

Legislative Assembly of Alberta

Title: Monday, April 22, 1996

1:30 p.m.

Date: 96/04/22

[The Deputy Speaker in the Chair]

head: **Prayers**

THE DEPUTY SPEAKER: Let us pray.

At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privileges as members of this Legislature.

We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve.

Amen.

Please be seated.

head: **Reading and Receiving Petitions**

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I would ask that the petition I presented last Thursday with respect to grizzly bears now be read and received.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to introduce legislation to halt the grizzly bear "harvest" in Alberta.

head: **Notices of Motions**

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Avonmore.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to give oral notice that I will rise again following question period in order to raise a point of order.

Thank you.

head: **Introduction of Bills**

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

Bill 37 ABC Benefits Corporation Act

MR. YANKOWSKY: Yes, thank you, Mr. Speaker. I request leave to introduce Bill 37, the ABC Benefits Corporation Act.

Bill 37 will update legislative authority for the Alberta Blue Cross plan and clarify its relation to the regionalized structure of governance of our health system. The current legislative mandate for the Alberta Blue Cross plan is contained in the Alberta Hospital Association Act. Under the new, stand-alone legislation Alberta Blue Cross would be known as ABC Benefits Corporation. The corporation would continue as a not-for-profit corporation, operating the Blue Cross plan and providing other supplementary benefit programs. This change was recommended jointly by Alberta Blue Cross and the Provincial Health Authorities of Alberta, which has succeeded the AHA, as being in the best interests of subscribers and the health system.

[Leave granted; Bill 37 read a first time]

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. DAY: Mr. Speaker, I move that Bill 37, just introduced, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, I'm pleased to table the annual report of the College of Physical Therapists for the year ended February 29, 1996. Copies will be distributed to all members.

Additionally, I am tabling responses to a question taken under notice by the Premier last week, April 15, from the hon. Leader of the Official Opposition regarding health care funding and on April 17 from the hon. Member for Leduc regarding Hotel de Health Inc.

THE DEPUTY SPEAKER: The hon. Leader of the Official Opposition.

MR. MITCHELL: Thank you, Mr. Speaker. I would like to table four copies of a letter written by Dr. Noel Gibney, who is the chair of the Capital health authority critical care program, on April 16 to Dr. Brian Holroyd, who is the regional program clinical director. It's his response to the proposed budget reductions, further cuts, in the Capital health authority. He writes among other things that

any of these scenarios will unquestionably result in patient death . . . There will be a dramatic and devastating effect on the emergency departments in the region as they become ill equipped . . .

THE DEPUTY SPEAKER: Hon. member, I think the brief introduction is sufficient. Thank you.

Okay. Hon. members, pursuant to section 44 of the Conflicts of Interest Act I am pleased to table with the Assembly the annual report of the Ethics Commissioner. This report covers the activities of the office of the Ethics Commissioner for the period April 1, 1995, to March 31, 1996. A copy of the report is being distributed to members at this time.

head: **Introduction of Guests**

MRS. ABDURAHMAN: Mr. Speaker, I'm very proud and very pleased to be able to introduce to you and through you to Members of the Legislative Assembly 52 students of just the finest quality from the city of Fort Saskatchewan's James Mowat school. They are accompanied by two outstanding teachers, Mrs. Deanna Dahl and Mr. Ted Fellows. My children had the good fortune to be taught by Mrs. Dahl, and Carolyn Laird, one of our pages, also was taught by Mrs. Dahl. So I'd ask you all to rise and receive the very warm welcome of this House.

THE DEPUTY SPEAKER: The hon. Member for Vegreville-Viking.

MR. STELMACH: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to Members of the Legislative Assembly, seated in the members' gallery, 51 students from Lamont high school accompanied by five adults: teachers Mrs. Gen Verbitsky and Mr. Ron Guglich and parents Mrs. Evelyn Merrick and Mrs. Pat Purschke and bus driver Mr. Grant

Hackett. Would they please rise and receive the traditional warm welcome of the Assembly.

THE DEPUTY SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. It gives me a great deal of pleasure today to introduce to you and to members of the Assembly a fellow mustard grower from southeastern Alberta, an active farmer from the New Bridgen area, and most significantly a recent first-time grandfather to Stephanie. Would the spouse of the Minister of Health, Mr. Lloyd McClellan, please rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**
Capital Health Authority

MR. MITCHELL: Mr. Speaker, the Premier has accused the Capital health authority of playing politics when health care professionals in this region have publicly expressed that any further cuts "will unquestionably result in patient death." Rather than accusing the Capital health authority, will the Premier table any studies that he has justifying that funding to the Capital health authority was adequate in the first place?

MR. KLEIN: Mr. Speaker, as the leader of the Liberal opposition knows, the Minister of Health, the chairman of the standing policy committee on health restructuring, the Capital regional health authority, representatives thereof, and members of the medical community will be meeting this afternoon to discuss all aspects as they relate to funding within the Capital regional health authority.

MR. MITCHELL: Mr. Speaker, let me go back to that question. The Premier seems to be saying that the Capital health authority is playing politics, so he must know that they got all the money they need. Will he please table the studies that indicate that they had all the money they needed in the first place?

MR. KLEIN: Mr. Speaker, we're going to do a detailed review of the situations and the problems confronting the Capital regional health authority. Relative to the specifics, I'll have the hon. minister supplement.

1:40

MRS. McCLELLAN: Mr. Speaker, there has been some considerable work done and, most significantly, work done between the two regions of Calgary and Edmonton, the Capital region and the Calgary regional health authority. I can tell the hon. Leader of the Opposition that I'll be prepared to table that work as soon as it is in a form to be released. I've reviewed an interim draft of that.

Mr. Speaker, what we are really attempting to do is understand why the Capital regional health authority is experiencing this problem. I think the Leader of the Opposition should understand that that is what these meetings are about. We want to understand why this region in particular is experiencing some cash flow problems. I think it's only responsible to look at all of these things before we come to any conclusions. There are 17 regions in this province, and they are operating a health system that is performing very, very well. The Capital region has some difficulties. We will be having another meeting with them this afternoon to further explore that.

Mr. Speaker, the hon. member knows that they have been

funded the last two years on a traditional basis, which is on an acute care funding formula, on a case mix index formula, and on a population formula, as have all of the other regions in the province.

MR. MITCHELL: Mr. Speaker, far more than just the Capital health authority are having problems with their budget, and the minister knows that.

Is the Premier saying that health care professionals in the Edmonton region who have had the courage to speak out publicly are so unethical that they would play politics with people's lives?

MR. KLEIN: No, Mr. Speaker. The letter that was tabled by the leader of the Liberal opposition was disclosed. I understand it came to some reporters in a brown envelope, sealed. We don't know how it got out, but obviously it got out to make a point. It's quite clear: to make a point. This letter is an "if" letter: if certain things came about, what would the impact be? Dr. Gibney rightfully said this is what he feels the impact would be. Now, I'm not saying that Dr. Gibney released that letter. I have no idea who released the letter, but obviously the letter was released for political purposes.

MR. MITCHELL: It's the Premier who is playing politics when he tells Albertans last Wednesday that he must study the Capital health authority books before he makes any decisions about their funding but only the next day tells Edmontonians to vote Tory or they'll lose benefits. He's laughing, Mr. Speaker, but he said it.

Is it the government's . . . [interjections]

THE DEPUTY SPEAKER: Order.
Question.

MR. MITCHELL: Thanks, Mr. Speaker. Is the government's long-awaited new funding formula for regional health authorities to be based upon how people vote instead of on what health care they need?

MR. KLEIN: No, Mr. Speaker. I encouraged people at our very, very successful constituency fund-raiser to vote Conservative because it is the right thing to do.

MR. MITCHELL: And you lose benefits if you don't, Mr. Speaker.

Would the Premier please explain just what is the difference between government blackmail and his suggesting that voters better vote Tory if they want benefits like access, I suppose, to quality health care?

MR. KLEIN: What nonsense, Mr. Speaker. That is a nonsensical statement to say the least. I'm encouraging Edmontonians to vote Conservative because we have in the past provided good, solid, sound, commonsense government and will continue to do so in the future. That's what it's all about. [interjections]

THE DEPUTY SPEAKER: Final supplemental. [interjections]
Order. Hon. members, it's difficult for the Chair to hear the question that I'm sure is coming now from the Leader of the Official Opposition.

MR. MITCHELL: Who are Albertans to believe, Mr. Speaker, the regional health authorities, who say that they need more money, or the Premier, who implies that they'll get it if they all vote Tory?

MR. DAY: Point of order.

MR. KLEIN: Mr. Speaker, nothing of the sort was implied, and the Leader of the Liberal Opposition knows that. Talk about playing politics. This is the worst form of politics that possibly can be played, but they play it well because it's cheap.

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. Every day we hear about Albertans who cannot get in for surgery. Mr. Herb Goertz from Spruce Grove is on the urgent patient list. Last week he got bumped from bypass surgery, and he got bumped again today. Mr. Goertz is not another number. He is a husband; he is a father; he is a grandfather, who may not make it until the end of the week unless he has surgery. My questions are to the Premier. Will you commit today that Mr. Goertz will receive his operation immediately?

MR. KLEIN: The member knows as well as I do that I sent her a note saying that if she will provide me with the details, I'll have this matter looked into immediately, Mr. Speaker.

THE DEPUTY SPEAKER: First supplemental.

MRS. SOETAERT: Thank you, Mr. Speaker. I'm glad the Premier will look at it immediately.

My second question is: will you properly fund the Capital health authority so that people like Mr. Goertz are not forced to lobby through the Legislature for proper health care service?

MR. KLEIN: Mr. Speaker, we are consistently monitoring and evaluating the impact of restructuring within virtually all health authorities. If there are problems, we will deal with those problems.

THE DEPUTY SPEAKER: Final supplemental, Spruce Grove-Sturgeon-St. Albert?

MRS. SOETAERT: No.

THE DEPUTY SPEAKER: Okay.

The hon. Member for Calgary-Fish Creek.

Student Finance

MRS. FORSYTH: Yes. Thank you, Mr. Speaker. Last week the Lieutenant Governor in Council made some significant changes to the provision of financial assistance to students. In reviewing the OCs, I have noticed that the Students Finance Board will be offering new levels for varying types of students. My question is to the Minister of Advanced Education and Career Development. What, if any, benefits will these changes have for Alberta students?

MR. ADY: Mr. Speaker, yes, in fact there were some very significant regulation changes passed by an OC last week. There were in fact three significant benefits for students that are included in those amendments. All of them were put in place to assist our Students Finance Board to be more responsive to student needs. First of all, it allows the student loan program, the financial assistance to students, to be increased by \$300, which recognizes an increased cost in tuition and also for textbooks and other

student fees. It also increased the levels of financial assistance for students participating in accelerated programs. It's helpful for students that are opting to take a traditional semester program in a condensed or accelerated manner and allows for the establishment of a new option under the skills development grant program for students studying on a part-time basis.

Those are the three things basically that we covered, and it will be particularly helpful to former welfare clients who now have low-paying or part-time work and are trying to upgrade their skills. It will also be helpful to single mothers who are still on social assistance but want to begin the steps to improve their life. So we hope that these package of changes will be helpful to the students.

THE DEPUTY SPEAKER: First supplemental, Calgary-Fish Creek.

MRS. FORSYTH: Yes. To the same minister: why do students in accelerated programs require higher levels of assistance?

1:50

MR. ADY: Mr. Speaker, an accelerated program is one that leads to a recognized credential in a significantly shorter period of time. As these programs involve more intense instruction time, a higher tuition is charged so that annual assistance limits are being increased for students enrolled in programs that are clearly accelerated. In other words, they're doing it faster, so the time they spend in the classroom is longer in a given day, and the people providing that program charge a higher tuition for that. So it's important to note that shorter delivery periods for accelerated programs will result in less assistance being given for living costs. As a result of this change, students involved in these programs will not increase the actual cost to the Students Finance Board. Many students prefer the accelerated program, which allows them to get back into the workforce faster, and it won't be more costly to the Students Finance Board.

THE DEPUTY SPEAKER: Final supplemental, Calgary-Fish Creek.

MRS. FORSYTH: Yes. Thanks. Will these part-time students receive the same level of grants as the full-time students?

MR. ADY: Well, by way of just a little background, Mr. Speaker, the new part-time option makes it possible for students who are enrolled in basic foundation skills programs on a part-time basis to receive funding to a maximum of \$600 per semester to cover the educational costs for part-time study. For some students studying on a full-time basis is not feasible due to their circumstances, and introduction of this part-time option allows such students to study in a manner that is appropriate for them. But the grant that these students receive will be lower than what a full-time student would receive. So we don't expect any large increases and calls on our resources for that. In fact, we may discover that some savings will be realized by taking this direction.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Avonmore.

Language Education

MR. ZWOZDESKY: Thank you, Mr. Speaker. Last week when the Premier listed the 12 second languages taught in the Edmonton

district, he mixed up those languages taught by Alberta Education with those languages that are taught by the community, because the community international heritage languages program teaches 36 languages, primarily in the evenings and on weekends. Therefore, it was felt that the Premier is not supporting 24 language groups through his comments. My question is to the Premier. On what basis or criteria did you decide to discriminate funding against these 24 other language groups?

MR. KLEIN: Mr. Speaker, there is no discrimination taking place in any way, shape, or form. Relative to the program and the rationale and the reasoning behind the elimination of funding, I'll have the hon. minister respond.

MR. MAR: Mr. Speaker, in aggregate the funding for international heritage languages from the Department of Community Development amounted to about \$250,000. It's a little bit misleading to suggest that there's no longer support for heritage languages in the province of Alberta, because that portion, that \$250,000 that was granted from my department, only makes up about 5 percent of the overall funding for heritage languages in the province of Alberta. As a consequence and over time the communities themselves who have recognized that heritage languages are important have in fact found 95 percent of the funding for their programs out of their own communities.

So on a per capita basis, Mr. Speaker, the amount of funding that was provided by the provincial government to these programs amounted to about \$25 per student per year, but that was a very, very small percentage of the overall funding that's enjoyed by heritage languages. Frankly, people in communities have recognized that heritage languages are important and they can provide a tremendous advantage down the road in terms of doing business and competing in a global market. That's the reason why communities have supported it so strongly.

Mr. Speaker, I think the other thing that bears consideration is that when we look at funding for heritage languages and compare it to other programs that are dealt with in the multiculturalism area, such as programs of education for eliminating racism and discrimination, that in the view of this government has to be a much higher priority. Dealing with issues of racism and discrimination ultimately has a higher priority than providing this funding for heritage languages, which is already amply looked after by the community itself.

THE DEPUTY SPEAKER: First supplemental, Edmonton-Avonmore.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I wonder if the Premier could, then, tell us how it is a signal of support for multiculturalism from his government when we see them abandoning support for certain language programs, we see them cutting funding by 50 percent to the multicultural area, we see them eliminating the Multiculturalism Act, and they're abolishing the Multiculturalism Commission. Do you call that support, Mr. Premier?

MR. KLEIN: Mr. Speaker, what I heard of the question is: how can we do all this? Well, the hon. minister pointed out how, not only how but why. The rationale is very clear. That \$250,000 can better be spent in the eyes of this government on programs that break down and eliminate discrimination and eliminate racism. As the minister said, that is the area of the highest priority.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Avonmore.

MR. ZWOZDESKY: Thank you, Mr. Speaker. We're still looking for support for at least 24 groups.

SOME HON. MEMBERS: Question. Question.

MR. ZWOZDESKY: It's coming. My question is to the Minister of Education. Mr. Minister, will you, then, look into your budget and find funding, financial support for these particular language groups that we call the community international heritage language program?

MR. JONSON: Mr. Speaker, certainly within our budget and within the budget of school jurisdictions in the province through which second languages are delivered, we will continue to work with school boards to deliver those language programs. I hope the hon. member across the way in the Liberal opposition is not indicating that we should intervene and tell the Edmonton separate school board, which currently offers Cree, Italian, Japanese, Polish, Polish bilingual, Spanish, Ukrainian, and Ukrainian bilingual, just as one example – and I could go on to some other examples, but I will not. I'm sure that he's not indicating that we should intervene and tell them what their top priorities should be and what programs they should offer with respect to languages instruction in their jurisdictions. They are, I think, putting quite an emphasis here. They are from all indications doing a good job, and we will continue to support those school boards, and they will make decisions with respect to what second languages they think are appropriate and which they can continue to offer in a quality manner.

THE DEPUTY SPEAKER: The hon. Member for Three Hills-Airdrie.

Rural Physicians

MS HALEY: Thank you, Mr. Speaker. Emergency medical care is a serious concern for rural Albertans. This week there's an alarming story about the town of Hardisty being without emergency and acute care services for the next two weeks because their new doctor cannot yet leave his old post. To the Minister of Health: is this shortage of doctors in rural Alberta the result of cutbacks to our health care system?

MRS. McCLELLAN: Mr. Speaker, there has been a difficulty in the area of keeping, maintaining the rural physician complement in this province for a number of years. It is not new, and it has not come about because of regionalization or change. In fact, in some instances regionalization has improved the situation. But it is a situation of concern to many of us who are rural members in this Legislature that people do have the appropriate care in their communities or close to their communities, particularly for emergency services. However, it is my understanding that in the area of Hardisty they have been able to bring in some interim help. We're looking at whether we can assist them as well and that emergency services are available to them within about 20 minutes of the main resident population, which will probably suffice until they can have the doctor that they very successfully recruited in place.

MS HALEY: Could the minister explain to us what initiatives are

in place to help rural Albertans attract and retain physicians to ensure that all Albertans, not just those in Edmonton and Calgary, have access to the appropriate medical care?

MRS. McCLELLAN: Mr. Speaker, in addition to the rural physician action plan, which I mentioned and I think all members in the House are familiar with, we did have a report card on the rural physician action plan. It was called, I believe, Pockets of Good News. While that report outlined some of the successes, it also outlined some of the areas that we could improve, and certainly we are working towards that. I am very pleased that Dr. Larry Ohlhauser of the College of Physicians and Surgeons has agreed to chair the rural physician action plan committee for the next 18 months. I'm sure that with that expertise, in addition to the others we have on there, we will be successful in breaking down many of the barriers.

Working in a rural community, Mr. Speaker, requires a great deal of expertise and special training because physicians in rural communities are essentially in most cases on their own, and they have to face any kind of emergency and be prepared to deal with it. One of the things that we've been able to do is offer some support by their peers through telemedicine or telehealth. I think there are more opportunities in that way. I can say that the physicians in Calgary and Edmonton and other regional centres have been very forthcoming in offering their advice and expertise through telephone or other ways to provide support for the rural physicians.

2:00

MS HALEY: Mr. Speaker, it's possible that the minister answered my question in her first answer, but I couldn't hear her. Could she just tell us briefly what short-term help there is available for Hardisty?

MRS. McCLELLAN: Mr. Speaker, I did indicate that the regional health authority had been able to put into place some interim assistance for the community of Hardisty, which was specific to the question. I have directed my people in my department through the rural physician action plan to offer all of the support that we can give them, whether it be through a locum that will assist in this cover-off area, but that's an interim measure and hopefully our physician will arrive in Hardisty and take up his duties. But that doesn't alleviate the problem that is widespread across the province, and we have to work very diligently to continue to address those shortfalls and barriers to practice in rural communities.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Gold Bar.

Geriatric Care

MRS. HEWES: Thank you, Mr. Speaker. We have had a world-class geriatric assessment and rehabilitation centre at the Edmonton General hospital in a building that was designed specifically for the purpose. Now this facility is being transferred to the Glenrose hospital, a provincial institution tucked under the Capital health authority. Its resource allocation for geriatrics has been cut by a half million dollars despite an increasing demand. My first question is to the Premier. Does the government have a comprehensive policy for geriatric health care in this province that applies to all regional health authorities?

MR. KLEIN: Yes, we have a very comprehensive program, and to provide the details, I'll turn it over to the hon. minister.

MRS. McCLELLAN: Mr. Speaker, I suspect that the hon. Member for Edmonton-Gold Bar is pretty familiar with the northern Alberta geriatric program that's in place, and she's probably very familiar with the fact that there's a southern Alberta geriatric program in place as well. I think that more important to the question is the transfer of the program from the General, from the Youville, which was a very good program, to the Glenrose. This program transfer decision was made some time ago, and it was made very definitely to enhance the program, to bring more services under one roof, and to enhance the care that's available. Certainly, by making those changes, the efficiencies that were found in administrative dollars now can go to direct patient care services.

Mr. Speaker, I would invite everyone in this Legislature to become familiar with the programs that we have for geriatric care in this province. They are second to none anywhere in Canada, and the Edmonton program can proudly stand as a leader in those areas. We have physicians who specialize in geriatric medicine here that provide advice and information and recommendations to other areas, because they are recognized for their leadership and the programs that we have.

The new programs that are coming in place under the leadership of the Capital health authority I think will only continue to enhance that program, and we certainly want to ensure that we remain a leader in geriatric care in Canada.

MRS. HEWES: Mr. Speaker, I believe the Glenrose is a geriatric and rehabilitation facility beyond peer, but why is it not considered, then, a separate entity from the RHAs and given a separate budget?

MRS. McCLELLAN: Mr. Speaker, that's I think a reasonable question. The answer clearly is that we have a number of provincial programs in place that we are moving to the regional health authorities for administration, and that makes sense, because rather than having duplicate administrations take up dollars in administrative functions, we're able to put those dollars that we save there into actual patient care.

In this region the Capital health authority has assumed the responsibility and the leadership for that program, but the focus stays with the geriatric program. It's monitored. They work with our department to ensure that happens. The same thing occurs in Calgary under the southern Alberta geriatric program.

So, Mr. Speaker, it is clearly to ensure that we're not using dollars for administration that duplicates. Also, the ability to integrate programming is very advantageous, and having those programs together does give us the integration, the consultation between a number of caregivers, and gives full access to all of the options and choices that are available in this region. It's simply easier to manage when you have it under one umbrella.

The Capital health authority is very committed to that geriatric program and have assured us that they will continue to serve not only this community around Edmonton but all of northern Alberta.

MRS. HEWES: Mr. Speaker, I appreciate the answer, but some real risks here. Why would we put this very unique geriatric centre into competition with acute care and extended care facilities in obtaining their budget?

MRS. McCLELLAN: Mr. Speaker, I believe there is, as I say, more money available because we have eliminated overlap and duplication in administration. I also know that the regional health authority has a strong commitment to the geriatric program. In both southern and northern Alberta the regional health authorities and the other 15 who support these programs clearly understand that good geriatric programming will reduce need and utilization in the acute care and long-term care areas. So it is of benefit and very beneficial to the regional health authority to ensure that they keep that program strong and that they continue to support geriatrics.

As I said earlier, we have some of the finest physicians trained in geriatric specialties in Canada right here in the city of Edmonton, and they are extremely committed to the program. I have met with them and discussed the program with them. They will continue, I believe, to bring new and innovative ways of providing geriatric care that will continue to have us leaders in Canada in this area.

THE DEPUTY SPEAKER: The hon. Member for Lacombe-Stettler.

Employment Standards Enforcement

MRS. GORDON: Thank you, Mr. Speaker. My questions today are to the Minister of Labour. I'm interested in knowing how employment standards for Alberta are enforced. A concern has come forward in my constituency that some companies have a competitive advantage over others because they do not provide things like overtime or vacation pay, provisions required through the Employment Standards Code. To the minister: what can an employer expect Alberta Labour to do if that employer has reason to believe competitors are not providing their employees with all entitlements under the code?

MR. DAY: Well, Mr. Speaker, I'd like to say right off the top that the vast majority of employers in the province are in fact responsible and the vast majority, in terms of benefits to employees, actually surpass the Employment Standards Code. The Employment Standards Code is there as a minimum.

I can say further to that that if an individual, be it an employee or an employer, has reason to believe that there is somebody that is not staying up with the code or is in fact in violation of the code especially as related to paying benefits to employees, then certainly that is looked into without any hesitation.

MRS. GORDON: Can Alberta Labour seize payroll records or other employment records from an employer to ensure that minimum standards are being met?

2:10

MR. DAY: Mr. Speaker, the government through Alberta Labour can seize records and require records to be shown and does have the ability to go to a place of business and in fact ask that employment records be opened so that there can be an analysis of whether benefits indeed have been paid. I emphasize again that the vast majority of employers in Alberta in fact surpass the requirements of the code, and it's not a problem. But it has been done; it is not entirely rare in the follow-up or an investigation for records to be required from businesses. In fact, the new Employment Standards Code, which is being dealt with in the House right now, does require and lays out the means by which records must be kept.

MRS. GORDON: Can and does Alberta Labour investigate anonymous complaints?

MR. DAY: Mr. Speaker, because there have been cases where employees are concerned when they bring forward a complaint that there might be some retribution to them – it doesn't happen often; it would be very rare. To make sure employees are protected, the basic follow-up is one of being anonymous so that an employee with a concern can bring it forward. Everybody is of course assumed innocent until found guilty.

A concern being brought forward is first looked into, and there's actually a resolution process that we have that is found to be quite satisfactory. If it does appear that indeed the employee has a point, then the employer is advised, again in confidence and with anonymity, and the concern is followed up. So that employee is indeed protected at all times.

THE DEPUTY SPEAKER: The hon. Member for West Yellowhead.

English as a Second Language

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Last week the Minister of Education was asked about funding for ESL programs, English as a Second Language. He maintained that the funding for those programs had really not been cut any more than other educational programs. But there is one group of children who do not qualify for any ESL funding even though they don't speak any English, and those children were born right in Canada. So I'd like to ask the Minister of Education: can he explain to Albertans why there is no ESL funding for children who do not speak English but were born in Alberta?

MR. JONSON: Mr. Speaker, I think that a fact of the history and the heritage of our province since the beginning of settlement in this nation and certainly in western Canada and certainly since the time there has been an organized and government-sponsored school system in this province is that yes, potential students have been raised by their families and in many cases the parents themselves have not spoken the English language or the French language. It has been part of the educational process in this province for children born in this province that in an overall effort of their parents, their communities, and the local schools they have come into the school system and learned to speak English or French. That has been a long-term process and, yes, a challenge for the education system but one which it has accepted and, I think, has met rather well.

MR. VAN BINSBERGEN: Mr. Speaker, I'm not sure that I heard the minister correctly. Is he saying, then, that language needs for students born outside of Canada are somehow greater than for those born inside of Alberta?

MR. JONSON: No, Mr. Speaker. I think I made it quite clear that the need to have this language preparation in English or French, those two being the official languages of this country, has been a very important matter, something that has been held as a top priority by the education system for decades and still is.

The particular definition, Mr. Speaker, with respect to that specific amount of money for English as a Second Language instruction is something that has been established also for a number of years, although a much, much shorter period of time, and that relates to a definition related to the federal government.

That funding is attached to those children who are the children of recent immigrants to this country, and that is the way that particular funding is provided.

MR. VAN BINSBERGEN: Mr. Speaker, since this is clearly within the purview of the provincial Minister of Education, not federal, and since these policies clearly discriminate against those students born in Alberta who can't speak English, what's the minister going to do about it?

MR. JONSON: Mr. Speaker, the funding that we currently provide is related to a federal definition. I know that there must be some reason for that, and I'm not being critical of the Liberal government in Ottawa in this regard. It has a certain history to it.

We are not, in my view, discriminating against anybody. The school system has risen to this challenge and met this need over a long period of time and currently is continuing to do so. Yes, certainly in this country, as diverse as it is and where we benefit from people who have come to Canada from all parts of the world, that is an ongoing challenge for the education system, one which we continue to fund, one which we continue to recognize is a major challenge which the school system needs to meet.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Currie.

Human Rights Legislation

MRS. BURGNER: Thank you, Mr. Speaker. My questions today are to the Minister of Community Development. Over the past few days many of my constituents have expressed surprise that the United Way would intervene so publicly on the issue of human rights legislation. What is the minister going to do to address their concerns?

MR. MAR: Well, there's no doubt about it that in the province of Alberta many people have strong opinions on the subject of human rights, and to that extent, Mr. Speaker, certainly Bill 24 has twigged the interest of a number of people. As I said last week in the media and for anybody that has cared to ask me this question, I've been prepared to answer any questions that people have on the subject of Bill 24 and the human rights legislation. I'm prepared to meet with people to discuss proposed changes they'd like to make. Certainly I've already done that. I've spoken with people on this subject to address their concerns.

I feel compelled to make this observation, Mr. Speaker: much of the public discussion involving Bill 24 is not on the subject of what's in the Bill but what's not in the Bill. Bill 24 makes a number of positive changes to the human rights legislation. For some people whatever changes we make won't be enough, but certainly for groups that want to sit down and discuss it, I'm happy to do so, including the United Way.

THE DEPUTY SPEAKER: First supplemental, Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Speaker. Again to this same minister: as the ad sponsored by the Dignity Foundation has very biased statements in it, will the minister commit to further discussions with these organizations?

MR. MAR: Well, the question of whether the comments made in the ad are biased or not I suppose is a matter of opinion, and I won't express any opinion in that regard. Certainly there are a

number of member agencies of the Dignity Foundation, and I believe they should have the correct facts on what Bill 24 does do and what it does not do. Accordingly, Mr. Speaker, I'm happy to set up a meeting with the Dignity Foundation. My office is trying to do that right now. Certainly I'd be happy to sit down with any of the member agencies of the Dignity Foundation or any of the member agencies of the United Way as well.

THE DEPUTY SPEAKER: Final supplemental, Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Speaker. For my final supplemental: since many multicultural groups have asked me about the possibility of an advisory committee for the human rights, citizenship, and multiculturalism education fund, will the minister consider this type of initiative as a means of monitoring the impact of changes to legislation?

2:20

MR. MAR: Well, Mr. Speaker, it's clearly our goal to ensure that the resources we have are allocated in the best possible fashion, and to that extent I've certainly asked the chairman of the Multiculturalism Commission, the hon. Member for Calgary-Cross, to lead a small group in setting funding priorities, and that will be done later on this spring. I have also asked Charlach Mackintosh, the chief commissioner of the Human Rights Commission, to serve on this committee.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks, Mr. Speaker. Last Thursday the Minister of Community Development told us that his new human rights Bill, Bill 24, was the product of "a great deal of thought", but apparently not nearly enough thought went into this flawed Bill. The Dignity Foundation has now been joined by 74 different Alberta organizations in opposition to Bill 24, and this group continues to grow. Those groups, those Albertans do support the package of amendments that I had tabled some three weeks ago. Now, my question is to whoever is the surrogate for the Premier this afternoon, and my question would be this: what arrangements have been made for the Premier to meet in person with the Dignity representatives to review the Liberal amendment package, and when will such a meeting occur?

THE DEPUTY SPEAKER: Hon. member, are we treading on the debate on the Bill: when will the Premier meet with people?

MR. MAR: Mr. Speaker, certainly the Premier did deal with this issue last week in this Legislature. He asked that I meet with the Dignity Foundation, and as I indicated in my answer earlier to the hon. Member for Calgary-Currie, our attempt to make that meeting happen is occurring right now, as we speak.

MR. DICKSON: Well, the follow-up question would be: will the government undertake to make real changes to Bill 24, or will it simply try harder to sell what is a piece of bad legislation?

MR. MAR: Well, first of all I have to take issue with the comment that this is a bad piece of legislation. Mr. Speaker, I must say that the government accepted 70 percent of the recommendations that were made by an independent panel that reviewed human rights legislation and the Human Rights Commission in the province of Alberta. Many of those changes we've already made,

and it has helped assist us in dealing with things like the backlog of cases that was dealt with by the Human Rights Commission.

Mr. Speaker, Bill 24 contains a number of the recommendations, reduced to a legislative package, that will help improve the Human Rights Commission, will help deal with things like the backlog, and will help deal with greater issues like adding additional grounds for protection under our human rights legislation. So there's nothing in Bill 24 that takes away from anything that the Human Rights Commission had before.

Many people have suggested inferentially that the independence of the Human Rights Commission is changing, but in fact the reporting process that has been used by the Human Rights Commission has been the same reporting process that's been used since 1972. It's the same reporting process that's used in nine out of the 10 provinces of Canada. Nothing in Bill 24 changes that. I think that all hon. members and members of the Alberta public should know that the Human Rights Commission is going to be better, it's going to be more efficient, and it's going to deal with matters of human rights in an effective and efficient way.

MR. DICKSON: Well, the government only accepted 47 percent of the recommendations without major change.

Mr. Speaker, my final question to the minister would be this: if the Bill is as positive and as responsive as he would have us believe, why are so many knowledgeable Albertans unhappy with it?

MR. MAR: Well, Mr. Speaker, it would be a very interesting question to ask how many member agencies of the United Way or how many member agencies of the Dignity Foundation are even aware of some of the things that are being proposed by members of the Dignity Foundation within, you know, their ads. Clearly in my own observation in looking at the ad that has been put in the newspaper by the Dignity Foundation, many of the facts are not correct. To that extent, I've written letters to those member agencies that I can reach to let them know what in fact the true state of affairs is.

This is why I said earlier that many people are commenting not on what's in the Bill but what's not in the Bill. That's the reason why, Mr. Speaker, I raised the issue of the suggestion that the independence of the Human Rights Commission is somehow being breached. That is not in fact the case. There's nothing in Bill 24 that changes the reporting structure from the way it's been done since 1972.

There are other comments that have been made by members of the Dignity Foundation and others that factually are not correct. As another example, some people have suggested that there will be a chilling effect placed on people who wish to make complaints before the Human Rights Commission because of a fine. Well, Mr. Speaker, there is no fine. If one looks at section 11(2) of this legislation, it says: "No person shall, with malicious intent, make a complaint under this Act that is frivolous or vexatious." Following that sentence comes a period. There is no fine that is associated with a breach of section 11(2). Many people have made comments about Bill 24 that factually are not correct.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora.

Hospital Privatization

MR. SAPERS: Thank you, Mr. Speaker. The Premier and the Minister of Health continue to deny their responsibility for

developing a comprehensive policy outlining what health services this government will or won't put up for sale to the highest bidder. Hotel de Health has now tried to peddle their schemes in at least five different health care regions, and each time the government's silence makes them an accomplice. Is the Minister of Health content to just be a bystander while health care companies pick off regional health authorities one by one and in doing so create a patchwork of private health care in the absence of any provincial policy?

MRS. McCLELLAN: I must say that it's unfortunate that the health critic for the Liberal opposition does not understand the difference between private health care and the private sector operating within the health system. Mr. Speaker, both the Premier and the minister have made it clear in this Legislature on the issue of Hotel de Health or any other company wishing to provide health services that their first responsibility is to discuss those issues with the regional health authorities if they wish to utilize some part or all of a facility that is under the management and care of the health authority. When I receive a proposal, I will review it.

We have made it as clear as can be that no activities will contravene the Canada Health Act. I don't know how we can make it any clearer than that. The hon. member really should get into the 20th century, understand that over 50 percent of our long-term care facilities in this province are operated by the private sector and have been for years and are operated very well and that a regional health authority may enter into a contract with a private company. There is a hospital in this province that has been operated by a private company in Athabasca for a number of years and operates extremely well. To use this for whatever reason, Mr. Speaker, I simply don't understand.

MR. SAPERS: The Minister of Health knows full well that Extendicare operates that with public funding with public access. They're not related issues. Maybe the Minister of Health would like to bring the health care system into the next century, not the last century, where people get the health care they need, not what they can afford to pay for.

Now, without a policy in place regarding the privatization of hospitals, how exactly will this Minister of Health determine which proposal she'll accept and which ones she'll reject?

MRS. McCLELLAN: Again you can tell by the preamble, which I wasn't sure was a part of the question or a bit of a diatribe by the hon. member, that he clearly does not understand the issue. In my first statement I said that no activity by any operator would contravene the Canada Health Act. He also knows full well, Mr. Speaker – they must be very short of questions across the way – that this question has been before the Assembly day after day after day over the last three weeks. The answers have been consistent. When a proposal comes to the minister, it will be deliberated and it will be judged and it will be recommended to the cabinet, the Executive Council, of this government, and a decision will be made there, but again no proposal will have the ability to contravene the Canada Health Act and will be only viewed in the best interests of delivering health services to the people of this province.

2:30

THE DEPUTY SPEAKER: If the hon. members that are near and dear to the Speaker's Chair would cease and desist their discussions and interjections, we might hear a succinct question.

Final supplemental for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. Doesn't the Minister of Health realize that without the government setting the policy first, the regional health authorities are not in a position to determine what will be acceptable and what won't be acceptable? They've been cut adrift by this government, and our health care is at risk as a result of that.

MRS. McCLELLAN: Mr. Speaker, I can assure you that every regional health authority in this province is far better prepared and far more knowledgeable and far more prepared to answer those questions than the hon. member opposite. That has been displayed by this hon. member day after day in this Legislature. They understand the policy in this government. They know the policy. They know that it will not contravene the Canada Health Act. They know that they cannot dispose of facilities without a minister's permission. The regional health authorities know. I invite the hon. member to get with it and understand the issue himself.

THE DEPUTY SPEAKER: Question period has now concluded. Would the Assembly agree to the brief Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Carried.
The hon. Member for Lac La Biche-St. Paul.

head: **Introduction of Guests**
(*reversion*)

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure to introduce to you today and through you to all members of the Assembly a group of visitors from the Whitefish First Nation. We have in the members' gallery today 10 students from grades 6 and 7 from the Pakan school, and they are accompanied by two teachers, Ms Koehler and Ms Karbashewski. I would ask our visitors to rise and receive the traditional welcome from the Assembly.

THE DEPUTY SPEAKER: Now I think we have a few points of order. I'll call on the hon. Member for Edmonton-Avonmore, who gave notice.

Point of Order Clarification

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise under Standing Order 107 regarding a tabling that I brought forward to the House last week with reference to the federal Reform Party and its stand on multiculturalism. If the Speaker would recall, I was heckled a little louder than perhaps is normally the case, and as a result I was thrown off my train of thought by a hon. colleague sitting here to my right, to my extreme right I might say, and the sentence wasn't quite completed. What I had intended to say was that the federal Reform Party was against multiculturalism programs and the funding of multiculturalism programs.* I would just like to read that into the record so that it's corrected for the future. The correction having been made, I would take my place.

Thank you.

THE DEPUTY SPEAKER: The Chair would undertake, then, to review *Hansard* for that day in question.

We had one more point of order, I believe. The hon. Government House Leader.

Point of Order Parliamentary Language

MR. DAY: Mr. Speaker, it's with the greatest reluctance and it's only on rare occasions that I rise on a point of order. I'll refer to and cite *Beauchesne* 486. It talks about much depending "upon the tone and manner, and intention, of the person speaking." *Beauchesne* 487 refers to words not being "used hypothetically or conditionally, if they are plainly intended to convey a direct imputation." Today the questions coming from the Leader of the Official Opposition were I think especially odious in their tone and their meaning and their intent, as is laid out clearly in *Beauchesne*. When you stand and accuse somebody of blackmail and of other noxious deeds, then I think there is some compulsion on members to reconsider their presentation.

Mr. Speaker, *Beauchesne* 491 could be used for all of us, especially maybe the soon to be former Member for Spruce Grove-Sturgeon-St. Albert. [interjections]

THE DEPUTY SPEAKER: Order. [interjections] Order. We would caution the hon. Government House Leader to not incite debate on the point of order.

MR. DAY: Thank you for that caution, Mr. Speaker. I went too far. I apologize to the member and retract that statement.

I should say clearly that I read citation 491 to myself, but I would hope that the Speaker would feel free to call any one of us to order quickly, even as he just did me on this.

The Speaker has consistently ruled that language used in the House should be temperate and worthy of the place in which it is spoken.

Really I think the most casual observance of the questions today from the Leader of the Official Opposition would show that those questions were not temperate, they were not prefaced with temperance, and in fact really the tone, the meaning, and the intent was not worthy of this House.

THE DEPUTY SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. You know, there are an awful lot of points of order in this Legislative Assembly. Last Thursday indeed in my debate there were several. On this particular point of order I want to suggest to the hon. Government House Leader that hard and probing questions should not be construed as being malicious or vexatious.

The issues that today presented themselves in the opposition leader's questions were important questions about issues of health care funding and the like that a majority of Albertans in poll after poll after poll have expressed an interest in. For the hon. Government House Leader to demean the quality of those questions by suggesting that there is something inappropriate or unfair about those questions is itself, I want to suggest to you, unreasonable.

It is not the purpose, in my respectful estimation, for points of order to control speaking styles, speaking debates, to control the nature or the substance of the questions. We have to always remember that what may be of only passing interest to some government members may be of extremely critical interest to the hon. Leader of the Official Opposition. He should be given the widest courtesy in asking his questions. He should be given the widest opportunity to ask them fairly, and with the greatest of respect to those who would hold a contrary view, he should be

*See page 1177, left col., para. 8

allowed to ask his questions in quiet dignity in this Legislative Assembly without those attempts to curb free and public speech in this Legislative Assembly. That is the balance that keeps democracy in check, and I want to suggest that some of the hon. government members do not appreciate the significance and importance of that.

Thank you for allowing me to speak on this point of order.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Gold Bar. I think we've probably heard enough unless you have something very cogent.

MRS. HEWES: I think so but perhaps not. I have tremendous respect for the Chair, for the role of the Speaker, and it seems to me that you were present and in charge of this House at the time when the exchange took place. Mr. Speaker, I'm confident always in your judgment, sir. Had you perceived any impropriety in how the question was asked, the language used, I am sure, sir, with respect, that you would have stopped the exchange at that point.

Mr. Speaker, I see no point of order here. I'm curious as to the hon. Government House Leader offering some perhaps comments about your judgment, sir, because I believe you to be in total control of this House.

MR. DAY: Blackmail, Bettie? Come on.

MRS. HEWES: Well, he was in charge. [interjections]

THE DEPUTY SPEAKER: Thank you, hon. member. That sort of puts an extra burden on the comments that the Chair might make.

Certainly whether or not the Chair leapt up quickly enough to his feet to challenge things like blackmailing or vote buying or defeat of someone in the future would remain a question. I think there is an onus on all hon. members to respect the proper decorum in the use of language in posing questions, in answering questions, and, yea, even in speaking to points of order. I think this hopefully will be a lesson to us all. If we are going to draw anything further from this, I think it's in the hearts and minds of each one of the members. The Chair will review it further if necessary, but I think we've spent enough time on the point.

head: Orders of the Day
head: Government Bills and Orders
head: Second Reading
2:40 Bill 29
Employment Standards Code

[Adjourned debate April 18: Mr. Jonson]

THE DEPUTY SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. When this matter was debated last week in this Legislative Assembly for the first time in second reading, the hon. minister in charge of this area indicated to us that basically there was nothing new in this Bill, that he viewed this as a simplification of terminology, a cleaning up of vocabulary, and a streamlining.

MR. DAY: A point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Government House Leader rising on a point of order.

Point of Order Imputing Motives

MR. DAY: Just citing imputation, I think if the member goes through my entire *Hansard* remarks, he will not in any way, shape, or form find that I said there is nothing new in this. I never said that.

THE DEPUTY SPEAKER: It would appear that that's a point of clarification. Is that correct, hon. Member for Fort McMurray?

MR. GERMAIN: Yes. If the hon. minister wants to redo portions of his speech here, he's welcome to, sir. I'm going to continue with the comments that I was making, that the minister indicated this was – if he said there was nothing new, I think he indicated for the most part that this was a consolidation and a rehash of the existing rules, cleaned up in a different vocabulary. Certainly that is the impression that was left with the press, and that is what the press reported on this issue. I didn't hear the minister say that he'd asked any members of the press to recant or restructure that.

Debate Continued

MR. GERMAIN: So let me say to the minister that in my respectful estimation he missed a wonderful opportunity, in addition to his cleanup, to consider whether or not there was an opportunity for some change. There was an opportunity to address some of the public concerns that came up today. You know, Mr. Speaker, one very important concern came up today raised by a Member of this Legislative Assembly, herself a government-supporting member, who is concerned about the lack of whistle-blower legislation and whistle-blower protection in the province of Alberta. It would have been a wonderful opportunity for this minister to come forward with that particular issue. [interjection] The minister of transportation says "communism" or something like that. I'm sorry; I couldn't quite hear him. I'm not sure what he said to me while I'm addressing my points on this Bill, but he'll get a chance, because I know he has not yet spoken to the second reading of Bill 29 and I'm sure will get a chance to talk about where he would like to see the Employment Standards Code go in the province of Alberta.

From my point of perspective, Mr. Speaker, I would like to urge the minister to take a long, hard look at this Bill with a view to considering whether this would be a wonderful opportunity for the minister to bring forward progressive legislation that would continue to maintain the equal balance between employee and employer in the province of Alberta. Now, the minister will say that the Bill achieves that. He will say that there is really not much more in this Bill that he could do to balance employer/employee relationships. I'm presuming that he says that because he sponsored this Bill and has not indicated that any amendments will come forward.

I want to suggest to the minister that when one reads this Bill, it is possible to make a case and to make an argument that this Bill is disproportionate between the employee, who is often perceived, certainly in his own mind, as having very little rights and very little opportunity to protect himself in the workforce, and the employer, who is often perceived as having a majority of the rights and most of the opportunity to protect himself in the workforce.

Now, some of the specific issues that I think the minister lost an opportunity to deal with are found throughout the Bill, and what I'd like to do, Mr. Speaker, in the remaining time that I have is to go through some of them in random order and urge the minister to come forward with progressive, appropriate amendments to deal with some of the issues.

You will recall in the debates in this Legislative Assembly approximately three years ago, Mr. Speaker, I and other members of the Assembly raised a very important issue, during one of the minister's Bills, in which we were suggesting to him that individuals who took a 5 percent voluntary cut in pay and then who were later fired should have their severance package preserved at their old pay rate. You know, the minister was almost apoplectic in pointing out that I may or may not have a good point, but I was in the wrong Bill, in the wrong legislation. Today we're in the right Bill, in the right legislation, so we ferret through the pages of the Bill looking for where the minister has protected people who have taken a pay cut to keep their jobs, and we find that they are not protected from what happens if they are dismissed. There is no protection, no requirement that their severance arrangements be based on their pre-cut salary, and I would urge the minister, since we are clearly in the right Bill, to come forward and bring forward that type of progressive legislation.

There are other issues, the issue of vacation pay and how people are paid for vacation pay. It seems to me that we have had a focus in the last few years and as we move into the new century on people's balance between employment and leisure and self-improvement, continuing education. Yet we are still locked into the rigidity that there is no extra assistance given to employees who have worked 10 or more years for one particular organization. It would be my thesis – and I think few would disagree with me – that when an employee has worked more than 10 years or even if you wanted to say 15 years in an organization, perhaps they should get four weeks' holidays. It is not an unreasonable thing to suggest. Yet this minister had an opportunity to put that forward in his debate, and he does not do that. He forces employers to go up to three weeks' holidays or holiday pay when they've employed someone for five years, but he doesn't look at any of the other requirements of increasing or escalating that with the passage of time. So he's going to say, "Well, I didn't make any changes in that area." The issue is not whether he made changes in that area; the issue is whether he should have used this golden opportunity to do so, Mr. Speaker.

That same issue comes up at the downsizing end in section 56 of this Bill, Mr. Speaker. In our civil jurisdiction and civil jurisprudence there is often a rule of thumb for salaries on wrongful dismissal up to one month per year of employment. So if you worked for 10 years, you would start your negotiation by suggesting that 10 months' salary is the appropriate pattern. Now, like all thumb sizes, this rule of thumb varies in the courts from jurisdiction to jurisdiction and from type of job to type of job. But when we look into the Employment Standards Code of this minister, he says that the bare minimum, which is what he legislates, is eight weeks of severance: two months for somebody who has devoted 10 years in their career with a company.

Could the minister have been more generous in that segment of the code? Yes, he could have. The issue is: why did he choose not to? In this day of rapid upheaval where people are losing their jobs, where these job losses coincide with emotional stress and with family stress and with increased burdens and calls for better social assistance programs and a better social net, why couldn't the minister have taken a clue from changing times and

from the downsizing era that we're in and said: yeah, if you've worked 10 years for one company, we're going to at least guarantee that you get a minimum of . . .

THE DEPUTY SPEAKER: The hon. Minister of Labour rising on a point of order.

Point of Order Questioning a Member

MR. DAY: I wonder if the Member for Fort McMurray would entertain a brief question.

THE DEPUTY SPEAKER: The hon. member is just asked to answer yes, no, or after.

MR. GERMAIN: After the conclusion of my remarks, sir, I'll be happy to.

MR. DAY: Just say no. Okay. That's what I thought. Yeah. Open debate; I love it.

2:50 Debate Continued

MR. GERMAIN: Yeah. Well, you read the *Hansards*, hon. minister; you'll see that I invite members to debate in this Legislative Assembly as much as any other member in the Assembly. [interjection] Now the minister, you see, wants to curl up his lip, Mr. Speaker, and suggest that I should answer questions when the government front row has made a history of not answering questions in the three years we've been here.

MR. DAY: I always do, and you never do, Adam.

MR. GERMAIN: Yeah, you always do, and we never do. That's interesting.

Let's go on to child employment. Perhaps the minister would have some concerns about child employment. I hear from educators all the time, Mr. Speaker.

DR. TAYLOR: He makes his kids work way too hard.

MR. GERMAIN: I hear now others who want to debate about how he employs his children here in the Legislative Assembly. The hon. Member for Cypress-Medicine Hat appeared to want to equate himself to a child in need of protection. But that will be a subject, Mr. Speaker, for another debate, because I see you looking at me with that look that you have.

I want to draw the minister's attention to the sections of this Bill that relate to child labour. Schoolteachers across the province of Alberta tell us that children who do not need the money, who are using the money for what would be considered nonessentials, are working to the detriment of their educational improvement. The minister had a wonderful opportunity in this particular area to deal with those provisions, but he has simply said that basically you can work if you're not required to attend school. I think that some of those sections should be dealt with somewhat.

I want to take the minister to the alternate dispute resolution. The alternate dispute resolution would have been a wonderful opportunity for the minister to lead us in a debate as to whether we should have, in labour unrest such as this, mandatory binding arbitration to solve problems that would normally have gone to the courts or normally have gone to the inquiry process. Instead, what we have is some attempt to resolve the problem, but the

minister could have come forward if he wanted to, Mr. Speaker, and dealt with the entire issue of whether employment disputes should now be dealt with in a form of binding arbitration instead of the proposals that he brings forward.

Now, I want to also draw to the Legislative Assembly's attention, Mr. Speaker, that between the workers and the employers there does not appear to be the same balance in the appeal process. If you look at the appeal sections, which basically are found in the vicinity of section 88 and onward, you will find that in some cases the employer has a continued right of appeal if he is aggrieved by the decision, but the employee has no further continued right of appeal. Now, it may be that there is simply a requirement for greater understanding on the part of members of this Assembly such as myself, but when I'm looking at legislation and I'm giving it the quick overview, I say to myself: why are the appeal provisions different and out of balance for one group versus the other group? It seems to me that when one group of the equation gets greater appeal rights than the other, there is a heavy onus on the government to explain why that might be.

What we want to do is try and explore what the government motive was in creating that appearance of disproportionality. There may be a legitimate reason. There may be a completely innocuous explanation. On the other hand, the explanation may indeed be that employers were given an additional level of appeal that employees did not get. I want to suggest that that disproportionality continues elsewhere in the legislation, and the minister may well look at that disproportionality.

I also want to ask the minister out loud, since we just dealt with a limitation of actions Act in this Legislative Assembly, why it is that somebody who believes they have been wronged on their wages should be limited to one year to make their claim for additional earnings. One year. Any other wrongdoing, most of the tortious wrongdoings in this province, Mr. Speaker, result in limitation periods of at least two years. It can't be a matter of record-keeping because even Revenue Canada requires that records be kept for a three-year period.

[Mr. Clegg in the Chair]

So the question I ask the hon. minister that sponsored this Bill is: why is it that one of the shortest limitation periods that we have in Alberta is reserved for people who complain about unpaid wages? Why is that, Mr. Minister? What would be wrong with a two-year limitation period similar to any other wrongdoing?

MR. MAR: No, it won't be earlier than two years.

MR. GERMAIN: Now somebody else wants to get into the debate, debating whether one year or two years is right.

Remember, Mr. Speaker, that we are talking about individuals who often do not take recourse to lawyers, we are talking about individuals who often feel intimidated in the employer/employee relationship, and we are talking about individuals who often have less resources at their disposal to inquire and to find out what the rules of the game are. It seems to me that there is no valid public policy reason to limit a wage earner's right of recourse for wages that he alleges have been wrongfully withheld from him to one year as opposed to two years. I want to urge that upon the minister. [interjection] I see the hon. minister of multiculturalism, himself a lawyer and a Queen's Counsel, is in fact chastising lawyers, I believe I heard him say, but perhaps he wasn't. Perhaps he agrees that the limitation period should be two years.

DR. TAYLOR: I'll chastise lawyers.

MR. GERMAIN: Now the hon. Member for Cypress-Medicine Hat, himself a learned man, a professional man, wants to chastise another group of professionals. I do not understand what it is in the water here in this Legislative Assembly, Mr. Speaker, that encourages people to act and respond that way, but it is disquieting.

I want to also suggest that, at the hearing, for an umpire to consider a hearing abandoned simply because somebody chooses not to appear strikes me as being very awkward legislation. If you have filed an appeal and you have filed your materials, I would like to suggest to the minister that the umpire should be allowed to go ahead and consider the appeal and determine whether the appeal on its merit, on what is before the umpire is worthy of some consideration. What if an employee who has set up an appeal before an umpire is faced with the tragic news that a loved one, his father or his mother, has died in the night that evening before the appeal, he can't get to a phone to phone, and the umpire decides that his appeal is abandoned? The very worst that should happen in that case, Mr. Speaker, I want to suggest to the hon. minister, is that the umpire should go ahead with the material that is before him on the table.

Now, Mr. Speaker, we also have the section at 112. This is the section that makes directors personally liable for unpaid wages. But the minister must know, he must surely know that that section has been fraught with difficulty for many years. The procedures have sometimes been awkward, where people have felt that they have to exhaust their remedies against the corporation first, that it isn't true joint and several liability, that they don't know how to bring that section into play. I would like to suggest that the minister lead us in a debate as to whether or not constructive change in that area was necessary, rather than bringing forward simply the status quo.

Finally, Mr. Speaker, I want to draw to the House's attention that one of the prohibitions in this particular legislation is indeed the same prohibition that is found in Bill 24. That is that people who are prejudiced against in their job because they have made a complaint of an unfair trade practice are theoretically protected, because in sections 125, 126, and 127 it deals with some conduct of employers that the minister finds odious and objectionable.

I want to suggest to the minister that if he wants to improve the lot of working people in the province of Alberta, he should put in this Bill deeming provisions, where if somebody is fired within 90 days after making a complaint as found objectionable in this legislation, they are deemed to have been fired because of the prohibitions contained in the Act, and it leaves the employer with the heavy onus of disproving the presumption. You know from your life's experiences, Mr. Speaker, that it is too easy to create 10 or 12 reasons to fire somebody when the real underlining reason is that they were a whistle-blower. Since this government will not embrace the concept of whistle-blower's legislation, the least that he should do – and I would stand up and express open legislative admiration for the minister if he were to do it – is stand up and say, “Yeah, I think I agree with the hon. member; if you get fired within 90 days of making a complaint under this legislation, it's presumed that you were fired because you made the complaint,” and let's start from that threshold.

3:00

I also want to draw to the Legislature's attention that there are extensive amounts of regulations and an extensive opportunity to have legislation by regulations in this particular Bill. I want to urge all Members of the Legislative Assembly to be receptive and

to be open to the concept that these regulations should be referred to the Standing Committee on Law and Regulations, a standing committee of this particular Legislative Assembly chaired by the hon. Member for Calgary-Shaw and on which there are a predominance, a majority, of government members versus opposition members.

DR. TAYLOR: He'll never call a meeting. He'll never call a meeting.

MR. GERMAIN: Now the hon. Member for Cypress-Medicine Hat joins the debate again from his chair by pointing in an accusatory way at his own colleague, the Member for Calgary-Shaw, and he says: "He'll never call a meeting. He'll never call a meeting." The hon. Member for Calgary-Shaw has told us on several occasions that it is the Premier or this Legislative Assembly who must call meetings.

MR. HAVELOCK: A point of order.

THE ACTING SPEAKER: The hon. Member for Calgary-Shaw on a point of order.

Point of Order Clarification

MR. HAVELOCK: Yes. Just a point of clarification, Mr. Speaker. I have never said that it's up to the Premier to call a meeting of that committee.

MS LEIBOVICI: Who calls the meetings?

MR. HAVELOCK: The Legislative Assembly, hon. member, calls the meeting. If you want to have one called, put a motion forward, debate it, and if you happen to win one the odd time, we'll have a meeting.

THE ACTING SPEAKER: The hon. Member for Fort McMurray on the point of order.

MR. GERMAIN: It sounded like a point of clarification rather than a point of order, and I'm prepared to go on with my debate if you order me to. However, I must say to the hon. member that the way in which government members bring forward their agenda is by motion, and if it is the Member for Calgary-Shaw that can trigger a meeting by simply putting a motion forward, I would invite him to put the motion forward and I'll be happy to vote and support it.

THE ACTING SPEAKER: Just to clarify your point of order.

MR. HAVELOCK: Again, just to clarify, Mr. Speaker, any member in this Assembly can bring forward the motion to have it voted on. It needn't be the chairman of this illustrious committee.

THE ACTING SPEAKER: I think, hon. Member for Calgary-Shaw, you have clarified that it is maybe a disagreement, but certainly you are right in your clarifications.

So the hon. Member for Fort McMurray can continue his remarks.

Debate Continued

MR. GERMAIN: Thank you very much, Mr. Speaker. Continu-

ing as I did, one has to consider whether simply saying that the matter of calling the Committee on Law and Regulations by virtue of a motion is the answer. The problem is the whole answer. It isn't. It is no part of the answer, because the whole problem with this particular Bill is that it does not open nor does it invite the opportunity for any regulation to be referred to that particular committee. These pieces of legislation should automatically have that triggering event.

I will now entertain the question from the hon. minister who sponsored this Bill, Mr. Speaker.

THE ACTING SPEAKER: Hon. member, your time is up.

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure to rise to speak to Bill 29, the Employment Standards Code. As you've heard from the hon. Member for Fort McMurray, this Bill has a number of facets to it, not the least of which is that it's the Bill that mandates and sets the framework for legislation that deals with employment standards throughout the province. As the Bill indicates at the outset, this is the Bill that "is an appropriate means of establishing minimum standards for terms and conditions of employment."

Now, as we in this province all know, the minimum standards are indeed that: they are minimum standards. In fact, when we look at the rewrite to the Employment Standards Code, one of the issues that was brought forward was that this rewrite was to simplify the code and was to make it more user friendly. What I find rather interesting, though, is that the old Employment Standards Code had 56 pages in it; the new Employment Standards Code has 62 pages. So rather than seeming to simplify and perhaps make it easier to read, it in fact has been lengthened. Now, the rationale could be that some of the things that were in regulations and were in policy beforehand are now in the code. On the other hand, I think when one reads the code, it's still not as simplified as it could have been in terms of whether it is understandable by individuals who perhaps have not had a legal background or have not been trained in legalese, as we have been in the Legislative Assembly. In fact, this code still needs reworking.

Now, I have yet to understand why in fact the code has been reworked without having any of the items in the code that would have made it friendly for the new workplace that employees are confronting. Daily, it seems, we see letters to the editor or I get calls in my constituency office, as I'm sure the other members get calls, with regards to the Employment Standards Code. In fact, there was a letter to the editor just on April 16 in the *Lethbridge Herald* from Uwe Eggebrecht that indicated that it's an employer's market. What he indicated is:

As well known, it's an employers' market. They can pay astonishing low wages, they can abuse labour laws and they can abuse their employees, and not a single thing can be done about it.

Because of economics I was let go by a very respectable company: good wages, good benefits, and great treatment. Then I had the misfortune to work at a very low class establishment. I was demeaned and had verbal obscenities hurled at me daily. It was bad enough dropping \$7 per hour - I'm sure my wage isn't far off welfare standards - and for this I have to let these [people] treat me in such a manner.

I tried. I bit my lip and kept smiling. Does a person have to lose every bit of self-worth and self-esteem? Does a person have to be verbally abused, ripped off over time and belittled just to scrape by?

How would you feel every morning knowing you're going to be treated in such a manner? . . . It is too bad that there are no agencies to go to and get something done about this and put a stop to their type of abuse . . . I just could not take it anymore. But now what? My family will have to suffer. All I wanted to do was to provide for my family.

I think that's a very poignant letter that indicated the difficulties that individuals are facing in the market these days.

The rewrite to the Employment Standards Code has not made significant changes, which on one hand could be seen as a good thing. I guess the minister could have taken the Employment Standards Code and so unevenly balanced it in favour of employers in the province that it would have made it even more difficult for employees. I must congratulate the minister that he has not done that. He has not in fact changed the balance from what it was before. On the other hand, there are many items that have been left out of the code.

Now, one of the reasons perhaps for that was – I understand the minister has indicated that there has been a consultative process that has been ongoing for a long time. I would hope that the minister would be able to perhaps table in the Legislative Assembly those individuals and groups – those businesses, the labour unions, et cetera – that he did speak with in regards to the Employment Standards Code and the time frame within which that happened. I know there were discussions that were held three or four years ago. I would hope there have been discussions that have been more recent than that.

3:10

I also, unless I missed it, have not seen any public hearings that have been dealt with with regards to the Employment Standards Code. In my mind and I'm sure in my caucus' mind as well is the feeling that this Bill is a large enough Bill, affecting just about every individual in the province, that there should have been public hearings with regards to this particular Bill.

To have a rewrite just for the sake of a rewrite, to be able to say that it's in plain language, I don't think is good enough in terms of the amount of time that was taken to do the rewrite. But have a rewrite based on a true consultative model; have a rewrite that would in fact have looked at things like benefits for part-timers, that would have looked at our parental benefits, which aren't even listed in here as parental benefits – there are no parental benefits in the Employment Standards Code – and at the recognition that it is not only mothers that parent but that it is also fathers that parent as well, at maternity and adoption benefits equivalent to those in the federal sector, and to take into account some of the items that the hon. Member for Fort McMurray has mentioned and that the hon. Member for Calgary-Buffalo mentioned last week with regards to protection of employees in the workplace, ensuring that for employees who are either let go or whose wages are reduced, there is protection for those employees.

You know, I got an interesting call just on Friday from an employee who indicated that they were in a workplace and had been there for nine years, and there was another employee that had been there for six years. They were informed that their wages were going to be reduced. She said, "Well, isn't there some way of ensuring that at least there'd be a notice period equivalent to the amount of time I have spent with this employer so that not practically overnight my wages can be reduced, so there's some recognition for long service as there is for individuals who are facing layoff?" I said: "No, there has been no consideration of that, but that is something we would look at

letting the minister know about. That is a concern, and we would in fact draft some amendments on that." Hopefully the minister will look at the amendments we will bring forward in the Committee of the Whole stage, which deal with a whole range of areas that we feel would benefit workers in the province of Alberta.

Now, on Thursday one of the hon. members had tabled a listing of legislation, motions, and various other items that we have proposed over the last two and a half years to indicate how the Employment Standards Code could be improved. Unfortunately, on looking through the new, revised version of the Employment Standards Code, the minister has chosen to ignore all of those good recommendations, and for the life of me I can't understand why he would.

MR. GERMAIN: Peer politics.

MS LEIBOVICI: "Peer politics," the Member for Fort McMurray says.

Perhaps it's something like the committee on rules and regulations, where there's someone back there saying: "No, we can't do this. No, this is not something we want to do."

MR. GERMAIN: We give them the best we have, and they turn it down.

MS LEIBOVICI: Right. Right, as the Member for Fort McMurray is saying. It's too bad you couldn't get all this in your comments. Maybe we should ask for an extension of your time period. We give them all these good ideas, yet they're somehow not coming through.

I think, as I indicated, that there are some items in the Employment Standards Code that perhaps are a bit clearer than they were in the past. There has been a realignment of certain areas, and I think those were good moves on behalf of the minister and his department. However, if I can just reiterate, there are a number of items that were left out: benefits for part-timers, whistle-blower protection, protection for employees in terms of the divulgence of personal facts, the areas that deal with successor rights, especially in this time when we're looking at employees never knowing when their next layoff will occur, that there be better successor rights in the legislation, that there be more employer responsibilities both prior to and during layoffs. These are all areas that would have indicated that we are looking at the next century with regards to work.

The other area is that there was a small adjustment made with regards to workers who work at home. Again, I don't believe that that really goes far enough. It deals with incentive pay, an hourly wage for calculation of overtime. That's really the only area that I could find – and perhaps the minister will be able to indicate if there are other areas in here – that deals with the new home-based businesses.

Calgary is the hotbed for home-based businesses. It has the largest number of home-based businesses across the country, I believe. On the other hand, home-based businesses, though they bring with them a lot of benefits, also bring with them some areas of concern. There are areas of concern re the calculation of wages, areas of concern re potential employer abuse, areas of concern with regards to loneliness in the workplace because it is a home-based business, and these are all areas that I believe need to be addressed.

Now, I think we need to look forward. If we look back at the

development of work throughout history, when you look at the industrial revolution, one of the first developments was in fact the so-called home-based businesses, was in fact the sweatshops that occurred in the home. I would hope, though the trend is towards home-based businesses, that we're not looking at a trend that repeats that past. We should not be repeating the past; we should be learning from the past. In a Bill such as the Employment Standards Code we should be looking at providing some protection for those individuals who are employed in home-based businesses.

Now, the minimum wage is something that we've talked about and talked about and talked about in this Legislative Assembly. Again I noticed, unfortunately, that in the Employment Standards Code there is no annual review of the minimum wage that's legislated in the code. It seems as if the government feels that when they feel like it will be good enough for individuals who are tied to the minimum wage, and those individuals will then get some kind of reward from the government, maybe prior to another election. It seems that prior to every election, the minimum wage is suddenly reviewed, and there's a revelation by the government that indicates: oh, it's too low; maybe we should add on another 50 cents. I think that if employers knew there was an annual review of the minimum wage and if employees knew there was an annual review of the minimum wage, in fact there would be fairness in the whole process. Employers would also be prepared. They wouldn't suddenly be hit with – what was it last time? – a 75-cent or a dollar increase overnight just about. I think that's hard on any business. So at least if there are going to be increments in the minimum wage, they can be done on a basis that would be in fact incremental as opposed to large increases in minimum wage because the province is so far behind.

There are other concerns with regards to the Employment Standards Code. The Member for Fort McMurray had mentioned the restriction on employment of children. There's also the item that deals with persons with disabilities – and this I believe was in the last code as well – that allows for employers to obtain a permit which pays employees less than what the minimum wage is. I think that's something that should have been talked about in a public forum rather than taken from one code to the next. I think that's something that should have had a broader public discussion.

I think there are other items in here that also would have done well with a broader public discussion, whether it has to do with, again, as I mentioned earlier, whistle-blower protection, whether it has to do with the maternity and adoption benefits, whether it has to do with putting in a section that deals with paternity benefits. Perhaps the minister might be able to amend division 7 at section 45, where it talks about maternity and adoption, and put in paternity or rather parental benefits as opposed to just maternity benefits. I think that would be shown to be forward thinking on behalf of the minister, especially in light of this government's claim to value family. If one is to truly value family, then I think one must look at the whole responsibilities that both parents have with regards to the raising of children and give the families the choice as to whether it is one or the other that does stay at home.

3:20

There are other items in here as well. I know there are members, on this side of the Assembly at any rate, who have concerns that have been brought forward by their constituents as well as concerns that they have seen over time with the implementation of employment standards and the investigation of employment standards complaints and that they are itching to speak.

So with those comments, I would like to thank the Assembly for having this opportunity. As well, when we get into the Committee of the Whole stage, we will be bringing forward amendments on a number of items, and hopefully the minister will look at those amendments in the light that we are bringing them forward in and maybe even surprise us in here and pass a few.

Thank you.

THE ACTING SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. Actually, I do want to support the principle of the Bill, Mr. Minister. Just starting at the very beginning, when one compares the current Employment Standards Code with the new one, even in the preamble one sees a move away from baffle-gab, if you will, to plain language, and from that standpoint I would like to compliment the minister. I believe that this is a step in the right direction. It's long overdue. I think laws that are written for the people are written in a language that the people can understand, and getting rid of things like "whereases" and putting in words like "recognizing" and "acknowledging" and "realizing" I think are steps in the right direction. So I do think that is a step in the right direction. I think there is some good movement here.

I do want to make a couple of comments about a few sections in particular. The minister has talked about the minimum wage law with respect in particular to the issue of students of high school age. One of the things that I did not see in the Bill was a distinction, if you will, between different kinds of part-time workers. Indeed, there is the group – and certainly I was one, and I expect the minister was too – of high school and college students who because of the nature of their studies can only work part-time and who probably are not overly concerned with issues like pension, are not overly concerned with benefits and so on and so forth. But in our work world today there are more and more persons who are working part-time, either by choice or because the economy has forced it upon them. When I looked at this section, I did not see any distinction, if you will, between those two different kinds of part-time workers. I'm wondering if the minister has given any consideration to or if there have been any discussions in his department over that issue. My colleague from Edmonton-Meadowlark has raised the issue with respect to prorated benefits for part-time workers.

The other issue that I think is also pertinent at this time is the issue with respect to a regular review, whether it's annual or semi-annual or biannual, with respect to the issue of the minimum wage concern. I know that I've heard the minister raise concerns that if we start making it too expensive for employers to hire those part-time high school and college students, then a lot of those young people who are really scrambling to try and make ends meet are going to find it more difficult to find work. I accept that argument; I think there is some validity to that argument. But I think there's a second category. Although I don't have the statistics, I would suggest that there are probably a lot of women in their 30s and 40s who are only working part-time and who would perhaps like to be working full-time or who are only working part-time because they have young children, and this works around their schedule nicely.

So I think it behooves the government to look at different kinds of part-time workers, if you will, Mr. Speaker, so that the broadest range of considerations should be given to the broadest range of workplaces and work styles in our work world today,

because as you well know, that is changing considerably over time.

I'll leave those comments with the minister to ponder and perhaps consider down the road for another time. I think they are relevant in particular, as I said, for those individuals who are working part-time and are not the high school student, are not the university or college student, and are finding themselves in the workforce just on a part-time basis and aren't getting the kind of support and backing, if you will, from their employer that I think they should be given.

Mr. Speaker, as I understand it, the basic philosophy of the Employment Standards Code is to provide guidelines both to employer and employee so that a mutually beneficial working arrangement can be reached between those two individuals or two groups of individuals, if you will. Of course, inevitably there are those unfortunate times when things come off the rails and you find yourself in some kind of labour strife either with unions or individually, where an individual is laid off or whatever.

Now, as I read through the Bills, both the old and the new – and the numbers vary a little bit from the new Bill to the old Bill; there are sections that literally have been taken out of our current Bill and reappear in the new Bill 29 with the same wording but just in a different location – sometimes if things go off the rails, an employee may appeal to an employment standards officer to adjudicate a claim. There is a section that says – it's in the old Act at section 9 and the new Act at section 3 – that nothing in the Act prevents any “civil remedy of an employee or an employer.” But there is another section in the Act that says that if there is a decision that is handed down by an employment standards officer, then that decision is binding on both the employee and the employer. So in fact what ends up happening, Mr. Speaker, is that in the old Act – I believe it's section 97 – it says that if a decision is made, then you can't go on any further from there.

Section 97(2) allows the employee to make the request to an officer for a benefit of some kind, and section 97(4) says that “a decision of the Director . . . is final and binding.” Now, the reason I raise that – and I'm sure the minister is aware – is that currently there is a case that is going to the Supreme Court of Canada, Mr. Speaker, that deals with a case where an individual was released from his employment and appealed to an employment standards officer. Ultimately what ended up happening was that the decision that came down was binding because of section 97 in the current Act, which is retained in the new Act, and that prevented a court case from going ahead. The reason I raise this is that in the preamble there is a section that says:

recognizing that employees and employers are best able to manage their affairs when statutory rights and responsibilities are clearly established and understood.

It seems to me that the reason this whole issue is going ahead – and now there is a leave to appeal to the Supreme Court of Canada, Mr. Speaker – is, I would argue, that there was not a clear understanding and establishment of the rights and responsibilities. I spoke with an individual involved with this over the weekend, one of the lawyers who was involved in the representation of the case. So what ends up happening is that currently what we have is that if an individual is released from employment and has some dispute, then that individual must make a decision right from day one, and that is: will I pursue some kind of adjudication through the Employment Standards Code, or will I pursue something through the courts? Under the current legislation those two are mutually exclusive, as I understand it.

In fact, the Alberta Court of Appeal describes this; the term they use is issue estoppel. Basically what it says is that the

decision is binding upon the two individuals, and therefore there is no further proceeding from that. The thrust of the court case that is now being asked for leave to the Supreme Court of Canada is to allow that person to say: wait a minute; I have a right to an appeal. Under the current legislation the way section 97 is currently structured, it prevents any kind of appeal to any other body.

3:30

So what the issue is, I guess, is there should be a second chance. I think what's needed – and I will be proposing an amendment that I'll provide to the Minister of Labour. I will be proposing an amendment at Committee of the Whole stage that would add a third clause to section 3 of Bill 29 that would allow an individual to have that second chance, if you will, the chance to appeal to another court. What happens right now – and the Alberta Court of Appeal has made a ruling on this – is that under the current legislation that would not be allowed.

Mr. Speaker, I like the move to plain language, but I think what needs to be cleared up in this particular section of the Bill is to allow individuals to have that second chance to raise issues somewhere else if they feel that they have not been fairly heard or whatever. That appeal, I think, is something that is a well-defined and well-accepted right in a variety of different situations in different civil and criminal cases across this land, and I think this is something that should be applied to the Employment Standards Code.

Mr. Speaker, other members have spoken more eloquently to different parts of the Bill than I probably could, but I did want to raise those two particular issues with the minister. I will be drafting that amendment for the Committee of the Whole stage, whenever we deal with that, and I will be sure to provide him an advance copy of that so he can look over that section and give it consideration when we come back to Committee of the Whole.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'd like to add a few remarks to debate on Bill 29, the Employment Standards Code. First of all, I would like to say that I'm pleased that the minister responsible, the Minister of Labour, did not use the word “housekeeping” in referring to this particular piece of proposed legislation. Of course, in years past we've spent hours and hours and days and days on Bills that had been referred to as mere housekeeping Bills and which turned out to be veritable revolutionary changes within the pages of those Bills. But this time the minister has used words like “consolidate” and “simplification of language,” and I think that's true on both counts.

Of course, we are supposed to speak to the principle of the Bill. Other than that the employment code deals with the relationship between employers and employees, the principle of this Bill, I think, is indeed strictly consolidation and simplification of other Bills. So I'd like to say a little bit beyond that particular principle, Mr. Speaker, as positive as I would consider the content of this Bill to be, by and large. I'd like to delve into a few aspects that I would like to signal ahead as finding somewhat lacking, shall we say, and that can certainly be improved upon in subsequent stages.

The one item that has been mentioned before and that I'm missing is the amount of consultation. At least I'm not too aware of any great amount of consultation that has taken place on this

Bill. Now, perhaps in many of the cases, many of the clauses there isn't a great amount of consultation necessary, but in some of them I would suggest there is, particularly when it concerns the section dealing with complaints by workers. That's one, of course, and it has been mentioned earlier, that an employment standards officer might simply reject a complaint by a worker as being – what's the word? – if not vexatious, then it's something like it. To me that's a fairly high-handed decision. If there's absolutely no alternative for the worker to test that out, it seems to me there ought to be another one. Again, we will deal with that at the committee stage.

There's no annual minimum wage review – that point has been made too – and I find it hard to understand why, while we languish in eighth place as far as minimum wage is concerned, which is still at \$5 and has been like that for many, many, many years. I wonder whether we can't have at least a review built in every once in a while, because the conditions do change. I think that at this particular moment everybody will recognize the fact that a great number of people are involved in part-time work and not necessarily because they want to be. It certainly helps them if the minimum wage is somewhat higher. I realize that a balance always has to be struck, of course, between the needs of the employees and those of the employers in order to make sure that we have the optimum amount of employment available.

Mr. Speaker, I'd like to go on with other items that have been mentioned earlier, but I'd like to go on record as finding them very important. There's no mention of working hours and conditions for high school students, and that to me is an important omission. Quite a few studies have been done over the years that have clearly indicated that if high school students work 15 hours per week or less in addition to their regular school hours, then it is bearable and might even be beneficial. Certainly I'll be one to recognize the importance of students engaging in what I might refer to as real-life work after their school hours, but there comes a point where any student who puts in more than 15 hours a week is doing that to the detriment of his or her school work. Therefore, I would like to see something in the legislation that makes it impossible for employers to rely on students to that extent.

Mr. Speaker, moving right along. Improvements to successor rights: I think that's a very touchy item, and there doesn't seem to be any mention of it, at least no improvements. When there's a change, when one employer takes over from another, we all know that it should not affect the length of service of an employee who was employed by the previous employer, but there does seem to be an effect on benefits and items like that.

I've personally been very involved in a case that affected several of my constituents to that effect. They were guards working for the then provincial Grande Cache Correctional Centre, and they transferred to the federal Corrections Canada and became employees of the federal government thereby. The centre, by the way, is now called Grande Cache Institution. Now there is a problem with the pensions of these people. Somehow they have fallen into those proverbial cracks. There is no agreement between the provincial government and the federal government that would allow them to simply transfer their pensions. Now there's a lot of scrambling going on in order to try to connect the two jurisdictions to make a transfer possible, and obviously it should be.

I think that's perhaps where the code can make a little bit more effort in making sure that those kinds of transfers with the items that it involves, pensions and the like, are being looked after. It's not just pensions; with long-term benefits it's the same thing.

One of those employees, after his transfer, turned out to have cancer and was told by the federal government's insurance agency that he hadn't worked long enough in order to qualify for long-term disability, yet this person had worked with the province for about 25 years. Now, it is ludicrous that those things aren't looked after. So I strongly urge the Minister of Labour, who is as usual paying the greatest amount of attention to my words, to look into the matter and to beef this particular section up.

3:40

Mr. Speaker, I go on with some other items. We've spoken about part-time employees and prorated benefits, and I would like to add my words as well to those of my colleagues that there ought to be some measure of benefits for part-time employees, once again because we have so many of them these days.

No whistle-blower protection. We keep hammering away at that one. We think that if there was enough of a measure of protection for workers blowing the whistle on, for instance, unsafe conditions and so on, that would really benefit not only that worker but the industry as a whole.

The final item that I would like to point out here is the matter of severance provisions once again. I think the point has been made before, and that is that if a person is laid off from a particular position and that person's salary had been cut prior to the layoff, then the severance ought to be paid on the prelayoff salary that was paid to this worker. That would be fair. We've had many cases where that was not happening, so people got it in the neck twice, so to speak. First they were cut, and then they were laid off, and the severance was based, if it was given at all, on the postcut salary. That is kicking people once they're down, Mr. Speaker, and I strongly urge the minister to take another look at that one as well.

That's about all I want to say. In the main, I certainly agree with the notion of consolidation and simplification of language.

Thank you very much.

THE ACTING SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise to speak to Bill 29, the Employment Standards Code, and do support this Bill. But having lent my support to the Bill, I must say that there are areas that I believe the government should have moved on. To some extent it's disappointing that here in 1996 we haven't taken the opportunity to have an Employment Standards Code that really would serve the province in a more positive way, taking us into the next century.

It's gratifying to be able to open a piece of legislation and be able to read it and understand it, so I have to commend the Labour minister for bringing forward a piece of legislation in plain language. I wish that I was able to say that about all the other legislation I've had to speak to since I became a member of this Assembly and particularly this session, where there's legislation that, quite frankly, bamboozles and where you get different opinions from different lawyers.

There's nothing more important to our future as Albertans than are job creation and employment opportunities and also a marketplace that encourages entrepreneurs to create those job opportunities, so any legislation dealing with the marketplace is doubly important at this time. We have, as I say, missed some opportunities here. I would suggest that that positive environment, which still eludes the marketplace, between employee and employer hasn't reached that extent through this legislation.

The one area that I hear continually from Albertans on is the frustration that once they become part-time employees, because they want to keep that employment, there aren't the prorated benefits, and they feel they're second-class citizens. So you get a double whammy: you've lost your full ability for a hundred percent earning capacity, but over and above that, the benefits that came from the full employment have been lost. You've not only lost numbers of hours of work; you're also disadvantaged by the fact your benefit package has gone.

Mr. Speaker, in looking at positive legislation that serves the employee and the employer in a positive way, you've got to keep consumer confidence. You've got to keep a marketplace where consumers have the confidence to do their purchasing as they have in the past and also feel that they can indeed make new investments. What we're seeing right now in the marketplace is indeed an undermining of that consumer confidence, whether it be through bankruptcies or when you're looking at levels of investment.

It was interesting, Mr. Speaker, that in talking with people about the billions of dollars of investment and creating job opportunities, the president of Dow Chemical Canada acknowledged in my discussions – and I believe he's had similar discussions with the Provincial Treasurer and the minister of economic development – that in the new marketplace we are seeing still substantial corporate downsizing. When you're looking at the significance of the billions of dollars being invested in the province of Alberta, they don't equate to the job opportunities that one might think would come from that type of investment. So the employee/employer relationship is very important.

It was interesting to hear the federal minister responsible for employment and job opportunities saying that indeed in many instances when employers are looking at cutting their workforce, in essence they may be undermining their own future. I share that sentiment. So in this piece of legislation, Bill 29, taking us into the next century, we have to create that very positive, trusting environment between the employee and the employer. While I acknowledge and will support this piece of legislation, I don't think we've gone far enough, quite frankly. When we do not pay people a wage that really can keep a family of three in what I would say is an adequate way of life – and I would say that an adequate way of life is a basic – without both parents going out to be employed, not necessarily from choice, then I have to question what we're doing, whether it be with minimum wage, whether it be with part-time employees' prorated benefits that aren't there. I think these are all things that would lend themselves to a more positive societal value system and that I would suggest would benefit the family, the family that is being threatened.

How many people know of where the two parents are out working? It's not because they want the luxuries in life; it's because they want to give that very basic standard of living to their family. It may be a couple with three children. That's getting more and more difficult, Mr. Speaker, because, as I say, the benefits aren't necessarily there for those employees. Now, it can be a double-edged sword. You've got to recognize also that we have to ensure that the marketplace is viable, that the small business entrepreneur can survive as well. But I believe that happens through trust and through reward for productivity. I don't see that in this Bill when we're dealing with minimum wage, when we're dealing with successor rights, when we're dealing with part-time employees that should be eligible for prorated benefits, for overtime pay, or just getting down to their basic health entitlement. How often have we seen that being removed?

3:50

We talk about the Alberta advantage. You don't have an advantage unless you have that trust between the employee and the employer, and you don't remove that adversarial role when it comes to labour negotiations, Mr. Speaker. The Alberta advantage has to be based on that partnership between the employee and the employer. So I would hope that when this Bill reaches the committee stage, the government will take seriously the amendments that will be brought forward. Certainly listening to the Member for Calgary-North West, I think he's touched on an area that would behoove the government to take a serious look at and take a look at what my colleague for Calgary-North West is going to bring forward.

It's been raised by a number of my colleagues: the number of hours that students should be allowed to work before it adversely affects their schooling. That's a very important issue. Actually, quite frankly, Mr. Speaker, I get very concerned when I hear of university students that are not just holding down one job but have got two and three jobs, and the hours that they're actually working in a day certainly don't lend themselves to a life without a great degree of stress. I would wonder at the end of the day what product you're going to have coming out of your universities. Indeed, will these people be able to stay the course and get that degree if it takes four or five years to get that degree? So I would suggest that we should certainly have had a maximum number of hours.

The whole question of whistle-blower legislation once again has to be addressed, with the lack of it in Bill 29. People have to feel free to come forward and report incidents. It was interesting. A member from the government side of the Legislature raised a question. Could a question be put, where standards appear to be violated, anonymously? That speaks volumes when you've got people coming forward from an employment base saying, "I don't feel secure, if I bring this to the government's attention or to the agency that represents the government, that I will not be penalized or lose my job." When you've even got government members bringing forward questions of that nature, I would hope that the government treats it more seriously than they do when the Official Opposition brings it forward.

More and more we're getting into a home-based business environment with the new technologies, and my colleague the critic for Labour's issues identified that and how there could be abuses. It's no different, Mr. Speaker. I remember well when Peter Lougheed was the Premier of this province. It's ironic how we go full circle. We were taking day care out of home environments because there was a sense that abuse could take place and they weren't easy to observe. So the government of the day then brought in these very strict regulations. I can remember well because my youngest child was in one of those kindergarten environments, just a wonderful environment that she was in with a very credible woman within the community of Fort Saskatchewan. But she had to close down because the government of that day was so concerned about the lack of enforcement, the ability to enforce. It was in a house basement, and you get into fire hazards and all that sort of thing. I could see where the government was coming from, but they went too far. Then we saw the whole area of standards for day care centres being so upgraded that they're pushing people in the small business environment of day cares out of business. I've had every day care operator, I think bar one, in the city of Fort Saskatchewan come in and say to me, "We won't survive if this keeps going."

So we need to have a partnership. We need to have some

understanding of how far we can go before we push the small entrepreneur out of business because of legislation and high standards, and we also have to understand how we undermine the marketplace and the labour force by not having fairness in the legislation.

While this Bill has certainly gone a long way – and I don't want to take away the positive comments about the plain language and the fact that I will be supporting this Bill – I wish it had gone a bit further, and I wish it had really in a more positive way addressed the differences between the workforce out there and the employer. You know, we can learn from some of the big multinationals. Look at Dow Chemical out in Fort Saskatchewan. They have a very positive relationship between the employees and the employer. I can't say that about every industry. They've learned that that's the way you get your high productivity: you reward your employees, and you have them as equal partners. I don't see that that has been achieved in this Bill, Mr. Speaker.

Thank you.

THE ACTING SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. It's indeed a privilege to stand up and speak to Bill 29, the Employment Standards Code. One area I want to speak to is the part-time worker. I think it's very important that we look at this whole picture and look at it thoroughly. What research has been done, again, to determine who's involved in part-time work? High school students, university students, adults? I think it's important that the department has done this research so we can make some constructive and positive legislation instead of no one knowing what's happening. How many are there? Would the minister provide us with this research information? I'm sure he must have it. In order to do a Bill like this, you must have good research and information. Would he provide us with this information, the research he has? How many of the part-time employees are high school students? How many are university students? How many are adults? We need to know that so we can make wise decisions, wise legislation in this area. If we're using high school students or even university students, it would allow employers to be able to give certain benefits. If it's high school students, they may not need benefits or probably shouldn't have the benefits that a permanent part-time employee would have.

In many cases as I've talked to businesses that have a lot of high school students, they've said, "If we had to give them the full benefits, we would be out of business." So that has to be taken into account. I've talked to these people, Mr. Speaker, to see what their position is, how it would affect them. Has the government done the same? What are the results? Have they done a survey? Could he give us the results of this survey? It's unthinkable for me to stand up here and not have the research done to show us what is the true picture out there. It should happen, and I keep pleading with the government to come forward with this research, to come forward with the surveys, to come forward with the information they have so that we can make sound decisions that will affect the part-time workers that we have here in our province today.

We look at the students, to begin with, the number of hours they work. It's been mentioned by my colleague from West Yellowhead and others that when a student works more than 15 hours, it's a stress on them. The CBC did a documentary that showed that if high school students or university students work more than 15 hours, they have the stress of someone who is on

unemployment. Now, that is quite a responsibility, to go to school and have that type of stress.

Mr. Speaker, not only did I look at it, but I also worked with the chamber in St. Albert, suggesting that they look at the number of hours, that they work with the schools in St. Albert to make sure that they are realistic hours for our students, and they were willing to. It took time, but they now look at if a student's attendance at school isn't satisfactory, this will affect the amount of hours they work part-time. That's an agreement. That's a step forward. This is what we need this government, this Legislative Assembly to do: move forward, look at the total picture. It would be a win/win situation for both students and employers, not lose/lose. I've had students in my class that worked 40 hours a week. They'd come to school in the morning and they'd sleep through the day because of the work.

4:00

DR. TAYLOR: It had to do with your teaching, Len.

MR. BRACKO: I lasted 25 years. The Member for Cypress-Medicine Hat lasted 10 months, and he couldn't get out of the classroom fast enough. They'd call him the roadrunner from Cypress-Medicine Hat in junior high yet. So if he wants to compare teaching careers, I'd be glad to compare with him any day, anytime, anywhere. He admitted it himself: he couldn't get out of there fast enough. He couldn't take the stress and pressures that come from a junior high classroom, you know. I appreciate his comment and the opportunity to respond to his comment. As we look at it, sure there are some days when you have the students on a mountaintop experience. There will be other times when they're in the valley, too, and I understand that. You know, it's great. The other day, a couple of months ago, I had 80 grade 6 students for an hour and a half on government. You know, they didn't want to leave for recess; they wanted to stay and ask more questions.

THE ACTING SPEAKER: Hon. member, I think you've commented enough on the classrooms. Let's get on with the Bill, please.

MR. BRACKO: I was speaking to the principle of the Bill. I was distracted, and I responded. I think that I was owed that.

Looking at the reasons that students – and this is for the Minister of Education here. Teachers should be evaluated. They should be accountable, but it should also be put on the student's results that this person worked 40 hours a week, so when he gets a 15 or a 10 or a five on his exam, that's taken into account so that parents notice. You know, we have to be working together. I know he's going to move on this, and I know he's going to make sure this happens, because it's progressive, and he wants to move forward and provide a win/win situation for all.

Also, Mr. Speaker, as government, as Members of the Legislative Assembly we need to know what's going on out there. When I wanted to work with the chamber on reducing the number of hours students worked, I joined the chamber of commerce, and I worked on the junior achievement board for five or six years so that we could understand each other, where we were coming from, so that we could move forward. It's important for the government to have information results like this. Today we can see that we want to make sure the number of hours that students can work is looked at carefully so it's a win/win situation for the student, for the educators, and for the taxpayers, whose money goes to providing education for the students of this province.

I know some honour students in my own community that got 90s, and when they started part-time work, worked 25 to 30 hours a week, their marks went down into the 50s. That's not appropriate, Mr. Speaker. You know, the reason that they gave was that employers sometimes told them they were needed, that there was no one else to take their place. Well, we have to make sure that employers find others who can work there and other ways of doing things and not allow this type of thing to happen.

Next I want to move to adults in the part-time field. There should be a distinction, permanent part-time for adults, maybe a certain number of hours which would allow them to have a certain amount of benefits, prorated perhaps, Mr. Speaker, so they would also be covered. Many times this may not be needed if their spouse is working. Their spouse's benefits may cover that, but we must look at it so there's a fairness out there for those who may be single parents, for those where one spouse's income may be at a lower level. Again, we want to make sure that the employers don't take advantage of this. If we set a limit on hours, say 20 hours a week, the employers could reduce it to 18 hours a week, and then they wouldn't get the benefits anyway. So there has to be fairness. This is something that the Legislative Assembly has to work on with employers and employees to make sure this takes place.

Again, just to mention, there are many who have three part-time jobs today out there in my own community, across this province, three part-time jobs to make it. They could be working harder than some who have full-time jobs yet not getting the same benefits. So this should be looked at, and changes should be made so this is a win/win situation.

The annual minimum wage. We always hear, whenever the minimum wage is going to be increased, that there's going to be a tremendous loss of jobs. I can understand that there may be loss of jobs, but I challenge the Minister of Labour to come forward to show us the number of jobs that were lost from the last time the minimum wage was increased. That's fair. That's the proper way to do things: with research, with the information we have so that we can make wise decisions.

DR. TAYLOR: That's an oxymoron, Len, you making wise decisions.

MRS. HEWES: So is Progressive Conservative.

MR. BRACKO: Progressive Conservative is. You know, speak for yourself. You always want a scapegoat in someone else. It's about time you take responsibility on yourself.

That's something this government cannot do: take responsibility. We've given you the leadership. We've given you the information. You have departmental budgets to do the research. What do you do? No research. I haven't got any since I've been here, two and a half, almost three years this June, Mr. Speaker. You know, that's what should be happening so that we can do things the proper way so that all Albertans benefit and their tax dollars are used wisely, not foolishly as has happened since 1971, where billions of dollars have been wasted.

Lastly, the whistle-blower legislation. This is needed. We mouth the phrase that the frontline workers should have that responsibility. Frontline workers come up with good ideas, and they're penalized. They're punished for what they say. This has to be eliminated. There has to be a fair practice so we can improve the way services are delivered.

With this, I will allow others to speak at this time, realizing that

it's important, when you do this legislation, that it be done properly, right, and done at this time with the necessary amendments coming up to make sure that it's in the best interests of all Albertans.

THE ACTING SPEAKER: The hon. Member for Edmonton-Mayfield.

MR. WHITE: Thank you, Mr. Speaker. Members of the Assembly and specifically the Minister of Labour, I intend to be relatively brief, mercifully brief I think it's called. Many others have spoken before me about the needs of the citizens of this province for this type of legislation, and I'd like to add my voice again to the minister for coming up with a piece of legislation that is plain language. It does do that, I think, in large measure successfully, and he should be commended.

The downside is of course that there are a great number of items therein contained that should be up for debate. There should be some public discussion on the matter. There should be, if not public hearings, public consultation. There should be consulting and some changes made or at least reviewing that which is currently in legislation. There is not. It's unfortunate. It's a great opportunity lost when spending the kind of effort and money that goes into producing a piece of legislation. As good as it is, it does deserve to be put to the test of public hearings, particularly in the area of annual minimum wage, recognizing that there are arguments on both sides: whether it should be put up to the extent that some would say it deters employment; others would say that the minimum wage is so low that a living cannot be made and is detrimental to society in Alberta.

I have some definite views, but what I was looking for are some views from the public. Yes, there's some vested interest out there. Yes, there are labour organizations that would love to get their oar in and get some publicity and that sort of thing, and there are some employer organizations that would like to do the same thing. But that is what we're for. I assume that as legislators that's what we are supposed to do: separate the wheat from the chaff when it comes to dealing with issues of substance, particularly issues as they relate to employment. Those in this Legislature know full well that one of the most important things in any adult's life is how they are employed and with whom. Of course their relationship with their employer has to be governed by someone. There has to be a third party, and it's rightfully the place of government. To review a number of items as they relate to employment year after year after year perhaps is not in order, but certainly reviewing them every four or five years or five or six years and on a regular basis is most important.

4:10

There's the minimum wage, and there are successor rights in legislation that certainly need to be reviewed and brought into some common understanding of what is best for the citizens of Alberta as employers and employees. Most recently, in the last five years the dramatic increase in part-time work requires some visiting by those in society that are employed. Some of the members on this side have mentioned at least two rough categories of those. There are those that are students and are young and are just looking for some true part-time employment, that desire part-time employment. That's all they want, that's all they can handle, and it's all they actually need. Then there are others that would like to have a career path, would like to be able to say: "Yes, this is what I do. This is how I intend to work, and I would like to have a full-term package, to be able to fully expand my abilities,

and to fully serve the corporation or the individual which I'm working for."

If it's part-time work, there's no commitment, and it's very difficult. That area certainly needs a broad review to find where there can be either more or less regulation so that it can be modified to really aid and abet in getting on with what we call the advantages of living in a modern society.

There are lay-offs and employer responsibilities and new appeal procedures that all need to be reviewed in a public way for all of the citizens out there that are interested. Some in fact have contacted my office with some input on these matters. I believe that an opportunity has been lost here. There is a great deal of information that could have been provided in the way of studies, in the way of some papers, in the way of asking for some public input, and that certainly wasn't done.

So in summary, Mr. Speaker, again I commend the minister on the plain language, but he has in my view failed on public consultation to ask for those areas that could in fact be included in some change.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Minister of Labour to close debate on the Bill.

[The Deputy Speaker in the Chair]

MR. DAY: I didn't want to catch the two of you interregnum there, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Minister of Labour is rising to conclude debate.

MR. DAY: I've listened to the comments from members on the Bill, and I will try and respond to them, Mr. Speaker, as we move to the committee stage.

At this point I would move second reading of Bill 29.

[Motion carried; Bill 29 read a second time]

**Bill 31
Business Financial Assistance Limitation
Statutes Amendment Act, 1996**

[Adjourned debate April 16: Mrs. Burgener]

MRS. ABDURAHMAN: Mr. Speaker, I'm pleased to rise to speak in favour of Bill 31, the Business Financial Assistance Limitation Statutes Amendment Act, 1996. I would suggest that this Bill is long overdue. I would commend the government for finally having the political wisdom and courage to bring this Bill before this House and, I would hope, get unanimous support. I think it's fair to say that I probably wouldn't be standing in this Legislature if this Bill had been in place a number of years ago. Indeed, if the previous government under Premier Getty had introduced it, we may not be faced with the amount of debt that this government and past Conservative governments managed to accumulate. That's the very reason that I stand in this Legislature today when we're looking at anywhere from a \$30 billion to \$35 billion debt.

Certainly there are, I would suggest, and I believe previous speakers to this Bill have identified that we do still have some loopholes. It would have been nice to have seen the barn door closed completely. There's no sector in Alberta that still allows

for a permissiveness where we can actually see certain sectors getting, in essence, loan guarantees. I would have liked to have seen that completely removed from any Legislature's ability.

You know, politicians that think they can do it better than the private sector have found out that that's not the case. Also, when partisan politics cloud the way to ensure that those donations to the coffers of political parties keep flowing just based on the business arrangements that can happen, it leads to disasters. It doesn't matter whether it's in the province of Alberta or other parts of Canada or indeed in the western world. The government has no business being in business.

It's sad, because so many members in this Legislature on the government side of the House probably got into provincial politics for the same reason that I myself did, and that was to bring some common sense and sanity back into a government that could not see that the direction they were taking this province in was a disastrous one and that the political affiliations they had with certain parties had to cease. Unfortunately, we see them to some degree still continuing to exist through the delegation of authority through legislation that was brought before this House, whether it be in health care or indeed other areas of government. I could go as far as municipal; I could go into environment and a number of other areas.

There still is an element that causes me grave concern when it comes to accountability of how Alberta taxpayers' money is and will be expended in the future. I think we have once again opened the door. We're closing a door with this Bill; there's no doubt in my mind. But I look at other pieces of legislation, and I'm afraid we've opened doors in other areas where I don't think public funds will be expended in the most appropriate way or indeed that there'll be accountability back into this Legislature. I find that really disappointing.

I would, you know, put it to the Provincial Treasurer or to the Government House Leader or to the minister of transportation: why are you allowing this to happen? You know, you allowed it to happen once before. Now we're closing the door, I would say, probably about 90 percent, maybe a little bit more, but we've opened up some other doors. There's a bit of hypocrisy there, Mr. Speaker, when you look at philosophy and policy. They haven't closed all those doors. I say to the minister of transportation: you should say in Executive Council, "Let's close all those doors." I would say to the House leader and to the Provincial Treasurer: let's close all those doors. Now, I'll stop there in Executive Council.

Then I would start saying to some of the private members on the government side that are first-term MLAs in this Assembly: why aren't you making sure that all the doors are closed? Why are we not taking this Bill 31 to the fullest extent? They're not doing that, and I would say, private members, that you're letting Albertans down; you're letting your constituents down. I'd say to the Executive Council who were part of the Getty era and part of the Lougheed era: you're still letting Albertans down because you've not plugged that hole in the dike one hundred percent. A little leakage, do you know the damage that can do? It's still there. You don't need to be a magician or a brilliant financier to know that if you haven't really dealt with the flaws within your system one hundred percent, you'll still have problems down the road.

4:20

So not to take away completely from the fact that it was Premier Klein that sponsored this Bill, even though as minister of the environment he sure did, I would suggest, a disservice through

Swan Hills when it came to being responsible for the finances of this province. I would say he did not carry out his responsibility as a Member of Executive Council in a manner that I believe would have been fiscally responsible. Once again, while I will support this Bill, I believe that the Premier could have gone a step further and made it completely free of any loopholes. We can see not \$1 million going into certain parties' hands, but we can see it repeated, the way I understand this Bill. I would say to the Provincial Treasurer and to the Premier: listen to what the critic in this area, the Member for Edmonton-Whitemud, is saying, and when we bring forward any amendments, support them, and make this Bill do the job 100 percent.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Well, thank you very much, Mr. Speaker. It's indeed a pleasure to speak on this Bill, Bill 31, the Bill which the Premier introduced as ending the sad portion of Alberta's history where loans and loan guarantees and other related misadventures have put us into the situation where today, depending on whom you talk to, we owe in the vicinity of \$30 billion and we pay in interest alone 1 and a half billion dollars a year. We have to keep reminding ourselves of that figure.

I had an interesting exchange with the minister of transportation approximately three weeks ago during a debate on one of the issues, and I suggested that the interest was a billion and a half a year. I think, in fairness to the hon. minister – he'll probably stand up and reach agreement with me – he was astounded by that number, and he directed inquiry around him. He came back with the proposition that it's true it's bad, but it's a consolidated number. Well, it may be a consolidated number because it pairs and brings together all of the various debts and debt instruments that we have in the province, but the bottom line is that we pay a billion and a half dollars in interest every year, and it is not much different today than it was in 1993 when I ran for elected office. [interjection]

MRS. ABDURAHMAN: It's \$1.438 billion. Eight three?

MR. GERMAIN: Well, it's a shade under a billion and a half, but I think that, in fairness, the minister would agree that it is so insignificantly under that in the basic rule of mathematics of rounding it would have rounded out to a billion and a half. In fact, I want to suggest to the minister that he will not gain a lot of ammunition at the doors and the cafeterias of this great province by pointing out that it is not quite a billion and a half dollars but a small portion skinnier than that.

Now, has much changed since 1993 when we all ran for elected office? Was the Frankenstein of compound interest still grinding away at us? Was the debt still large in proportion to the debts on a per citizen basis? Yes. All of those things still exist, Mr. Speaker. This Bill filed by the government as an admission of their own weakness, much how a stocky individual would throw a padlock around the fridge door and throw the key away . . .

AN HON. MEMBER: Is this your personal experience?

MR. GERMAIN: I've been told that happens, Mr. Speaker. [interjection] Now the minister is all happy again. See, the minister is happy . . . [interjection] Now we've got the other

minister, himself a Queen's Counsel, wanting to chirp into this debate, Mr. Speaker. I've been told that that happens. [interjection] Now, now. Let's not get into that.

The \$30 billion of debt is still ferocious, and the billion and a half dollars a year of interest, approximately, is an extremely awkward number. Why it is awkward is because it penalizes this province's ability to feed children, it penalizes this province's ability to provide mandatory, permanent kindergarten, and it penalizes this province's ability to provide conscientious and caring health care basically from womb right through to grave. Mr. Speaker, it penalizes our abilities to do all of those things, and some of the answer comes forward in this particular legislation: that you have a government that needs protection against itself. That's what this Bill is.

Now, others in this Legislative Assembly have said that this Bill, as far as it goes, is better than nothing. We've heard analogies used here. We're heard clichés used here that half a loaf is better than no loaf. But there is a problem with the half-a-loaf analogy, and that is that if you lose your vigilance and if you no longer keep looking for other ways to replenish your larder because you think you have food in the larder, then you have a danger in this Bill. The danger that I see in this Bill, Mr. Speaker, is that it may lull Albertans into a false sense of security that the government really will protect their finances and that the government really will avoid the pitfalls of the past.

It was said best by the hon. Member for Edmonton-Whitemud when he said that loans to business are not acceptable. That is very straightforward and very clear speaking. This particular piece of legislation does not do that, Mr. Speaker. The Premier pretends that it does that. The hon. minister of transportation pretends that it does that. The hon. minister of agriculture pretends that it does that. But it does not do that. At very best it requires that we review certain loan-granting pieces of legislation every five years.

It's often said here in this Legislative Assembly that the rationale for giving guarantees is that they've created commerce and we really haven't been called on them. I cannot understand how people would say that the fact that they haven't been called on to pay a guarantee transmits the proposition into sound business sense that they should be continued to be offered and extended and utilized from time to time.

Now, in this particular piece of legislation the Bill attempts to reduce the number of times that the government can give loan guarantees and loans. I want to draw to the Legislature's attention that if you read carefully section 49.1, which says that there will be no loans by way of share equity – that's basically what it means – you will see that there is not in that section any requirement that those matters come before the Legislative Assembly whatsoever. They are simply not reviewable in this particular Legislative Assembly, and I think, frankly, that that is wrong. The Premier, when he introduced the Bill, said words to the effect that loan guarantees would no longer be permitted without approval of this House. There is not in that section the requirement of approval. There is not in that section the requirement of a full debate in the Legislative Assembly. There is not in that requirement anything other than that the loan guarantees and loans shall not be made unless they are otherwise approved. Well, that is a circling argument that I think this Legislative Assembly should reject.

I now take the attention of the Legislative Assembly to section 74 of the Bill. Why I focus on that section, Mr. Speaker, is because the Premier himself opened his debate with that section,

saying that the days of indemnities are gone. Well, you know, the section doesn't even say that. The section itself is a positive. It says that "the Crown may give an indemnity if . . . [it] is in writing" and then if other things apply. Well, if this government were serious about not giving loan guarantees and loan indemnities – I ask, for example, hypothetically, the hon. Member for Barrhead-Westlock, who himself participated in various front-bench activities at the time when the province of Alberta was extending loan guarantees and indemnities. I ask him if he has an answer for and on behalf of the Premier when the Premier says that there'll be no loan guarantees or indemnities. Then the wording of the section itself is odd. Why didn't that section start with the proposition that there would be no guarantees and then flow from there into some exceptions perhaps instead of saying that there will be guarantees if they fall within these certain classes?

4:30

It seems to me that if you're going to bring forward legislation – and, you know, I see that some Members of the Legislative Assembly are looking at that section and saying: "Yeah, why is that? Why is this a positive indemnity section when what the Premier thought he was saying was that there would be none?" Yet the Bill itself starts off from the foundation that there will be indemnities. Now, the best we can say is that there will be less of them. Well, I say to all Members of this Legislative Assembly, Mr. Speaker, that some members of the public want there to be none, want there to be absolutely no government indemnities whatsoever, pure and simple. Pure and simple. That is as clean as it gets.

So let's see how these waters are muddied. First of all, Mr. Speaker, we have the fact that the legislation for the first time ever in the province of Alberta is enabling legislation, enabling loan guarantees and indemnities, where historically all the government ever did was go do them anyway. Now we have enabling legislation. Rather than prohibiting legislation, we have enabling legislation that will permit loan indemnities to be made.

Now, what are some of those circumstances when they can be made? This will be of interest to all members. They can be made when the government sells an asset. I say to you in this House: can there be any reason why, when the government is disposing of its minerals, of its lands, of its forests, of its redundant buildings, of the fibre of the province, we should provide guarantees so that people can buy government assets with no money down? Should we provide indemnities that will allow assets to be purchased, with the government giving an indemnity to the financier of the purchase?

One of the reasons that you sell and liquidate assets is that you conclude that they are no longer beneficial or needed for your own plans, objectives, or your own ability to afford them. Well, why should we now give guarantees for the privilege of having people take assets from the government? Surely the government assets are worth enough that if somebody does not want to buy them and arrange their own financing without a government indemnity, perhaps we should rethink the whole proposition about whether that purchaser is a worthy purchaser to buy a government asset.

This is particularly galling to many Albertans, because sometimes some people buy assets from the government and they turn around and subdivide them or develop raw land assets into thriving little communities. In doing so, they provide lifestyle choices for people, but they also make money. If they're not going to take any of the risk whatsoever, how do we, when we go

back to our constituencies every weekend, explain to the public that some part of the Eastern Slopes of the Rocky Mountains, for example, has been sold to Mr. X or Mrs. X or company X? What they did was they went to the Treasury Branch or to the Royal Bank or to one of the other financial institutions and they got a loan using the government's indemnity to do that. How can we justify that particular approach in the province of Alberta? I say to you, Mr. Speaker, that we cannot do so, and as a result, we should reject that proposition of this legislation.

Now we go further, Mr. Speaker, and we look further down the line to paragraph (e) in section 74, which is another interesting window into the soul of the government on this issue. What does that section say? It says that there will be indemnities if they're "specifically authorized by or under an Act or a regulation made under this or any other Act." Well, we know that regulations do not require the approval of this Legislative Assembly. We have fought that battle in this Legislative Assembly many times. The ears of the Member for Calgary-Shaw are tired of having his membership in this Assembly referred to in the Assembly as being the chairman of a committee that studies laws and regulations.

We know that regulations can be made and approved and passed by the appropriate minister, so how does that give us protection in a Bill that starts with the proposition that indemnities can be made? That particular section essentially means that if the government wishes to give an indemnity, they can do so. If you require further evidence of that, you would need only to look at subsection (3) of that section, Mr. Speaker, that says

The Lieutenant Governor in Council may, on the recommendation of the Provincial Treasurer, make regulations respecting authorizations for the purpose of subsection 1(e).

So we do not have open debate on indemnities in this legislation. We have the Provincial Treasurer given, with respect, a carte blanche ability to make regulations. Those particular sections are extremely upsetting to Albertans who legitimately felt that the government had learned from the error of its ways, had learned from the massive payments that had gotten this province some \$30 billion in debt and a billion and a half dollars a year of interest. They were concerned about that.

If you look at the fine print of section 74.2(1), you will see that more of this theme is carried forward, and that is the theme not of a restriction on indemnities and guarantees but a theme of permissiveness as long as you're clever enough to end run the legislation and get the indemnity that you want and the authorization that you want. This has not dried up the ability to make indemnities and guarantees, Mr. Speaker, but it could create the false sense of security in the Alberta public that we no longer allow or permit these things to happen. This Bill, despite the enthusiasm by which it was launched by the Premier, falls far short of that. The hon. Member for Edmonton-Whitemud recognized and acknowledged the shortcomings in the Bill and pointed those out to this Legislative Assembly, as have other members.

So I say to all Members of this Legislative Assembly: if you truly want to have no indemnities and no loan guarantees, then we have to do some work on this particular Bill. We have to deal with those issues contained in the amendments to section 74, and we also have to go through and look at all of the other instruments by which the government has made a business decision to make loans and loan guarantees.

You know, in the agriculture sector alone, Mr. Speaker, I'm informed by the minister of agriculture that there are over \$1.2 billion in government indemnities and loan guarantees out to various farmers, individuals, through various agriculture programs

– \$1.2 billion. What's the rationale given for that? The rationale is that it has stimulated the economy perhaps, and the other rationale given is that we haven't been called on it. We have a government in this province that appears to be of the view that it's okay to give guarantees as long as you think the risk of the call on them is not great.

Well, certainly, as every economist will tell the Assembly, when times are good, you could give guarantees for everything because you never expect to be called on them, but I want to suggest to you, Mr. Speaker, without being able to go back in time – and I hope that some of the experienced and long-standing Members of this Legislative Assembly who have been here many years will stand up and give us their impressions about this Bill and the importance of it. Perhaps they can tell us if prior to 1993, in the late '80s and early '90s when guarantees such as NovAtel and MagCan and some of those loans and guarantees were handed out and of most recent history Bovar, when its loan guarantees were handed out, whether or not they made those guarantees because they genuinely felt that they would never be called on. That, I suggest to all members of this Assembly, is a poor reason to ever have any legislative authority for granting a guarantee.

With that, Mr. Speaker, I will take my place, because I know that there are other members of this Assembly on both sides that want to tell us about their experiences with personal guarantees and loans of this government, who want to tell us how schools are closing in their jurisdictions, how hospitals are turning people away from beds in their jurisdictions, and where student school lunch programs are being restricted. All important social assistance programs are being restricted because this government flirted with the disaster of loans and loan guarantees and has now felt what it is like to pay \$1.5 billion a year in interest. That could go to schools. That could go to hospitals. That could go to facilities in rural Alberta. That could go to the restructuring of communities in rural Alberta. That could help those communities that lose their major source of business and livelihood. Instead where does it go? It goes to interest, because a government completely out of control and completely dedicated only to the preservation of government and not to the preservation of Albertans put this province \$30 billion in debt.

Today we are rewarded for that by a piece of legislation – and I read it one more time into the record – that says, “Notwithstanding any other law . . . the Crown may give an indemnity.” That's the footing upon which this government launches the new era of loans and loan guarantees in the province of Alberta.

Thank you, Mr. Speaker.

4:40

THE DEPUTY SPEAKER: The hon. Leader of Her Majesty's Loyal Opposition.

MR. MITCHELL: Thank you, Mr. Speaker. I would like to speak in favour of the overriding principle of this Bill. It would be difficult not to. Speaking or voting against the principle of this Bill would be a lot like speaking or voting against motherhood, apple pie, hockey in Canada. It seems that at this point, finally, even this government has come to the realization that somehow it has to make a statement about putting a stop to government being in business, putting a stop to loans and loan guarantees to businesses which should be able to thrive very adequately and very successfully in the kind of free market that we want to create and sustain and maintain here in Alberta. It's not as though this recognition on the part of the government isn't welcome by the

people of Alberta. There has been a history, a litany of fiscal disasters visited upon the people of this province by this government through . . . [interjection] I'm going to list some of those, hon. member. You bet; I'm going to list some of those.

I can remember entering this Legislature in 1986: no debt, no deficit. From that point on, Mr. Speaker, this government voted for nine consecutive deficit budgets. Many of the members on the front bench – I notice the minister for science and technology. She voted for nine consecutive deficit budgets. The Minister of Education voted for nine consecutive deficit budgets. The minister of public works, the minister of transportation – this is what I'd like to point out.

The minister of transportation voted for nine consecutive deficit budgets. Better known in some circles as the right winger's right winger, he voted happily for nine consecutive deficit budgets. The then Premier, Mr. Getty, and the Treasurer, Dick Johnston – you can imagine what those caucus meetings must have been like – would say, “Jump,” when it came to voting for those deficit budgets, and the first thing out of the mouth of that transportation minister was: how high would you like me to jump? I'll tell you, Mr. Speaker, the first time he jumped, you know how high he jumped? He jumped \$3.6 billion high. That was their first major deficit budget.

Now, I've only mentioned the ones that sat for nine consecutive deficit budgets, some of them. Mr. Speaker, the Premier chose to run for that party. He quit another party and chose to run for that party that was already into about three deficit budgets, and he stood in this Legislature and voted for six consecutive deficit budgets. In nine short years, six of which the now Premier presided in this House over, we went to \$33 billion in debt. The Premier himself voted for over \$20 billion of deficit funding – sponging. [interjections] That's right; soak it up. I can just see him in those caucus and cabinet meetings: Mr. Johnston, how high would you like me to jump? Mr. Getty, how high would you like me to jump? Three point five? I can jump \$3.7 billion.

MR. BRACKO: Jump, Steve, jump.

THE DEPUTY SPEAKER: St. Albert.

MR. BRACKO: Jump, Steve, jump.

THE DEPUTY SPEAKER: St. Albert.

DR. WEST: You just stuck your head someplace and said: “I can't remember Principal Trust. What's that? Some moral code?”

THE DEPUTY SPEAKER: Hon. Minister of Transportation and Utilities.

You could return to perhaps a less inflammatory and invitational approach.

MR. MITCHELL: I know that the truth is horribly inflammatory when you're talking about the truth to this government, Mr. Speaker. Absolutely.

In fact, I think the last deficit budget that the Premier, the then minister of the environment, jumped up and voted for was about \$3.7 billion. Quite a legacy, Mr. Speaker.

DR. WEST: I had to vote for a budget like that to bail out Principal Trust.

MR. MITCHELL: If the minister of transportation is saying that he would like to draw a parallel between Principal and the financial fiasco visited upon the people of this province by this government, maybe we should have an open, public inquiry into some of the fiascos visited upon. Let's have an open inquiry into NovAtel. Let's have an open inquiry into Pocklington. Let's have an open inquiry into Ryckman. Let's have an open inquiry into MagCan. Let's have an open inquiry into Multi-Corp. Let's have some open inquiries, Mr. Speaker, because we'd be happy to see those questions asked. We'd like to see some of them answered by this minister and by that Premier and by some of the other 25 members who sat throughout those nine consecutive deficit budgets and voted happily for every one of them, saying only one thing: how high can we jump to vote for those budgets?

Mr. Speaker, there is an urgency about this. I appreciate the sensitivity, but I want to bring back a vivid, vivid moment in Alberta history. Fifteen months before NovAtel failed and lost \$700 million, that cabinet – I think there were nine members of the front bench now, one of whom was the Premier, the minister of transportation . . .

MR. BRACKO: What about the Minister of Labour?

MR. MITCHELL: The Minister of Labour perhaps. Yes, because he was the Whip. The former minister of the environment, Barrhead, the Minister of Education – they sat there, and do you know what they did? They voted for a \$525 million loan guarantee to NovAtel 15 months before it failed and lost \$700 million. Quite a legacy they've left the people of this province, Mr. Speaker. Quite a legacy. Quite a legacy.

It's not as though there isn't immediate . . . [interjections]

THE DEPUTY SPEAKER: Hon. members . . . [interjection] Hon. minister.

The hon. Leader of the Opposition in debate on Bill 31.

MR. MITCHELL: My colleague for Calgary-North West mentions another classic one: the loan guarantee that this government voted on, put into Ski-Free Marine. These were the ski boats with no drivers, Mr. Speaker. That's a classic; that was a great one. The minister of transportation probably said that that was okay too.

There is a real urgency here because it is only over perhaps at the moment we pass this Bill, let's hope. Last week they still hadn't learned. Last week we see that they authorized \$300,000 to Petro-Trade, which happens to be an association that represents – is it 63 or 68? – Alberta energy companies. Well, Mr. Speaker, as if energy companies need more help from this government.

The fact is that eight days after the 1993 election, in which the Premier promised to the people of Alberta no more loan guarantees, he saw to it that \$100 million in loan guarantees was given to Bovar.

4:50

SOME HON. MEMBERS: No.

MR. MITCHELL: Yes. I wish I didn't have to say it, but it's true: a \$100 million loan guarantee to Bovar, Mr. Speaker, eight days after the election in which they promised never to do another loan guarantee. There is an urgency about this. There is a fundamental urgency to get it through that government's mind that they've got to stop being in the business of being in business.

So there is something to be said about this piece of legislation. I will say that there is an irony, of course, that in fact this legislation is in a sense the government's effort to protect itself from itself, to protect the people of Alberta from itself, Mr. Speaker. They can't trust themselves.

THE DEPUTY SPEAKER: The hon. Minister of Transportation and Utilities is rising on a point of order.

Point of Order Questioning a Member

DR. WEST: Would the hon. member entertain a question in debate?

THE DEPUTY SPEAKER: The hon. member need only say yes or no.

MR. MITCHELL: No, I won't. No.

Debate Continued

MR. MITCHELL: In fact, one of the great ironies about putting in legislation something to protect yourself against yourself is that you can always change it.

AN HON. MEMBER: You don't even need to change it; it's so loose.

MR. MITCHELL: It's so loose you could drive a Swan Hills truck right through it, Mr. Speaker; couldn't you?

The fact is that they're going to wake up one morning with their hands shaking and beads of sweat on their brow, saying: "Oh, my gosh, we don't have enough security to protect ourselves against ourselves. Maybe we'd better put it in the Constitution." Then they couldn't change it.

Mr. Speaker, the fear we have is that this is so much window dressing, because right up to moments ago they're still putting money into business, Petro-Trade, and just two years ago they still put a loan guarantee. Who knows how many loan guarantees Alberta Treasury Branches have done all the while this government's been saying: "Never again; we are cured. We are safe. We will never put money into business again." They are doing it and doing it and doing it. Most recently, ATB, \$350 million in a single year, Mr. Speaker, while this Premier has pronounced over and over again: we're out of the business of being in business; no more loan guarantees. There are some problems.

MR. GERMAIN: Wrong again.

MR. MITCHELL: Wrong again. He'll be saying he was wrong. He'll probably be apologizing pretty soon; don't you think? "Just another mistake, sorry. Sorry, I just made another mistake." He's going to apologize. We'll be expecting it.

There are still problems in this Bill. It doesn't, of course, address the terms of existing loan guarantees. We don't know the repayment schedules. We don't know the quality of the security or the collateral. Again, the minister, the Premier, the government hide behind this facade, "Well, we can't say because there's commercial propriety involved." Well, Mr. Speaker, there's public interest involved. Who's protecting that? It certainly isn't this group of MLAs. We want to know something about the existing loan guarantees, and that isn't coming out in this Bill.

Secondly, there is no move or initiative in this legislation to

ensure that any loan guarantees that are authorized under the multitude of possible vehicles for authorizing loan guarantees will be public, that people will know what the terms are and what the collateral is and what the security is and if there are personal guarantees. None of that is covered in this Bill, Mr. Speaker.

It's also true that there is no overall cap, so the Alberta Opportunity Company can authorize any number of \$1 million loan guarantees? Well, 100 of those, Mr. Speaker, wouldn't be hard to do. That would be one every two and a half working days or so; wouldn't it? That could be done quite readily. That's \$100 million in loan guarantees that our taxpayers are on the hook for.

MR. BRACKO: How much is the interest?

MR. MITCHELL: In fact, what would the interest be on that? Five hundred million looks to be the surplus that's projected by this government this year. It would take 500 \$1 million loan guarantees, and you would be running up an amount equal to the surplus that this government's committed in its budget to achieving for the people of this province. Five hundred are not very many when you start to consider that there are three agencies that quite aggressively and quite actively promote and authorize loan guarantees, not to mention what could happen if this government wants to bring back – I mean, who knows? Who's the member that was working on Swan Hills?

SOME HON. MEMBERS: Calgary-Shaw.

MR. MITCHELL: I mean, you know, that is a nightmare that won't go away. Who knows when he will be bringing back yet another need for a loan guarantee authorization on a project of that nature? I mean, it's been just a couple of months since the last one, and it could occur very readily. Mr. Speaker, what I'm saying is that under this Bill it is very, very easy, very quickly done. This government could run up loan guarantees the equivalent of this year's surplus and put at risk Albertans' future in that regard.

The indemnity clause has been mentioned, Mr. Speaker, the ability of this government to indemnify all cabinet ministers against any kind of suit for some loan guarantee and maybe – maybe – indemnify the backbenchers. I can't believe the backbenchers aren't standing up and saying: "Wait a bit. Wait a minute. What about us?" Because you know what? They're voting on all these things too. But the cabinet's going to be okay. It's the backbenchers which will be cannon fodder on the field of loan guarantees that go bad in this province – won't it be? – and people will come back and begin to sue them. Mr. Speaker, there is a split there, front bench and back bench, and we can see that. [interjections] It's the truth.

In principle this is a good piece of legislation – it's a good piece of legislation – but the fact of the matter is that although in principle it's a good piece of legislation, there are so many holes, so many gaps in this piece of legislation that it is little more than politics. It's little more than lip service to the overall commitment that we have yet to see, and that is a fundamental commitment to getting government out of the business of being in business. [interjection]

I know that the Minister of Labour wasn't here when we mentioned that, but if he wants to draw a parallel between Principal and what his government has done and what he voted for, maybe he should be advocating a public inquiry into NovAtel, into MagCan, into Ski-Free Marine, and into any number of these

things. That's an allegation, Mr. Speaker, he should be very careful about, very careful about.

The fact is that . . . [interjections]

THE DEPUTY SPEAKER: Order. [interjections] Hon. minister, hon. House leader. I wonder if we could allow the member to continue his debate without us all getting in. It's interesting, I'm sure.

MR. MITCHELL: I know they're sensitive about their legacy. I know they're sensitive about the nine consecutive deficit budgets, which the Minister of Labour voted for. I know they're sensitive about the massive loan guarantees that went bad. I know they're very sensitive about that, and this is trying to patch it up. At least, Mr. Speaker, it makes a statement about something that should be done and should have been done.

Our concern is that it's a statement that can be likened to a sieve. There are many holes through which loan guarantees can be driven, and once again it's tantamount to a political message, Mr. Speaker. They've taken a lot of time in this Legislature to convince people that they are reformed, that they have been saved, that they have been changed, but what we want to see is the actions that follow from that kind of statement, and we have yet to see it. We'll be convinced when we do.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: The question's been called. Okay. Are you ready for the question? The hon. Premier has moved second reading of Bill 31. [Mr. Bracko rose]

Hon. member, the Chair does not wish to silence anyone who may wish to enter into debate. At the same time, there is an onus on hon. members to get up in a timely fashion. You have additional time, presumably at committee stage, if that's acceptable.

Again, the hon. Premier has moved second reading of Bill 31, Business Financial Assistance Limitation Statutes Amendment Act, 1996.

[Motion carried; Bill 31 read a second time]

5:00

Bill 35 Personal Directives Act

THE DEPUTY SPEAKER: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you, Mr. Speaker. I'm pleased to bring forward Bill 35, the Personal Directives Act, for second reading.

As I indicated when I introduced Bill 35 on April 4, the key principle underlying the Personal Directives Act is to promote self-determination. The Personal Directives Act will extend Albertans' existing right to make decisions about their own personal matters into possible future periods of incapacity by enabling Albertans to appoint an agent and provide instructions regarding personal matters in the event of future loss of capacity.

The key principles of this legislation are that it has a broad scope so that all personal matters that are nonfinancial – for example, health care, place of residence, participation in social, recreational, and education activities, as well as legal affairs – can be included in a personal directive. We want to ensure that making a personal directive is simple and does not require the involvement of a lawyer. We've included in this legislation that

making a personal directive is strictly voluntary. We are expressly prohibiting any illegal instructions from being included in a personal directive. An agent, when making decisions on behalf of an individual, must follow any clear instructions in a directive that are relevant to the decision to be made. If no instruction exists, then the agent must try and make the decision that the individual would have made based on that person's wishes, beliefs, and values. If the individual's wishes, beliefs, and values are not known, then the agent must make the decision which appears to be in the best interest of the individual, and finally, recognizing the court as having final authority to settle a dispute that may arise about the validity of a personal directive or the decision made by the agent, and so on.

Bill 35 was developed based on public consultation on Bill 58, which was known as the Advance Directives Act. The consultation was conducted in late 1994 and early 1995. The content of the Bill also builds on the work of the Alberta Law Reform Institute and the Health Law Institute, outlined in their joint discussion papers, Advance Directives and Substitute Decision-Making in Personal Health Care.

Under the proposed Bill, any Albertan who is at least 18 years old who understands the nature and consequences of a personal directive would be able to make one. To be valid, a personal directive would need to be in writing, dated, and signed by an individual and signed by one witness. A personal directive could contain any information or instructions regarding personal matters, including an appointment of one agent or more than one agent, identifying the authority of the agent, providing instructions about specific decisions, naming a person to assess the individual's capacity for purposes of bringing a personal directive into effect, or outlining how an agent should go about making decisions.

A personal directive would only come into effect when the individual lacks the capacity to make a decision about a personal matter. A directive would be brought into effect on a determination by a person named in the directive, after consulting with a physician or a psychologist, that the individual lacks capacity, or, if a person is not named, on a determination that the individual lacks capacity by two service providers, one of whom must be a physician or a psychologist. The court would have the ultimate authority to settle disputes on such matters as the validity of a personal directive, the capacity of an individual or an agent, or specific decisions made by an agent.

The key differences between Bill 58 and Bill 35 are that the scope of Bill 35 would include all personal matters that are nonfinancial in nature. It would not be limited to health care decisions. The ability to make a directive will be limited to Albertans who are 18 years of age or older. The concept of decision-making by a relative selected from a list of nearest relatives would be dropped. Instructions that could be provided in a directive would be expanded to allow an individual to name a person to assess his or her capacity in order to bring a directive into effect. A personal directive would come into effect when the individual is determined to lack capacity in one of two ways: on assessment by a person named in a personal directive to assess his capacity after consulting with a physician or a psychologist, or, if a person is not named, then secondly, on assessment by the service provider who is proposing to provide the service in consultation with another service provider. In essence, one of two service providers must be a physician or a psychologist.

There's been substantial interest in and support for this type of legislation for some time. The Alberta Healthcare Association, as it was known, has passed several resolutions supporting it.

Recommendation 6 of the Rainbow Report, which is the report of the Premier's Commission on Future Health Care for Albertans, recommended that the government introduce legislation on advance directives for personal matters. About 95 percent of the respondents during the consultation on Bill 58 supported passing such legislation. Support for the legislation has been expressed recently during the public consultation by numerous individuals and groups, including but not limited to the Capital health authority, the Bethany Care Society, the Alberta Medical Association, the Alberta Law Reform Institute, Extendicare (Canada) Inc., the Capital Care Group, the Bioethics Committee at the University of Alberta hospital, the Edmonton Palliative Care Coordinating Council, Alberta Association on Gerontology, Dr. John Dossetor, the Alberta Council on Aging, the Mistahia regional health authority, the Alberta Association of Registered Nurses, and the Palliative Care Association of Alberta.

I look forward to questions and debate on this Bill, Mr. Speaker. With that, I move second reading of the Bill.

MR. DAY: Question.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. The Government House Leader must be awfully anxious to get out.

Mr. Speaker, the government from time to time manages to go a long way towards correcting its mistakes. Bill 58, which was introduced by the hon. member who just spoke, was not the best possible law on advance directives or living wills that it could have been. Quite rightly, the government pulled that and took some time to study the matter some more and discovered that there were some areas that could be improved, and they've now presented us with Bill 35. Bill 35 tries to address not only those deficiencies in what was Bill 58 but also the ongoing deficiencies and problems that people face in this province every day when a family member becomes ill or incapacitated or in any case is unable to look after their own affairs.

Now, currently the law requires that health care professionals obtain consent before treatment is administered, and there's no mechanism for obtaining consent where the patient is mentally incapable of providing it. Probably the minimum test for any advance directives Bill would be to see whether or not that is addressed, and certainly that's addressed. One of the strengths of Bill 35, when I compare it to other legislative initiatives brought forward by this government to address the same area of law, is that of course 35 goes even further than that and addresses more than just health care needs; it addresses also other personal matters.

Now, Mr. Speaker, there is another problem that any Bill of this type should address. That is protection of individual dignity or autonomy, and, in fact, the whole area of self-determination and what is the balance to be struck, then, between somebody who, on the one hand, may be assessed to be incompetent or incapable of making these decisions and, on the other hand, respecting their own right for self-determination. On this point, I'm not as clear that Bill 35 solves the problem, and I think we'll hear more about that in debate and perhaps even in committee when we have an opportunity to look at the individual sections and perhaps formulate amendments.

5:10

Back in 1991, Mr. Speaker, the Health Law Institute and the Alberta Law Reform Institute put out a report on advance directives. After significant consultation surrounding that report they came back with some 28 recommendations to government for proposed law. I'd like to talk just for a minute about a couple of those recommendations. They suggested, for example, that legislation be introduced to give legal force to health care directives. Unfortunately – and I've mentioned this limitation – their recommendation was limited to health care only. They wanted advance directives that could appoint an agent to make health care decisions in the event of incapacity of the directive giver. The directive could identify anyone whom the individual does not wish to act as a health care proxy, and it could give specific instructions as to what is to happen in certain specified circumstances. Mr. Speaker, as we move on in our discussion of Bill 35, we'll get a chance to evaluate whether or not that recommendation has been fully dealt with. For example, is it still possible for somebody who doesn't wish to be a decision-maker to have that power given to them nonetheless, the whole issue of proxies, et cetera.

They also provided in their recommendations for a backup system of substitute decision-making for those patients who had not appointed an agent. This is to be done by a list of proxy decision-makers whose order of priority roughly corresponds to the closeness of the relationship to the individual. In other words, there'd be a hierarchy of family members, perhaps spouse, parent, sibling – I'm sorry, Mr. Speaker, I was distracted, but it won't happen again – or another close family member.

Support for Bill 35, Mr. Speaker, I think can be found from many of the same stakeholder groups who have commented first on the reports that we had from the two institutes and also the discussion and consultation around the previous attempt to legislate in this area. The mover of the Bill has talked about the consultations with some of those stakeholder groups, and I can confirm, based on my own discussions, that there are several groups that are now in favour of Bill 35 because it does move us much further down the road. [interjection] How about if I don't?

So, Mr. Speaker, this Bill has enjoyed some stakeholder support, but I would like to mention that there are some concerns that have not been addressed, and these are concerns that have been brought to my attention by the same consultative groups that the mover mentioned. For example, in the whole area of a spousal appointment in terms of being a decision-maker or an agent, there's no reference to what happens, for example, if a spouse is appointed as an agent under the personal directive and there is a subsequent divorce. This, as you can imagine, could lead to many difficulties and perhaps even some legal action. Now, in Manitoba the current legislation has addressed this and makes it automatic that the appointment as an agent is revoked if there is a marital breakup, and perhaps we should explore the potential of a similar section in Alberta's law.

There is no provision in Bill 35 for out-of-province directives, Mr. Speaker. This is a problem. We live in a highly mobile society. We know that many individuals are currently making plans for their retirement years. Often it's in senior years when personal directives become more and more of an issue: family members in one part of the province, their senior parents moving out of province or vice versa. I think we have to take a look at these provisions having the force of law interprovincially.

There's a number of areas that are left, again, to regulation. Mr. Speaker, this is puzzling to me. This government, as I've

said, has gone a long way towards correcting the deficiencies in earlier legislative attempts, and one of the ways they did that was by wide stakeholder consultation. Input was sought on a wide variety of things – personal directives, advance directives, living wills, enduring power of attorney – in much discussion right across the province with many interested groups. The government should be commended for that, but they can't be commended for then taking so much of that input, setting it aside, and then saying in the Bill that we're going to leave a number of very important issues to regulation.

I anticipate, Mr. Speaker, that you may hear more from this side of the House regarding the Lieutenant Governor in Council provisions of the Bill, and I wouldn't be surprised if we even got to the point where we were going to propose an amendment that many of those areas to be left to regulation instead be brought out from behind closed doors and be put into the forefront of the Bill. This is an area where certainly there's no reason just to leave it to regulation. I think Albertans have expressed a real genuine concern in the whole area of advance directives, and I can't imagine why so many of these nuts-and-bolts issues to do with the implementation of advance directives would be left to regulation.

There are some other concerns as well. A caregiver, for example, under this Bill must continually evaluate the capacity of the maker of the directive. This is an onus that may not be entirely fair, and it may not be entirely accomplished, Mr. Speaker. The person who is the caregiver may or may not be in a position to constantly evaluate, and that evaluation may or may not result in the implementation of the directive as it was initially intended. Again, I would like to have some more discussion around that role of evaluation and monitoring.

Concerns have been raised about the situation where a personal directive is made and not updated or brought into line with advances in medical science. Certainly, Mr. Speaker, we are in an era of rapid technological advance in medical science, whether it be through equipment or drug therapy or a combination of the two. Alberta is home, as we all know, to the Alberta Heritage Foundation for Medical Research, which funds world-class research, and as a result of that research Alberta has been the home to many breakthroughs in the provision of technologically advanced health care. In spite of all of the other problems and cracks emerging in our health care system, the one thing that we continue to be proud of is the work that the Alberta foundation for medical research has been able to have done and have accomplished in this province. In a province that has such a reputation for not only embracing but then acknowledging that kind of research, I would like to see our law in this area address the potential for advances in medical science.

The agent under a section of the Act – I believe it's section 14(2) – “must follow any clear instructions” in the directive but only if they are “relevant to the personal decision to be made.” Now, arguably, Mr. Speaker, if a directive is not consistent with medical science, it may be viewed as irrelevant. Alternatively, we could introduce an amendment that would allow an agent to adjust the directive in light of current medical practice.

Before I would propose that to my colleagues, again I would like some comment from the mover of the Bill perhaps or from one of her colleagues just in terms of why this area wasn't addressed in the Bill. Perhaps it's simply an oversight, Mr. Speaker. Perhaps it was something that escaped the review in the legislative drafting that the government went through. It would be easy to fix, and I'd suggest that perhaps it should be.

The government has moved us down the path of creating a

much better law than what we would have seen. Mr. Speaker, the Centre for Bioethics at the University of Toronto has put together a very comprehensive guide to the whole issue of living wills and advance directives. I've had a chance to evaluate Bill 35 against that guide, and I can report to you that it compares favourably in most cases. It does leave us scratching our heads around a couple of issues, and we will be pursuing those I think as we get into later stages of debate.

I can also tell you that such groups as the association for the retired and semiretired have commented favourably on the Bill. Groups such as the Centre for Bioethics here at the University of Alberta have commented somewhat favourably on the Bill. The fact that there is a backup system in the Bill now I think has alleviated some of their earlier concerns.

Mr. Speaker, what I'd like to do at this point is adjourn debate on Bill 35.

5:20

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora has moved that we adjourn debate. All those in favour of that motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no. Carried.

[The Assembly adjourned at 5:21 p.m.]

