lost in terms of work stoppage as related to strikes in the province are still the lowest in Canada, and the record, I believe, is an enviable one. That's to the credit of employers and employees in the province working together to resolve their differences.

We are in a new era of labour/management relations. Just recently we've heard more and more about unions talking about mutual gains bargaining, and the employers talking about that. We've seen in the construction trades area those representatives presenting themselves to the major industrial construction site operators and saying that we recognize that we have to look at things like cross-crafting, not become narrowly glued to just one person doing one very narrow type of work. In fact, we have to have the ability to move across those barriers that before were impenetrable and to hear union representatives saying that we realize that we can't demand a major employer hire us but that in fact we have to sell our abilities and what we offer to them. I believe we are moving into a new era there. We need to have enlightened management/labour relations on both sides, and that's going to come through discussion and through co-operation and consultation. It's not something that can be legislated in an arbitrary kind of way.

Also, the Member for Edmonton-Meadowlark talked about the employment pension branch, and she correctly identified that that branch does run on a very tight budget. Virtually all private pensions in the province are required to be under the governance of that particular branch, and as a credit to the previous director of that branch who has left us, unfortunately been hired away – and that's one of the difficulties we now face in government with being able to pay reduced salaries. We are going to see good people being hired away to other organizations. That particular branch is looked at across the country in terms of the systems that they've set up to be able to do the types of auditing that need to be done on private-sector plans. I can assure the member that we are aware that they are operating on a hold-the-line budget, and their workload is large, but they've developed certain technologies and systems to be able to allow them to do their work.

The Member for Edmonton-Norwood talked about the actuarial studies, and they are sound. The Auditor General has indicated that. I can look into what would be gained by this combination of inside and outside reporting and investigating on the actuarials to see if there might be something that could be gained by that. We'll take a look at that. I don't know if there could, but it's worth taking a look at it. The figure is the \$350 million mark in terms of where it stands now. That's a very credible reduction. It's that combination of: yes, there is an increased levy on employers but increased management of claims in a more consistent way, the reduction of administration costs. We see now a surplus on the administration side and not a deficit. So there has been real progress made there.

A number of other questions have come up that I want to, as I said, give a serious look at and respond back to members who've raised them and see if they're satisfied with the answers or not. If they're not, then I'd be willing to take another look at what we can do to continue to pursue some good suggestions we've had.

On that note, I'd like to thank all members, members opposite and members on this side, for good input. I will be getting back to them. At this point I would call for the question on the estimates of the Department of Labour.

MR. DEPUTY CHAIRMAN: All ready for the questions?

HON. MEMBERS: Question.

Agreed to:

Program 1 – Departmental Support Services

Total Operating Expenditure	\$8,548,000
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Total Capital Investment	\$241,000
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Program 2 – Work and Safety Standards	
Total Operating Expenditure	\$3,666,000
Total Capital Investment	\$10,000
Program 3 – Work and Safety Client Services	
Total Operating Expenditure	\$20,644,000
Total Capital Investment	\$150,000
Program 4 – Labour Relations Adjudication and Regulation	
Total Operating Expenditure	\$2,061,000
Total Capital Investment	\$46,000
Program 5 – Occupational Health and Safety Services	
Total Operating Expenditure	\$3,295,000
Total Capital Investment	\$65,000
Program 6 – Development of Policy and Legislation for Professions and Occupations	
Total Operating Expenditure	\$988,000
Total Capital Investment	\$10,000
Program 7 – Worker's Compensation	
Total Operating Expenditure	\$2,750,000
Summary	
Total Operating Expenditure	\$41,952,000
Total Capital Investment	\$522,000
Department Total	\$42,474,000

MR. DAY: Mr. Chairman, I move that these votes be reported.

[Motion carried]

MR. DAY: Mr. Chairman, I move that the Committee of Supply do rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

9:10

MR. ACTING SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. The Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again.

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 1995, for the department and purposes indicated.

For the Department of Labour: operating expenditures of \$41,952,000, capital investment of \$522,000, for a total for the ministry of \$42,474,000.

MR. ACTING SPEAKER: Thank you, hon. member.
Do you all agree with that report?

HON. MEMBERS: Agreed.

MR. ACTING SPEAKER: Opposed, if any. Carried.

[On motion, the Assembly resolved itself into Committee of the Whole]

head: Government Bills and Orders
head: Committee of the Whole

[Mr. Clegg in the Chair]

Bill 4

Employment Standards Code Amendment Act, 1994

MR. DEPUTY CHAIRMAN: We are on our fourth amendment, an amendment to section 6 of Bill 4 by striking out section 76(h) and (k). The Minister of Labour was speaking.

MR. DAY: Just very briefly, Mr. Chairman. I am delighted with the very extensive review that we've had so far on the Employment Standards Code Amendment Act, 1994. It has been extensive. I have tried diligently to address the concerns that have been raised. I realize that I have not been totally successful in satisfying all the concerns raised by members opposite. All I can say is, as John Wayne said one time, there ain't no end to doing good. So I'm trying to do my best here. I understand that members opposite do have some amendments that they'd like considered plus the one that's under consideration now. So I'm anxious to listen to that discussion.

SOME HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: Question on the amendment.
The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you. We have had considerable discussion on section 76(h) and on section 76(k). I'm loath to move off of those particular sections onto the other amendments without first understanding in full what the government's perspective is on these particular issues. I must admit, given the extensive discussion we've had to date, that I would have hoped that there would be something more forthcoming from the Minister of Labour, and perhaps that is still forthcoming.

What I would like to do is just indicate to the minister what some of the points were with regards to this particular area. Given the budget that we have just passed with regards to Labour, there are some very distinct concerns when one looks at the selected premiums, fees, and charges with regards to employment standards fees. In particular there are three areas under employment standards fees. One is variance from code, two is audits, and three is order of officer and appeals, and even though this is within the budget, I would still hope that the discussion that we will have with regards to the employment standards Act will directly impact on what these particular items are.

The variance from the code. My understanding is that if, for instance, I as an employer wish to hire someone who is disabled, I could apply for a variance from the code to have a lower minimum wage. Now, what we are seeing here is that the fee is going to be from \$25 to \$100 for those employers who are looking at hiring individuals who perhaps might not be able to get a job in another situation. The question, of course, there is: why are we charging individuals who are looking at helping those who are perhaps unable to find employment unless there is a variance from the code?

With regards to the audits, I would like that the minister assure the House that what we are looking at is that the payment, in other words \$50 or 10 percent of the amount owed, is for the employer only. Again, when we look at what the Act says, there is not an area within the Act that really deals with that. It leaves it open, and that is a concern that we on this side of the Legislative Assembly have.

When we look at order of appeal of officer/appeals, it's 10 percent of the order. Now, again the question is: is that for the employer only, or does that also include the employee so that if there's an appeal and – it's very vague. I'm not sure what that means when I look at those particular fees in relation to 76(h) – and again I would like to refresh the minister's memory as well as the others who are in this Assembly – which then deals with authorizing the Director to charge fees for the purpose of recovering all or part of the costs of the Government in administering this Part, including, without limitation, costs related to

- (i) conducting audits of employers' records.

That one's very clear: it's employers' records. So the assumption there is that the employer is going to be charged for those audits. Maybe it's not so clear. It's the employers that are going to be charged.

The other is in terms of "the filing of complaints, applications, and appeals." Again, if I as an employee am putting forward a complaint, am I going to be charged for that, and are we going to see in the '95-96 budget an item under employment standards fees that then deals with charges to employees?

Third is "the investigation and mediation of complaints." Again, if I as an employee am going forward to have a complaint investigated by someone within the employment standards branch – and this is of course assuming that we are not privatizing the employment standards branch, which is perhaps an assumption that I should not be making. Again, "the investigation and mediation of complaints": is that that it is the employee that is going to have to pay for that?

The other is in terms of "the processing of appeals." Again, this directly feeds into this 10 percent of order, the order of the officer/appeals. What is the problem there?

And then:

- (v) the issuing of documents,
- (vi) the filing, registering and enforcing of orders, and
- (vii) the provision of other materials or services by the Government.

Now, already what we have seen happen is that one of the amendments within the Act talks about charging individuals who may have to be educated. But again, what is the question? What is going to happen to those individuals who wish to get a document, whether it's a self-help kit or whether it's some other document, from the employment standards branch? Are they in fact going to then be charged with regards to the provision of materials or services by the government?

9:20

There has been a lot of interest generated in the public and in the media with regards to what this particular Act means and what the consequences of the passage of this Act in its current form also mean to those employees who are looking at having to down the road file a complaint against an employer. This is not a thing that an employee willingly does. This is not an action that an employee goes to work thinking, "Today I'm going to file an appeal with the employment standards branch." What this provides is the opportunity for an employee to in actual fact go and apply without fear of repercussion. This is a key, a crucial area with regards to the Department of Labour. For the Department of Labour to basically throw up its hands and say: "Oh, well, this is not an important function. I don't really care what happens to employees within this province, we can charge them. We can privatize. We can just disregard what the needs and requirements of employees are" – I really think that is not what the intention of the Department of Labour is. I would hope that the minister will look at these provisions, look at the amendments that we have put forward, and recognize that in fact these are amendments that will preclude employers from perhaps taking

advantage of employees who could not afford to utilize the services of the employment standards branch. Those are some of the very basic concerns with regards to this particular section.

The minister has over and over stated that he does not – and I'm quoting – "want people to think there's going to be a charging of fees to employees who want to file complaints or for investigations." In fact, the news releases that the Department of Labour has itself put out have reiterated that as well. Well, if that is the case, then why have it in legislation? There is absolutely no purpose for these particular areas, 76(h)(i), (ii), (iii), and (iv), to be there if there is no intention to charge employees other than for vexatious and frivolous complaints. There is adequate provision within this document as it now sits, if those particular areas were to be deleted, to in actual fact still be able to charge for those complaints that are vexatious or frivolous. As we go along within the reading of this particular Act, what we will see is that there are some areas of concern even with regards to the vexatious and frivolous complaints, because there is no definition of what that is.

Now, the minister has indicated during our last debate on this particular item that he, in fact, will be providing the draft regulations or the regulations prior to this Act being proclaimed. The question I have with regards to that is: at what point in time do we see the regulations? Is it after the passing of the particular Act, which as the opposition we are not at this point in time willing to see happen without these issues addressed? Or is it between the Committee of the Whole and second reading and prior to third reading that we will as the opposition be afforded the opportunity to look at the draft regulations? I think this is an important point of clarification that I believe the minister will be more than willing to address in his open and forthright and aboveboard manner.

The major concern is that we do not want to have a user-pay system that sees the employment standards branch negating the filing of genuine complaints. I don't believe that there is a single member in this Legislative Assembly that would want to have one of their constituents – because it is not only my constituents that will be phoning me and saying: "I can't afford to file a complaint. I have just been fired. I have just been laid off. This is not in accordance with what the laws of this province say, and I cannot afford to go and file a complaint." It will not only be my constituents that will be coming to me, but it will also be your constituents that will be coming to you and saying, "How could you have put forward such an Act and in fact passed that Act?" I think there's a degree of accountability that each one of us has to look at in terms of what the provisions of this Act say.

This government has said that they care and that they listen. This government has said that they are not a mean government. This government has said that they are a kind government. What we are seeing in this particular legislation is an attitude of: well, let's put it in; let's believe that even though we've got the provision here, we're not going to use it. Well, why not just let's turn that all around and say that we don't have any intention to charge for

- (ii) the filing of complaints, applications and appeals,
- (iii) the investigation and mediation of complaints,
- (iv) the processing of appeals

to those individuals who are in fact not putting forward a complaint that is vexatious or frivolous. Why don't we just agree to say that this is not the intent and therefore these clauses can be deleted?

There are a number of concerns with subsection (k) as well that I have not addressed at length but that I think we can address in this particular portion of my 20 minutes that are allotted, and that is the fact that this particular section talks about how the fees may

be paid and how the fees may be recovered. The questions there are: from whom will these fees be recovered? Why? Is this in fact the clause that is going to allow the government to privatize the entire operation? I think again it behooves the government to be up front in terms of: what is the future of the employment standards branch, and where is the government heading with regards to this valuable area that deals with the non-unionized sector? I have mentioned this before, and I will mention it again. That is, the non-unionized sector that this particular Act deals with; that in fact this is the only piece of legislation that ensures that there are some standards within this province that address the minimum. These are not maximum, but these are minimum working conditions for workers within this province.

One of the things that I guess perhaps members of the government are saying is: "Well, why do we need to worry about it at all? Why do we need an Employment Standards Code?" I've heard some comments during the question period and during debate from some members of the government – not from the opposition; you won't hear that from us – that say that there is no place for organized labour within this province. There have been in the past Bills put forward – I don't think there are in this particular session, but there were in the last session – dealing with the right to work. Is this just an extension of a philosophical bent that this particular government has towards workers as a whole? Are they now saying: not only do we not like organized labour but we don't like any kind of labour, and there should be no standards at all within this province because there will be no enforcement of standards? If you're not going to enforce standards and if you're going to allow the private sector to work within what was in the past a government-regulated milieu – because I see in here very few limitations in terms of what some of the decision-making processes are. If we are going to allow that, then is that in fact what the government is saying? I'm sure the minister will get up and will set me straight on that. I would be more than pleased for the minister to say that I am wrong, wrong, wrong, and I'm sure those will be the first words out of the minister's mouth with regards to whether or not this is what this Act is leading towards.

9:30

There are a number of areas that I think we need to address in terms of looking at this particular legislation. The charging of fees is virtually for all aspects of the employment standards branch work. It is not for a small segment; it is not for an isolated incident. It covers just about everything that the employment standards branch does. So by the government indicating at this point in time that there is no need to address these particular concerns – and again I would hope that the minister gets up and proves that I am wrong on this – what in fact we are looking at is a situation that can have consequences within this province among the working force that is not what this government would wish to see.

I think under 76(h) as well, one of the members of the opposition had addressed the fact of whether or not the fees can be waived. The minister had indicated in his comments that yes, that might be addressed within the regulations and in fact may well be covered within the particular section, and the section reads:

respecting the circumstances under which such fees may be charged, who is liable to pay them, the amount of them or the manner in which the amount is to be determined, how and when they are to be paid and the manner in which they may be recovered.

We have not put forward an amendment as yet on that particular clause, but we could well look at an amendment that would read "or waived." I think that would then clarify the intent of that particular section.

We have had complaints from people who have said that as the situation now stands, it takes a while for complaints to be processed. Again, when we look at the charging of fees, are we then saying that there is another administrative hurdle for individuals to go through who will in fact be trying to have a claim processed through employment standards? When someone is fired or laid off or disciplined – not so much disciplined but when they are fired or laid off from their job or they have not collected their overtime payments or they are being inappropriately paid under employment standards, the situation should be such so that there is not a significant time lag in being able to process the claims.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, hon. member.

Are you ready for the question on the amendment?

Oh, sorry. Edmonton-Norwood.

AN HON. MEMBER: Question.

MR. BENIUK: Thank you. You would like to ask a question? Somebody's calling for a question. I'm not too sure if they want to ask a question of me or of the minister.

MR. DEPUTY CHAIRMAN: Hon. member, I was the one. I didn't see anybody standing. I'm sorry. You're behind this fine gentleman.

MR. BENIUK: I thank you. Mr. Chairman, I would like to address to the minister a few concerns. I raised some last day in this area, and I would like to proceed.

I realize that one can draw, as I mentioned last day, a comparison between the WCB situation, where a massive amount of power is being placed in the hands of one or two or three people. As I look at (h), (i), and (j) of section 6, these concerns are extremely important. For example, in (j), where collection of costs is going to be undertaken, is it possible that small companies could be driven into bankruptcy by the costs imposed upon them? This is not only a Bill that should concern workers; it also concerns employers. In (j) there is no indication of an appeal process to the courts, as there is not in (h) or (i). I mean, there is a reference here to the Court of Queen's Bench documents being filed, but it's a very vague statement. Do you file documents and that's it? What happens when a company cannot pay and it faces bankruptcy if the costs are more than what they can pay at that particular time? All companies go through very tough times. The cash flow can vary quite dramatically from month to month, from year to year, and decade to decade.

There is a very serious concern that the person who appoints an umpire appears to be the director. If somebody disputes what the director is doing in levying costs in (h), the director then appoints someone to be the umpire to resolve the problem. This is not exactly an arm's-length appointment. It is an appointment by one side – that is, the director – to resolve a problem between what the director is saying should be the costs and how they should be paid and what either the employee or the employer is required to pay, and I do believe that this is a very serious concern. Once again, I draw the minister's attention to the fact that there doesn't appear to be an appeal process to the courts in that section or to another body other than the umpire appointed by the director.

Going up to (h), we run into once again a very serious consideration. It says here, "the costs . . . without limitation." As the Member for Edmonton-Meadowlark pointed out, you will be charging up to \$100 per hour. Now, surely no one is being paid \$100 per hour, so it's not the cost of one individual that will be

doing the investigation or the auditing. Okay, I agree there are other costs – you would have some secretarial; you'd have some paper; you'd have some office – but the question that arises is: what are you going to define as costs when an appeal is launched, when documents are issued? What is the cost? Is it the whole infrastructure, the office, the building? What happens if you have a surplus? Are you going to refund it to the people that during the course of the year filed appeals, required documents, et cetera, filed complaints, requested investigations, or is that going to be part of the general revenue to operate the Labour department? If it becomes that, then it could become an extremely profitable cash machine to the Department of Labour. This is a serious concern, because if you're going to use user fees and justify them to cover costs that you say should be paid by someone that receives a particular service, then those costs should equal the actual cost of that service. They should not be used to underwrite other operations, and this is very possible under (h).

So we have here, as I mentioned last day – and I really would like the minister to respond – provisions for a massive levy of fees, taxes, whatever term you want to use. Money will go out of the pockets of individuals, out of companies to pay for a service that the government will provide, as listed from (i) to (vii) in subsection (h).

A dispute arises. The person that's administering this section names an umpire. The umpire is not going to be very neutral, and if there is a dispute, the collection agency, whether it's government or private, goes into action to collect. You have a situation where employers will not exactly benefit financially. They could be wiped out, especially small companies, and most of the jobs being created in this province are by small companies of five employees or less. So you have small companies generating jobs, and many of the businesses in this province – the stores when you walk through any department store, the stores on the main avenues and streets, also in small towns, et cetera – do not have a massive cash flow. My concern is not so much the big corporations like your Esso and your Shell; it is the companies of five employees or less. If they're given a bill, I would like the minister to give some assurance that they will not be forced into bankruptcy, creating unemployment, creating a situation that will do more damage than the benefit derived by the government levying a fee.

9:40

It's the amount of the fee that's an issue which I'd like to raise. It is how it's going to be calculated. What is the cost when a service is provided as outlined in (h)? What is the cost? A definition: obviously it is that of one individual. Then the question is: how many support people? Will vehicles that are going to be used be included? What happens if the vehicle is used only partially on this and 99 percent on something else? How do you work this out? How do you work out your costs in relation to assessing a fee? What happens when you have a surplus? What happens when people cannot afford to pay?

These concerns I'm sure are going to be raised – and maybe they have been raised with the minister – by people that are employers, that are employees. I'm sure the minister – and I will give him the benefit of the doubt – is trying to come up with a good compromise that will benefit the employees, benefit the employers, and at the same time try, as he has referred to a number of times, to bring in a user fee for the service provided, a user fee which hopefully will be very fair. Right now the way this is provided for this House to look at, it doesn't provide these guidelines.

Now, the minister at one point referred that he will present regulations, and I look forward to seeing as to how those regula-

tions relate to these points. But perhaps the minister may want to refine the wording in these sections so that no problems will arise and that when the regulations are being put together, there is a guideline that the regulations will fit into so that there is no abuse.

Last day I had asked the minister – and I still look forward to his response. When the fees have been set up or are about to be set up, is it the total revenue that the minister has in mind or is it what the costs will be per service provided, which then results in a total sum being calculated? This is very important. You would end up with a surplus in one way, if you calculate a fee for service, that brings in more revenue than the costs involved. On the other hand, if it is an attempt to generate a certain amount of money through the user-fee system, then there is a great danger that when the worker files a complaint, requests an investigation, the employer that's going to be audited, who will end up with a bill, could be paying a very high fee, which is in fact taxation rather than the definition the minister uses to cover the term "user fee."

The definitions have to be refined, and I would ask the minister to provide to this House some guidelines that he has in mind, some definitions to clarify these very serious concerns. If they're not clarified now, when this Act comes into place, the employers and employees will definitely be rising in shock, in dismay and, as with the WCB, many complaints will start flowing forth. It's better to bring forth and refine the legislation so we don't have these problems, for I am sure the minister, as the WCB minister, is aware that every MLA's office, including his own, gets WCB complaints. I don't think the minister would like to open the door to have this legislation come forth and have a lot of complaints flowing to the minister and to other members of this House.

I would urge the minister to provide at the present time some definitions that I have requested to overcome my very serious concerns. I would yield the floor to some other member who would, I'm sure, like to comment on this. Once again I would ask the minister to address these concerns in a very forthright manner at the earliest possible moment.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Chairman. I just want to speak on this for a few minutes. Labour was, of course, covered very, very thoroughly and very extensively by our Member for Edmonton-Meadowlark. However, I do have concerns in section 6, on page 2, that this amendment would apply to. Reading some of the background information on this, first of all, it looks to me like this is a major, major shift in terms of the department's approach to the various aspects that are identified. I recognize that there has been a limited degree of opportunity for participation by specific individuals, but when we talk in terms of the impact on both employers and employees, I'm not convinced that it is sufficient.

When we go through, we have to recognize that it is authorizing the Director to charge fees for the purpose of recovering all or part of the costs of the Government in administering this Part, including, without limitation, costs related . . .

Now, when we talk in terms of all or part, it can become very, very extensive. As pointed out by the good Member for Edmonton-Norwood, there is a fear it could in fact bankrupt a little business that is attempting to survive in today's economy.

I guess the minister's going to have to address just what charges, if any, have been incurred by employers or employees as they relate to any of these specific functions that are named.

Conducting audits of employers' records. That to me indicates, for example, that somebody from the department could go in and check an employer's records, not even based on complaints, almost like the federal government income tax coming along and saying, "We're going to audit your books" and then, adding insult to injury, turning around and charging you for that audit, when they're not really there to benefit you. They're there in fact to attempt to catch you doing something wrong by their definition. So to talk in terms of charging a user fee for an audit conducted by the department, not necessarily at the request of the employer, causes a great deal of concern.

We look at (ii), the filing of complaints, applications and appeals. Now, we talk in terms of the filing of complaints. Is that referring to an employee working for, let's say, a fast-food outlet at \$5 an hour who has a concern about the treatment being imposed by an employer in terms of the number of hours that have to be worked or in terms of identifying those hours, recording those hours? If that individual, who is very, very low paid to begin with, files a complaint, a very valid complaint, or an appeal or an application, whatever, then is that employee going to be asked to put money up front? Is that employee going to be asked to pay costs after the complaint has been investigated? Does it only apply if there are some grounds found in terms of a violation by that individual? Exactly where are the criteria laid out specifically?

9:50

The investigation and mediation of complaints. Now, again, is that going to discourage a worker from even launching a complaint? There are many, many complaints that are filed within the work force, many of them very valid complaints, particularly by those who don't have the protection, again, of unions or staff associations or who work in jobs where the amount of education or training may not be the same as it is in many other areas.

The processing of appeals, the issuing of documents, the filing, registering, and enforcing of orders, and so on and so forth. I don't know if it's the minister's intention through regulation to specify specifically what limitations would be on any of these fees that would be charged, in what situations they would be levied, whether there's going to be a grid. I would think, Mr. Chairman, that the easiest way of dealing with something like this is going along with the amendment as proposed by the Member for Edmonton-Meadowlark and just deleting that particular section and possibly going for further consultation with organizations that represent workers, unions and such, or associations that represent business, particularly small business.

It's got to be of major concern not only to members on this side of the Legislative Assembly but many on that side. I know the Member for Lethbridge-West has many, many times spoken up from the point of view of employees working for small business. So I'm sure that there is concern amongst government MLAs and that many of them would probably breathe a sigh of relief if they knew that the minister would be prepared to stand up and say: yes, I want to see this particular section deleted.

On that note, I'll conclude my comments, because there are others that wish to speak on it. I thank you very much.

MR. DAY: Well, speaking to the amendment, Mr. Chairman, and its reflection on 76(h), I'm trying to honestly address the concerns that are being raised opposite. I believe the concerns are sincere.

The Member for Edmonton-Meadowlark is talking about having a major concern seeing employment standards charging for legitimate complaints. I guess it's easy for me to say trust me, but I want to do more than say that. I want to put action to my

words. I can say absolutely that there is not going to be an assessing or a charging of fees for legitimate complaints. That is not the intent of this at all. As we said when we looked at it in second reading in terms of the principle of the Bill and as I've said as we've looked in detail in committee, we are looking at dealing with a very small percentage – estimates are maybe less than 2 percent, less than 1 percent of employers – giving the employment standards people the ability to assess costs in dealing with either delinquent or continually abusive employers. It is not intended at all that we see employment standards charging for legitimate complaints.

I just have to say respectfully that I don't agree with Edmonton-Meadowlark saying that we're opposed to organized workers, that now it appears that we're opposed to nonorganized workers. That is absolutely not the intent. As a matter of fact, the intent of this whole thing is to free up the officers to do the kinds of investigations and following up of complaints on behalf of employees that we need to do. This streamlines that process and deals with the abusive and the frivolous nature.

The Member for Edmonton-Norwood had a concern – I was glad to hear it – in terms of the small companies. Indeed, if small businesses are deemed and found to be abusive and employment standards rules against them, yes, they could be facing fines and charges. One of the things I've done here, as you've seen, is raise considerably the amount that fine could be. The maximum goes up considerably. In fact there's the possibility of seeing such a situation develop where a company may not be able to deal with that fine. But already the Act allows for employment standards officers to look at situations, and if it was determined that the company which had previously been abusive in a consistent way now really did seem to be wanting to mend its ways, the payment structure of that fine could be handled in such a way that a company could be kept solvent. But it would not be intended that a company could just say, "Well, I'll go bankrupt if I have to pay the fine." If the company is only staying solvent because it's abusing workers, then I would suggest that that type of leniency wouldn't be given. That is clearly the intent there.

In terms of defining costs – that's a good point, again raised by Edmonton-Norwood and also by Edmonton-Meadowlark in an indirect way – there is no attempt whatsoever to assess or assign costs to pay for the operation of the employment standards branch. That is not the intent at all. Any costs assigned would be actual costs for the service delivered. I've used the example of an accountant having to be brought in to look at the books of an employer, or whatever it might be or some other professional services. Those are the direct costs. They'll be invoiced, assessed, clearly delineated, and it would clearly be pointing to the costs of doing that particular investigation. It is not an attempt to bring revenue into the employment standards, but it's an attempt to truly define user pay and see that that employer pays the actual cost.

I understand that there are some other amendments which the members may be bringing in. What I'd like to do to give some comfort, if I can, is suggest to the members that I believe we have some ways via amendment that I would be prepared to introduce, because of the comments and concerns brought up by members opposite, to show in more than just words but in fact and in action that I am willing to go not just the second mile, or the second kilometre – I believe I've done that already – but in fact the third or fourth mile and cover all the hectares to show that we are serious in terms of employees not being assessed for filing complaints and to show our intent that this Bill will not come into force until it's proclaimed. That will happen when the regulations are drafted.

We will apprise and ask the members opposite for input into those draft regulations. Just to keep it totally above board, I won't be so naive as to say that every single suggestion is going to be taken, because if they're wonderful and totally in tune with what I think, then I wouldn't be needed here. But we will, as far as we can, see the members opposite apprised and kept involved and abreast of the development of those regulations and how they're proceeding. I am confident that they will see in that regulation development that indeed we are looking at the abusive and delinquent accounts and that we are not going to be charging for complaints of employees. I am willing to bring forth an amendment to that effect, to show that, because of the concern raised by Edmonton-Meadowlark and Edmonton-Norwood and others. I am sure it won't be written a hundred percent the way the Member for Edmonton-Meadowlark would write it or the Member for Edmonton-Norwood would write it, but I believe that if they look at it, they'll see that, yes, the intent is there, that this government is serious, the minister is serious about wanting to make it very plain that employees are not going to be charged for filing their complaints. We'll make that plain and also the issue of regulation.

It's in the spirit of that that I would be voting against the amendment right now, under 76(h). If we went forward with that amendment and accepted it, that would rob us of the ability to be able to assess costs to employers for investigations and other things; it would totally rob us of that. I hope the member opposite understands that when I say that I'm voting against this particular amendment about which we're now talking, I'm going to be following up with amendments to show what our true intent is. I appreciate the concern, but I believe we can address it.

On that point, I would call for the question on the amendment.

10:00

MR. DEPUTY CHAIRMAN: Are you all ready for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. DEPUTY CHAIRMAN: The hon. Minister of Labour.

MR. DAY: Thank you. I am now going to show my good faith, and in spite of the fact that I'm hearing from my worthy colleagues to call for the question, I indicated that I want to demonstrate the good faith here with the two amendments which I'll bring forward at this time. I would ask that they be distributed together, but in fact of course we will vote on them one at a time.

The first would be regarding what I said about the Act not coming into force until it's proclaimed. That's a relatively simple amendment, and I believe they're being distributed as I speak. The Bill will be amended so that the following would be added after section 16, saying, "This Act comes into force on Proclamation." So it's clearly saying that the passing of the Act and the voting on it here in the Legislature does not bring it into force. It will not happen until it is proclaimed, and the proclamation happens when the regulations are developed. We'll keep the members advised and involved as far as we can in that development, and that is what is presently being distributed.

MR. DEPUTY CHAIRMAN: We'll just wait a second while it's being distributed.

Before we start on this amendment, there are two amendments by the Minister of Labour to Bill 4. I hope you all have a copy now. The only way we can deal with these together is with the

unanimous consent of the House. Have we got unanimous consent to have these together? You want to do them one at a time?

MR. DAY: Right, Mr. Chairman. I'm not asking for such an onerous agreement. I believe the members opposite would struggle with that. I just asked that they be distributed together. We are looking at the first one, which would call for the Bill to be amended by the following being added after section 16, saying, "This Act comes into force on Proclamation."

MR. DEPUTY CHAIRMAN: Do you all understand?

[interjection] Sorry; he's too big. The Member for Edmonton-Meadowlark.

MS LEBOVICI: I should try standing on the chair, and then you'd see me. Right? But I guess that wouldn't be quite appropriate.

What I would like to briefly indicate is that I would like to thank the minister for his show of good faith, and I am looking forward to seeing the draft regulations with regards to the items that are contentious within Bill 4.

MR. DEPUTY CHAIRMAN: Are you ready for the amendment to Bill 4?

HON. MEMBERS: Yes.

MR. DEPUTY CHAIRMAN: I hope I've got the right one. The Bill is amended as follows: the following is added after section 16, "This Act comes into force on Proclamation." Have I got the right one?

[Motion on amendment carried]

MR. DAY: Mr. Chairman, the second one involves the concern – and I realize that it's been brought out in detailed fashion by a number of members opposite, including the Member for Edmonton-Meadowlark and the Member for Edmonton-Norwood. Rather than get back in to all the nuances of all of their comments, basically the concern comes down to the legitimate concern about employees being charged for filing complaints, and that was never the intent of this particular Bill nor will it be. I personally believe it is addressed in the Bill as originally written, but members opposite have some difficulties with that. I take those difficulties as being sincere and as a sign that they want to see something a little more clarified along that line so that that won't happen. So the amendment I'm suggesting – because, as I stated before when I voted against the amendment to 76(h), we simply can't drop all of those. We'd lose the ability to make legitimate charges to that small range of employers – that's not a bad-mouthing of employers, but there is a small percentage delinquent and abusive as related to employment standards. The concern by Edmonton-Norwood about them being put into bankruptcy: if an employer just follows the employment standards code, they have nothing to worry about in terms of those developments.

However, moving on to this amendment, what I am prepared to do, though I know maybe even some of my own colleagues may struggle with it – I don't think it weakens the Bill at all, and I think it does show our intent and good faith. We would amend the Bill as follows: section 6 would be amended as to the proposed section 76(h)(ii) by striking out the word "complaints." So when you would read that, just in case some members don't have it in front of them, 76(h)(ii) now says "the filing of complaints." That word "complaints" is in there. That is now dropped. The word "complaints" is dropped, and that I believe

shows their intent that employees filing complaints are not going to be charged. That is not the intent of this Bill.

MS LEIBOVICI: I again would like to thank the minister for his consideration of our concerns. I would just like to point out that the concerns were not only with the filing of complaints with regards to individuals who need to access the services of employment standards but that there should not be, I would hope, any charging of services, not only for the filing of the complaints but for the putting forward of applications, the investigation and mediation of complaints, unless they are vexatious or frivolous. I think we do have agreement on that particular area and that if there are to be any charges, those are levied towards the employer as opposed to the employee. I see the minister nodding his head in agreement, and I'm sure that the draft regulations will address these particular items.

I again would just like to put on record that the minister has looked at our concerns and is trying to deal with those concerns in an equitable manner. Thank you.

MR. BENIUK: I still have a concern here. There is now the situation that if a person has a complaint, the person can file a complaint and will not be charged, but the minute somebody in the minister's office in the Department of Labour looks at that piece of paper, there's a charge, for there is a charge for investigating. So my question to the minister would be this: what is the rationale for having someone file a complaint when it's going to end up going into a file, into the garbage pail, into a vault and be lost? The whole process should be that if there's a legitimate complaint, the person that has come to you or to an official like the director with a legitimate complaint should not be penalized, and this does not resolve that problem. I would ask the minister to try to explain why I should have peace of mind on this particular issue the way it is worded.

MR. DAY: Well, I said at the outset of my remarks that I believe this is a demonstration of good faith. We have deleted this portion on complaints, and right now, even before these amendments, already it's historically evident that employment standards officers did not take complaints from employees and file them somewhere, but in fact they followed them up. That'll continue to be the process. There will be no charge for that, and there is obviously no intent whatsoever that somebody would look at it and then immediately it goes aside or a charge for an investigation begins.

10:10

I said in proposing these amendments that I felt I was going the third and fourth and fifth mile and that some members may not agree with that. I don't know that I have total agreement over here on this side with mine, and there may not be total agreement on the other side, but the intent is there. With the development of regulations I believe the member will see that, and I believe I've demonstrated good faith. On that point, I would call for the question on the amendment.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Chairman. I just want a clarification here. I accept there's good faith. Somebody files a complaint to be looked at. My concern is: at what point does the charge start, and what is going to be the charge? I mean, we are concerned here about resolving a problem, not creating one. So my question to you, once again, is: when would the charge start?

If it's not going to be just simply looked at and put to the side and forgotten, when do you start charging, considering you have in section (iii) investigation being a fee? There will be a charge on that aspect.

MR. DAY: I can't respond any clearer than by saying that on any legitimate complaint by an employee there will be no charge assessed. Many times these are employees who no longer have work. They're complaining about the termination dollars that have been given, or maybe they've gone and they've sought remuneration for the correct assessment of their vacation pay and they wind up without a job. They have no means. They can't hire a lawyer. They don't have any ability to come forward and help with the costs of an investigation. So to say, "When will the charges start," they will not. These employees will not be assessed charges for the filing and investigation of their complaint.

MR. DEPUTY CHAIRMAN: Are you ready for the question on the amendment?

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: The question is: "Section 6 is amended as to the proposed section 76(h)(ii) by striking out 'complaints.'"

[Motion on amendment carried]

MR. DEPUTY CHAIRMAN: Are you ready for the question on Bill 4?

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Chairman. We have a few more items that are contentious within this particular Bill, and we will be putting forward some amendments with regards to those items. The first amendment that we will be looking at is the one that talks about amending section 9 of the Bill by adding the following after clause 9(a): "(a.1) by repealing clause 97(3)(b)." I believe those are going to be distributed. Amend section 9 by striking out "or an officer to whom a matter is referred under subsection (3)(b)" from section 97(4). Amend section 9 by striking out "or the officer to whom a matter is referred under subsection (3)(b)" from section 97(5).

When you look at those particular clauses with regards to the actual amendments and the Bill, what you will see is that what we are discussing is in terms of the appeal procedures available to an individual if they disagree with some of the decisions that are made by an officer. What our contention is is that the amendment should not allow an officer to review a matter refused by another officer. Now, this is especially important in light of some of the concerns that the Member for Edmonton-Norwood has just addressed with regards to when do we look at charging, specifically with regards to the section that deals with frivolous and vexatious complaints. We have addressed before in terms of the lack of definition at this point in time with regards to frivolous and vexatious. The questions are: based on when is a complaint considered frivolous or vexatious, and who makes the decision? We've said that it's an officer – but based on what? – and in terms of the appeal process that it is another coworker that in fact will determine whether their coworker was right in determining that a complaint was vexatious or frivolous and therefore there should be charges.

Now, I don't know if dichotomy is the right word, but there is a little bit of a discrepancy within the Act and in terms of the so-

called charging for vexatious and frivolous complaints. Quite basically, if a complaint is vexatious or frivolous, one would think that the officer would say at the outset, if they recognized that it was so, "We will not take your complaint because it is vexatious or frivolous, and maybe you need to look at some other avenue, or maybe you need to go back and rethink what you were doing here." However, it seems that there are circumstances where at the outset an officer is not made aware or does not recognize that the complaint is vexatious and frivolous and therefore needs to look at actually filling out the forms, conducting the investigation, and then saying, "No, this is vexatious, this is frivolous, and therefore we will be charging you X dollars for the use of our services." What we are saying in here is that given that that area is murky, given that we are not really aware of the potential regulations – and we will be able to address that prior to the Act being proclaimed, thanks to the amendment that the minister has put forward – we are still coming forward with this amendment for the minister to look at and to review in terms of the fact that it should not be another officer that reviews the complaint or the appeal but that it should remain within the mandate of the director.

There's nothing much more complicated with regards to this particular amendment, and I would urge that the minister look at what the implications are of the Act as it is currently addressed and what the positive results of passing this amendment would be.

Thank you.

MR. DAY: I think it's a case of the intent being good, but maybe there isn't a full appreciation of what happens in the day-to-day work situation here as I'm looking at what's being asked for and what would be repealed and struck out of this particular section. The section as it stands actually allows a director to assign other officers, and it's usually one that's removed somewhat from the situation, to do a review so that these don't just pile up and become a bit of a bureaucratic nightmare in terms of getting to them and meeting the needs of employees. Right now this allows for efficiency; it allows for expedient service. So I appreciate what the member is saying, but this is actually a service issue, being able to have this. These proposed deletions: what is there enables that director to ask another officer to review the decision of an officer to deny a claim. It actually speeds up the process and enables this review of appeals to be spread, and not to just anybody but to other competent officers.

As it has worked out in practice, the task is usually performed by the director himself or one of the senior officers from work standards. If it helps the member to understand, in historical terms there has never been a suggestion of bias in these reviews, and there are about 18 to two dozen of those that take place during the course of a year. This amendment, though I can understand the concern, removes that ability to allow for that expedient service. Without knowing sort of the day-to-day workings of employment standards, that's not immediately obvious. That is in fact the reason why I will vote against the amendment. I'm not saying there's no cause. I appreciate the intent here, but in fact we would be in a more restrictive situation, and this does allow for expedient service to be given.

10:20

MS LEIBOVICI: If I might just clarify in terms, I guess, of the intent and the concern, the employment of an employee who's terminated – it has to be made within six months, so there's no contention in terms of a complaint. What now can occur within the Act is that an officer may actually refuse to accept or investigate a complaint if it considered to be frivolous or vexatious, there is insufficient evidence, et cetera. I don't believe that in the

current Employment Standards Code, the officer has the ability to make those kinds of decisions. Therefore, it's even more incumbent that when an item is brought to appeal, it is not another officer that reviews this matter but the director. I'd just like to clarify for the minister that given the additional authority under what may well be the new Employment Standards Code, there are powers now there that do not exist within this particular Act, and there are items that have been provided with regards to the frivolous, the vexatious, and the charging of fees. Therefore, there needs to be some kind of check and balance within the system, and having another officer review the matter – and only an officer, actually, when you look at what the wording is, as opposed to the director – could provide some potentiality for problems.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Are you ready for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment lost]

MS LEIBOVICI: We have another amendment that we are putting forward. It amends section 11 by adding "by an employer" after "appeal" in section 103(3), so just the one-liner. That amendment will be distributed.

MR. DEPUTY CHAIRMAN: Hon. Member for Edmonton-Meadowlark, if you could wait a second, please. We'll get the amendment distributed and get the Table officer here organized.

MS LEIBOVICI: No problem.

MR. DEPUTY CHAIRMAN: Okay, hon. Member for Edmonton-Meadowlark; I'm sure everybody has a copy of your amendment now.

MS LEIBOVICI: Okay. Thank you. We've amended section 103(3) to indicate "by an employer." It's very simply in terms of the payability of the fee and who pays the fee, and what we're looking at is to make sure that when a notice of appeal is put forward and there's a fee that's assessed, it is by an employer. The reason that we've put this amendment in is that when you look at what the current 103(3) presently reads, it does say "in the case of an appeal by an employer." So again, notwithstanding the good intentions of the Minister of Labour to ensure that the costs are not borne by the employee but are borne by the employer, it brings to mind why delete "by an employer." I think that one of the cardinal rules in terms of drafting legislation is: don't put something in the legislation that you may be sorry about at a later point in time. Again, if the intention is only for the employer to pay these fees – and the section only deals with employers – why was it deleted? So that is basically what this amendment talks about.

I did have a concern, but I will wait to see what the draft regulations are in terms of section 103(3)(a) where we had originally looked at deleting "under . . . 76(h)." Given, however, the passing of the minister's amendments and the defeat of our particular amendments, this is a concern that we have and should be recognized.

I think again that the majority of this particular Act seems to deal with the assessing of fees. It seems like a lot of energy has gone into the development of this particular Act, and one would wonder why did all these particular changes have to be made if all

we were looking at was dealing with vexatious and frivolous complaints. It would have been very simple to just put in the amendment that said that in the case of vexatious and frivolous complaints these would be the items that could be assessed towards an employer or an employee, whichever it is. So in good faith we are anxiously going to await the draft regulations.

This is a simple amendment that I'm sure the minister's department would not be upset with him if he were to agree with this particular amendment. Again, I urge the minister to look at the merits of the argument. Thank you.

MR. DAY: Again, it's in the same vein, Mr. Chairman. All I can say is to reiterate that the legitimate filing and the legitimate complaints and even investigation of complaints of employees are not going to be charged. If we hit a truly frivolous and vexatious situation, the ability does stay there in the case of appeals, but those are the only cases. I guess I just can only say watch us and watch how we develop these regs. They'll see that. I appreciate the concern. I'm not voting against it out of spite but just in light of those comments

MR. BENIUK: I'd like the minister just to clarify. If there is no problem – and he's asking us to take his word on this, which we will – why doesn't he put it in writing by agreeing to this very clean-cut amendment? I mean, obviously there will be no conflict between what he is saying and what we're suggesting, and I would ask him to take another look at this and support it.

10:30

MR. DAY: I've made my comments, and that's all I can say.
Call for the question.

MR. DEPUTY CHAIRMAN: Are you all ready for the question on amendment 8, to amend section 11 by adding "by an employer" after "appeal" in section 103(3)?

[Motion on amendment lost]

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Chairman. There are a few more amendments that we have left. We have, as you see, given much consideration . . .

MR. DEPUTY CHAIRMAN: Excuse me, hon. member. Again I haven't got a copy of the – oh; we have. I think we have. Just one second.

MS LEIBOVICI: We're doing debate now, and then I'll be moving the next two amendments.

MR. DEPUTY CHAIRMAN: Hon. member, if you could just tell us what amendment you're on.

MS LEIBOVICI: The one that we're going to be addressing is the one that starts with: the following is added after section 5. We're not doing section 8, if that's what the question is.

MR. DEPUTY CHAIRMAN: Okay. Thank you. We'll just get them distributed then.

MS LEIBOVICI: Okay.

MR. DEPUTY CHAIRMAN: We don't want to rush anything here. We want to have everything done right.

MS LEIBOVICI: I'd like to do debate on a particular item and then address the amendment briefly.

MR. DEPUTY CHAIRMAN: Hon. member, just one second, please, just so they get a copy. I know it's a good amendment, and I don't want . . .

MS LEIBOVICI: I'm not addressing the amendment right now, so I can continue as that's being distributed.

MR. DEPUTY CHAIRMAN: Oh. Okay then.

MS LEIBOVICI: We debated in terms of whether we were going to put forward an amendment and have decided to put it forward as a suggestion to the minister. That's in relation to section 106(1), which allows for the umpire to order persons to attend an educational program and to tell them who will pay for that attendance.

This amendment is not a bad amendment, but we are suggesting that perhaps somewhere else, perhaps in section 5 of the Employment Standards Code, the minister or the director as delegated be able to require persons to attend education seminars and to pay for that education, that we should not only have to wait for an umpire to direct someone to attend an educational program, and that perhaps rather than waiting for the appeal and the umpire, if the minister or director were able to do so earlier, then problem situations could be headed off.

I would like to just address another issue, in terms of the change of the word "provision" to "jurisdiction." In effect, there is a question that I have as to what kind of guarantees we have that another country or state within that country would have the ability to enforce an order of the employment standards branch when many of these countries are not known to enforce their own labour laws. Does this particular change in wording allow the province to look at having the authority to enforce the code through other bodies at a local level, such as bylaw enforcement or another group? So that's a question.

You know, if we can project into the future, I guess another issue is: if employment standards is to be privatized, are we looking at delegating employment standards to another level of government, which is perhaps what this may lend itself to?

I would like at this point in time to introduce to the Assembly these two amendments. They follow section 5. The first is 5.1, – I don't think I will read it – and 5.2. What basically they address is the fact that if an employer has reduced the wage rate or entitlements of an employee within three months of that termination, then the severance package of the employee is calculated as if the wage reductions or entitlements had not occurred. I think that given what we are seeing within the economy and within the public sector, this is a positive amendment to the Employment Standards Code.

MR. DEPUTY CHAIRMAN: Before I call the hon. Member for Fort McMurray, we have a little complication here.

Hon. Member for Edmonton-Meadowlark, you mentioned something about two amendments. We are confused. Now, that's not like us at all, but you said two amendments. We are dealing with amendment 9, two sections. Is that . . .

MS LEIBOVICI: Right.

MR. DEPUTY CHAIRMAN: Okay then. I thought I heard you say two amendments.

MS LEIBOVICI: We are looking at the particular sheet that has sections, or clauses I guess, 5.1 and 5.2 on it. We will be dealing with those as a total entity.

MR. DEPUTY CHAIRMAN: Hon. member, I thought I heard you say two amendments, and that's where I was confused.

Hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. My friends in this Assembly, I recognize that it is now moving on to 11 o'clock, but this is a very serious amendment, a nonpartisan serious amendment that reaches out and protects Albertans.

Now, who do we want to look after when we're here? For the most part, if it's not inconsistent or incompatible with the rights of the state, we want to look after Albertans. I want to take the time to go over these two amendments, which will be voted on together. To assist the Assembly in time saving, I want to develop these amendments in some considerable thought and some considerable clarity so that there is absolutely no confusion about what is going to be voted on in a moment and what people are going to have to stand up and be accounted for.

Because of the lateness of the hour, I would consider at this time making a motion that the committee do rise and report. If that motion, Mr. Chairman, is defeated, I will continue with the detailed analysis of this material.

[Motion lost]

MR. DEPUTY CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you. Now, let me talk in overview about the concern that this amendment seeks to address. There are recognizable economic difficulties in the province of Alberta today that are in part stimulated by general conditions. They are in part stimulated by the fact that the recession, although the economists say it has ended, also say is a jobless recovery, and as a result employment opportunities are in short supply. The Provincial Treasurer in his address to the Assembly a few weeks ago in the budget indicated and recognized that there would be an erosion of the production of the province as a result of the cost-saving measures taken by the Treasurer. He simply said that there would be an erosion. Now, against that backdrop we have had some incidents in the province of Alberta where employers acting completely legitimately have persuaded their employees to take a voluntary wage reduction. Let me set the stage further to this Assembly. The voluntary wage reduction then does not result in retaining and keeping and attracting the job, so as a result the employer must go back to his employee and tell them that they are no longer employed.

[Mr. Herard in the Chair]

Now, the labour standards Act that we are amending in this series of amendments and discussions in Bill 4 sets out within the terms of it an accommodation package, a severance package, and a calculation formula for the purposes of the accommodation and the dismissal. As a result of that, we then get into a legal issue as to what will apply. How will the employee be compensated?

Now, I want to say, Mr. Acting Chairman, that an employer is legally obliged to match the income stream that the employee

would have had had the job not ended. As a result, I point out to all of the members in this Assembly that the potentiality exists for an employee to have volunteered a wage reduction only to shortly lose his job and, on the losing of that job, to be faced with an employment severance package that is 5 percent or 10 percent, whatever the reduction was, less than that which he would have got had he been stubborn and not participated in the wage reduction.

10:40

Now, I would think, Mr. Chairman, that the government opposite and all private Members of this Legislative Assembly would look into their hearts and think about what this amendment does. This amendment is not a major intrusion on the employer/employee relationship in this province. It simply says that if you lose your job within 90 days, a scant 90-day period, after having taken a wage reduction voluntarily or mandated against you, your severance package will be based on what you had before the reduction, not what you had after. That is compassionate, and that is reasonable.

There is good public policy reason for all of the government members on the front row opposite to stand up and support this. Why is there good public policy reason to do that? Well, thank you for asking. I'm going to tell you tonight that the public policy reason for doing that is that it begs the question about the sincerity of the Premier when he asks people to take a voluntary rollback. If they're going to take voluntary rollbacks in the public sector, they will also have to take voluntary rollbacks in the private sector, to which this piece of legislation relates. It will be very hard to persuade an employee to take a wage rollback if the employee is going to get dismissed a short time later and with a lower severance package.

My friends, it simply is not right, and we can do something here and now. We can move with lightning speed to correct that abuse. Let's not worry about what side of the House this particular amendment came from. This amendment, I say to you, is well drafted. It fits like a hand in a glove into the existing legislation, and it will do equity and justice in this province.

Now, I only want to make one additional comment, and that is that it has been brought to my attention that there's a typographical error that is obvious in the wording. If you will just grab your pens and make the adjustment so that you have a clear understanding of it. In the proposed amendment, section 57(4), it says, "If the wages of an employer have been reduced." Of course, we all know that it is the employee who has the potentiality for the reduction of the wages.

So I do hope, members opposite, that you do not stand on party division here, that you look into your hearts when we vote on this, and that when you stand up to be accounted for on this, you ask yourself what's right for Grande Prairie, you ask yourself what's right for Brooks, Alberta, you ask yourself what's right for Lethbridge, and you ask yourself what's right for Cardston. Ask yourself, ask yourself, and ask yourself: is it right for somebody to take a voluntary wage rollback and then immediately lose their job and have their whole severance package that might be three, four, five months of pay affected? Is it right? When you look and you ask yourself if it's right for Calgary and if it's right for Red Deer, you will say to yourself: it is not right. If you come to the conclusion that it is not right, then you should stand up and vote for this particular amendment tonight.

I apologize as to how late it is this evening. I tried to adjourn the matter so that you could get back to your constituencies and ask the workers and the employees what they think about this. But when you can't do that, you're elected to do what is right.

You're elected to look into your heart and to reach out to those people who are losing their jobs. This is a fair balance, and I urge you to support this amendment tonight.

Thank you.

MR. ACTING CHAIRMAN: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Chairman. The Minister responsible for Labour shouldn't walk away from this one, in all due respect.

Mr. Chairman, let's just go back a bit. It's not that long ago in this particular Legislative Assembly that the Member for Fort McMurray pointed out very clearly an incident that was affecting employees in a health care facility in Fort McMurray. In other words, it's happening out there, Mr. Chairman. It's not just an amendment being made for the sake of trying to be clever; it's trying to address a problem.

What was the response that particular time? What was the response? Recollect in your memories what was said. The Premier stood up and more or less shrugged his shoulders and said: well, it's not my responsibility; I didn't do it; the hospital board responsible in Fort McMurray did it. Then he poked some fun at the member saying: didn't you even know there's a hospital board there? Well, certainly the member knows there's a hospital board there, and he knows a great deal more. He probably knows more in his little finger than some of you know in the whole shot.

Mr. Chairman, when the responsibility of a reasonable level of conduct is not being exercised by chosen participants or by those participants that have that ability to influence it, then government has the responsibility to step in and say: "If that irresponsibility is going to continue to occur out there, then we're going to address it. We're going to legislate it rather than sit back and throw up our arms and say that there's nothing we can do about it, it's not our responsibility."

Mr. Chairman, this particular amendment makes it our responsibility. This particular amendment provides the tools that are necessary in that piece of legislation to tell employers out there who are exploiting or abusing a situation that it is not acceptable. It is not acceptable by the standards of any government, whether it be a government consisting of a majority of Tory members or Liberal members. It is simply not acceptable. I don't think there is anything more despicable than an employer going to employees and convincing them to voluntarily take a reduction in their pay and then a few weeks later coming along and giving it to them in the back. First they're asked to do with less, and then they're told to do without any. Even that little bit they can take with them is less than they would have gotten had they not agreed to the original action of a voluntary rollback.

Mr. Chairman, we can go back to years and years and years ago, and we can look at a period of time when there was no labour legislation, there was no protection for the employees. It was simply a situation where the employers were given the responsibility of what they felt was right or what wasn't right. That's when we had 12-year-old children in the coal mines working 14 hours a day, because the employer was not responsible. It is not responsible on the part of any level of government to stand up and say, "That's not my responsibility." Why do individuals feel that they're elected? Not to stand up and say, "That's not my responsibility."

Here is an amendment that every individual in this House with some thought to themselves on the intent of that particular amendment has a very, very difficult time finding any arguments

as to why it's not a reasonable amendment, as to why the amendment should not carry, as to why the amendment would not be of service to the constituents that they were elected to serve. It would not impose any great hardship on employers.

How many employers that are in that situation would do that type of callous thing in any case, Mr. Chairman? Probably not so many. But there are some, because the Member for Fort McMurray clearly pointed out an example of it happening by a respectable hospital board. If a hospital board can pull it off, there are those that may not have the same standards as that particular hospital board.

What you're doing is you're throwing the workers to the wolves. You're throwing them to the wolves in a period of time when the economy is tough, when people fear uncertainty, when they fear loss of jobs, when things are not in their ballpark by any means. Here is an opportunity to do something right, not to throw up one's arms and feel frustrated because a debate is going on a bit longer than one would like it to go on or, as the Premier did, say that it's not my responsibility, it's somebody else's responsibility.

The Member for Fort McMurray made it very clear that each member in this House had the opportunity to go along with tabling, adjourning, that particular motion till maybe next week, till the week after to allow individuals to go back, to solicit some input, some participation by their constituents that they're elected to serve, to go spend this Friday in their constituency office, get on the phone and phone some of the workers in their constituencies, the unions, staff associations, and so on, and find out just how important in principle an amendment of this type means to those individuals.

Mr. Chairman, this is one of these amendments that can't just be brushed off lightly. It can't be said, "Well, it's not really that important." It is important because there is a principle involved. Whether we've got to sit here till midnight and debate this, sit here till 1 o'clock in the morning and debate it, sit here until 2 o'clock in the morning, it has to be done because it's the responsible thing to do. [interjection] Four o'clock in the morning is fine, but it's the responsible thing to do.

Mr. Chairman, on that note I'll conclude, because everybody else is anxious to speak.

10:50

MR. DAY: There needs to be something understood here, Mr. Chairman, regardless of any agreements that may be being renegeed on at this point. There's a very clear principle of legislation here and discussed in second reading. The principle of this Bill 4 is to allow for certain fees to be charged with employment standards. That's the principle of this Bill. Regardless of the merit and the nobility of this new element that's been entered in, it violates the principles of this Bill. The Member for Edmonton-Rutherford knows this, and I know he doesn't have an intent to violate.

The very principle of legislation is that when you've laid out the principles of a Bill . . . [interjection] No, no. The principle of this Bill is administrative and to assess certain fees. What you are talking about now with a brand-new amendment is a huge, huge intervention into the collective agreement process. I'm not saying it's not a good one. I'm not saying it's not a valid one. Maybe let's sit down with another Bill and look at it.

I've had discussions with the Treasurer about him taking to his federal counterpart the whole question of the amount of tax somebody has to pay on a severance package. You know, when somebody is laid off or whatever there is a certain severance package. Employees get taxed to death on that. We should look for some kind of leniency on the federal government taxation side to have some leniency there, but I can't introduce that under Bill

4. That would be totally against the principles of an administrative Bill that allows for certain costs to be assessed in certain situations.

So I'm appealing to the members opposite, not arguing against what you're saying and the nobility of that but to try and recognize that that cannot be done under this Bill 4, because we've gone through second reading and already laid out what the principles are. It's a total violation of the principles. Your concept: I'm not arguing with that at all. But we can't do it on this Bill. I'm appealing to you in a rational way to suggest: let's bring that in under another discussion, under another venue. We absolutely can't. And the discussion about going till midnight or 2 a.m. or 4 a.m., we're not getting into that adversarial thing. I'm appealing from the point of view . . .

MR. WICKMAN: Well, that's to allow you to come forth with that other that you talk about.

MR. DAY: There is no way in committee that I can go back to second reading. We have laid out for the public the principles of Bill 4. I cannot violate that process by introducing something of such a huge dimension that goes far beyond the administrative, fee charging, simple aspects of Bill 4. Another Bill another day: let's do that; let's have that discussion. But not under this Bill. Please give that consideration.

MR. ACTING CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I think the Minister of Labour has made a compelling case here. I shall try to comply forthwith, and I shall be the epitome of brevity, but I would like to add a few comments here, especially directed to the Minister of Labour. I do hope that if it doesn't fit precisely in this Bill that it will in another subsequently.

Two constituents of mine have approached me very recently, within the last three weeks, because they were in fact subjected to a reduced workload by one of the departments of this government. I won't mention which one because the whole thing might be traced. Their time was reduced from 100 percent. It was reduced by 40 percent. The irony of the situation is that one of these people had applied for a severance package about a year ago and was told that her presence was absolutely indispensable; her effort was needed to make this government function smoothly. About half a year later her time was reduced by 40 percent, and if she now accepts a severance package, it will be based on the 60 percent. I think that is lamentable, and it is worthy of rectification. What does it tell you, by the way, about the efficiency of this particular department? It's not very good. I do think, Mr. Chairman, that no employee is worthy of this kind of shoddy treatment. That is what I'd like to go on record, and I have done so. I shall stop here out of deference to the Minister of Labour's plea.

Thank you.

MR. ACTING CHAIRMAN: The hon. Member for Edmonton-Mayfield.

MR. WHITE: Thank you, Mr. Chairman. I rise, too, to speak specifically to the minister's call for upholding the principle of the Bill. You can uphold the principles all you want. When you come to this Chamber, you want to come to serve the public. There's no question about that. You cannot separate what the principles of a Bill are from the service to the public. You just

can't do it. It's obvious that there isn't any way to separate those two in my mind or anyone else's mind. You're here to serve the public. You know full well that to rectify this particular situation, which in the history of Alberta has seldom if ever occurred before, certainly not in living memory of most of those that are gathered here – the turning back of wages just did not occur. So this is a very special situation that has happened. The legislation, if you read it, this is labour standards and a code of that same. Now, if you can't act and react in this Chamber for a very simple matter such as this, then what brings one to this Chamber? You can react only X years later? We know how long it's going to take a piece of legislation – the minister can stand in his place and say: yes, the principles are all right; yes, of course it's a good thing to do, but we can't do it now. How many thousands upon thousands and thousands of your constituents and my constituents have to go through the same consideration?

If you want to, if you really want to do something, then just simply consider it. Consider it on its merits, not whence it came. Take the partisan hat and put it away. Really, really think about it. Think about the people that clean the floors in the local hospital. Think about all those service people that may have 20 years of service in. The general rule is one month for each year of service. You're talking about substantive sums of money. You simply cannot deal with this in a partisan manner. To say that it offends a principle: what it does if you do not consider this – you don't have to pass it, but if you consider it on its merits and if you don't do it, then you're offending a fundamental principle of what brought you here, and that's to protect all of those people that do not and cannot protect themselves because there simply aren't the laws available.

I thank you kindly for your time.

MR. ACTING CHAIRMAN: Are we ready for the question?

HON. MEMBERS: Question.

MR. ACTING CHAIRMAN: Okay. We're voting on an amendment to Bill 4, Employment Standards Code Amendment Act. The first amendment. Or do we want to do them both together? Together. The amendment to 5.1 and 5.2, with the correction to the word "employer" to mean "employee."

[Motion on amendments lost]

MS LEBOVICI: There is another amendment that we are looking at putting forward, and due to the amendment that the minister put forward, we need to change what the section is so that what it now reads is: the following is added after section 17, as opposed to 16. Seventeen is changed to 18, and it then says: the following is added after section 28(4).

[Mr. Clegg in the Chair]

11:00

Basically, what it addresses is the fact that "if an employer has fewer than 30 employees, and has not committed an agreement" in writing with regards to an overtime agreement, "the Director, an umpire or Judge may look into the customs and practices of the employer and his employees" in order to make the determination. This again is a good amendment, as the other amendment was that was put forward, in terms of the employer reducing the wage rate and entitlements. I would urge the minister to look at it and consider this amendment.

Thank you.

MR. DAY: Again, in looking at this and considering it, I think there's some validity of concern. That means the concerns are valid, but the basic weakness here is that it adds a whole new area of subjectivity that officers investigating these employment practices would have to evaluate. You see, right now, with smaller employees, there's already quite a bit of this, "I said, you said, he said, she said." It goes back and forth that way. It's a situation of one person's word against another. What this actually would do, in effect, is open up a whole other area where an officer needs to determine who's being honest and who's saying what when things aren't in writing. Putting an agreement in writing is not too much to ask for when these sorts of overtime arrangements are made. We just don't want to open officers to an even more subjective argument than they already have to deal with, which is quite significant.

I think it's important to realize that the philosophy of employment standards adjudications is that an officer makes a reasonable decision, and we don't need to open this up further. I just don't think it would fly, given those considerations. I appreciate the concern, but there are these practical aspects to it.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Yes, Mr. Chairman. Here again is a very, very practical, worthwhile amendment coming through to a Bill that's in front of us. I guess in any room with a group of people there are varying degrees of, let's say, passion or feeling. We've dealt here this evening with legislation, with discussion that involves the majority of Albertans: the working people. I don't think we can ever, ever take too lightly our obligation, our responsibility to those masses of people who are our constituents.

Mr. Chairman, this is an amendment that, yes, has importance to it now. We had dealt with the previous amendment, and all the discussion tonight is recorded in *Hansard*. The Minister of Labour made it very, very clear that he took very seriously the intent of the amendment by the Member for Fort McMurray, who had drafted it originally, presented by the Member for Edmonton-Meadowlark. My indication from the minister was that he was not discounting what was being said with that amendment or this amendment, that in fact he was prepared to look at other options, other actions to accommodate those concerns, because the concerns that have been brought forward this evening have been worth while debating. It's worth while spending extra time doing it. They're not brought forward lightly. I haven't known the Member for Fort McMurray that long, but in the period of time I've come to know him, he's been very, very sincere. He doesn't bring forward amendments to play little political games.

So, Mr. Chairman, the bottom line is that this amendment obviously is going to be shot down, because members on that side of the House are voting as a bloc and they're voting against. I saw one of the members earlier - he's gone now - just bundle up his amendment and chuck it in the wastepaper basket. I would hope that that attitude doesn't reflect widely in the caucus.

Mr. Chairman, I encourage the minister and I encourage the Member for Fort McMurray and the Member for Edmonton-Meadowlark, too, to pursue this in some other avenue, because the comments that have been made, the discussions that have taken place are very, very valid.

MR. DAY: I agree that it should be pursued under another avenue. That's what I said: it should be looked at in another avenue.

SOME HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: Question on the amendment as proposed by the Member for Edmonton-Meadowlark.

[Motion on amendment lost]

MR. DAY: Mr. Chairman, I would call for the question on the Employment Standards Code Amendment Act, 1994, in Committee of the Whole.

MR. DEPUTY CHAIRMAN: Okay. Ready for the question?

[Title and preamble agreed to]

[The sections of Bill 4 as amended agreed to]

MR. DAY: I move that the Bill be reported.

[Motion carried]

MR. DAY: Mr. Chairman, I move that the committee do rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

MR. SOHAL: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports Bill 4 with some amendments.

Mr. Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. ACTING SPEAKER: Thank you, hon. member. Are you all in favour of the report?

HON. MEMBERS: Agreed.

MR. ACTING SPEAKER: Opposed, if any? Carried.

[At 11:10 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]