



Province of Alberta

The 27th Legislature  
First Session

# Alberta Hansard

Tuesday evening, June 3, 2008

Issue 30e

The Honourable Kenneth R. Kowalski, Speaker

# Legislative Assembly of Alberta

## The 27th Legislature

First Session

Kowalski, Hon. Ken, Barrhead-Morinville-Westlock, Speaker  
Cao, Wayne C.N., Calgary-Fort, Deputy Speaker and Chair of Committees  
Mitzel, Len, Cypress-Medicine Hat, Deputy Chair of Committees

Ady, Hon. Cindy, Calgary-Shaw (PC),  
Minister of Tourism, Parks and Recreation  
Allred, Ken, St. Albert (PC)  
Amery, Moe, Calgary-East (PC)  
Anderson, Rob, Airdrie-Chestermere (PC),  
Parliamentary Assistant, Solicitor General and Public Security  
Benito, Carl, Edmonton-Mill Woods (PC)  
Berger, Evan, Livingstone-Macleod (PC),  
Parliamentary Assistant, Sustainable Resource Development  
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)  
Bhullar, Manmeet Singh, Calgary-Montrose (PC),  
Parliamentary Assistant, Advanced Education  
and Technology  
Blackett, Hon. Lindsay, Calgary-North West (PC),  
Minister of Culture and Community Spirit  
Blakeman, Laurie, Edmonton-Centre (L),  
Official Opposition House Leader  
Boutilier, Guy C., Fort McMurray-Wood Buffalo (PC)  
Brown, Dr. Neil, QC, Calgary-Nose Hill (PC)  
Calahasen, Pearl, Lesser Slave Lake (PC)  
Campbell, Robin, West Yellowhead (PC),  
Deputy Government Whip  
Chase, Harry B., Calgary-Varsity (L),  
Official Opposition Whip  
Dallas, Cal, Red Deer-South (PC)  
Danyluk, Hon. Ray, Lac La Biche-St. Paul (PC),  
Minister of Municipal Affairs  
DeLong, Alana, Calgary-Bow (PC)  
Denis, Jonathan, Calgary-Egmont (PC)  
Doerksen, Arno, Strathmore-Brooks (PC)  
Drysdale, Wayne, Grande Prairie-Wapiti (PC)  
Elniski, Doug, Edmonton-Calder (PC)  
Evans, Hon. Iris, Sherwood Park (PC),  
Minister of Finance and Enterprise  
Fawcett, Kyle, Calgary-North Hill (PC)  
Forsyth, Heather, Calgary-Fish Creek (PC)  
Fritz, Hon. Yvonne, Calgary-Cross (PC),  
Minister of Housing and Urban Affairs  
Goudreau, Hon. Hector G., Dunvegan-Central Peace (PC),  
Minister of Employment and Immigration  
Griffiths, Doug, Battle River-Wainwright (PC),  
Parliamentary Assistant, Agriculture and Rural Development  
Groeneveld, Hon. George, Highwood (PC),  
Minister of Agriculture and Rural Development  
Hancock, Hon. Dave, QC, Edmonton-Whitemud (PC),  
Minister of Education, Government House Leader  
Hayden, Hon. Jack, Drumheller-Stettler (PC),  
Minister of Infrastructure  
Hehr, Kent, Calgary-Buffalo (L)  
Horne, Fred, Edmonton-Rutherford (PC)  
Horner, Hon. Doug, Spruce Grove-Sturgeon-St. Albert (PC),  
Minister of Advanced Education and Technology  
Jablonski, Hon. Mary Anne, Red Deer-North (PC),  
Minister of Seniors and Community Supports  
Jacobs, Broyce, Cardston-Taber-Warner (PC)  
Johnson, Jeff, Athabasca-Redwater (PC)  
Johnston, Art, Calgary-Hays (PC)  
Kang, Darshan S., Calgary-McCall (L)  
Klimchuk, Hon. Heather, Edmonton-Glenora (PC),  
Minister of Service Alberta  
Knight, Hon. Mel, Grande Prairie-Smoky (PC),  
Minister of Energy  
Leskiw, Genia, Bonnyville-Cold Lake (PC)  
Liepert, Hon. Ron, Calgary-West (PC),  
Minister of Health and Wellness  
Lindsay, Hon. Fred, Stony Plain (PC),  
Solicitor General and Minister of Public Security  
Lukaszk, Thomas A., Edmonton-Castle Downs (PC),  
Parliamentary Assistant, Municipal Affairs  
Lund, Ty, Rocky Mountain House (PC)  
MacDonald, Hugh, Edmonton-Gold Bar (L)  
Marz, Richard, Olds-Didsbury-Three Hills (PC)  
Mason, Brian, Edmonton-Highlands-Norwood (NDP),  
Leader of the NDP Opposition  
McFarland, Barry, Little Bow (PC)  
McQueen, Diana, Drayton Valley-Calmar (PC),  
Parliamentary Assistant, Environment  
Morton, Hon. F.L., Foothills-Rocky View (PC),  
Minister of Sustainable Resource Development  
Notley, Rachel, Edmonton-Strathcona (NDP),  
Deputy Leader of the NDP Opposition,  
NDP Opposition House Leader  
Oberle, Frank, Peace River (PC),  
Government Whip  
Olson, Verlyn, QC, Wetaskiwin-Camrose (PC)  
Ouellette, Hon. Luke, Innisfail-Sylvan Lake (PC),  
Minister of Transportation  
Pastoor, Bridget Brennan, Lethbridge-East (L),  
Deputy Official Opposition Whip  
Prins, Ray, Lacombe-Ponoka (PC)  
Quest, Dave, Strathcona (PC)  
Redford, Hon. Alison M., QC, Calgary-Elbow (PC),  
Minister of Justice and Attorney General  
Renner, Hon. Rob, Medicine Hat (PC),  
Minister of Environment, Deputy Government House Leader  
Rodney, Dave, Calgary-Lougheed (PC)  
Rogers, George, Leduc-Beaumont-Devon (PC)  
Sandhu, Peter, Edmonton-Manning (PC)  
Sarich, Janice, Edmonton-Decore (PC),  
Parliamentary Assistant, Education  
Sherman, Dr. Raj, Edmonton-Meadowlark (PC),  
Parliamentary Assistant, Health and Wellness  
Snelgrove, Hon. Lloyd, Vermilion-Lloydminster (PC),  
President of the Treasury Board  
Stelmach, Hon. Ed, Fort Saskatchewan-Vegreville (PC),  
Premier, President of Executive Council  
Stevens, Hon. Ron, QC, Calgary-Glenmore (PC),  
Deputy Premier, Minister of International and  
Intergovernmental Relations  
Swann, Dr. David, Calgary-Mountain View (L)  
Taft, Dr. Kevin, Edmonton-Riverview (L)  
Leader of the Official Opposition  
Tarchuk, Hon. Janis, Banff-Cochrane (PC),  
Minister of Children and Youth Services  
Taylor, Dave, Calgary-Currie (L),  
Deputy Leader of the Official Opposition  
VanderBurg, George, Whitecourt-St. Anne (PC)  
Vandermeer, Tony, Edmonton-Beverly-Clareview (PC)  
Weadick, Greg, Lethbridge-West (PC)  
Webber, Len, Calgary-Foothills (PC),  
Parliamentary Assistant, Energy  
Woo-Paw, Teresa, Calgary-Mackay (PC)  
Xiao, David H., Edmonton-McClung (PC),  
Parliamentary Assistant, Employment and Immigration  
Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC),  
Minister of Aboriginal Relations,  
Deputy Government House Leader

### Officers and Officials of the Legislative Assembly

Clerk	W.J. David McNeil	Sessional Parliamentary Counsel:	Sarah Dafoe
Clerk Assistant/ Director of House Services	Louise J. Kamuchik	Sergeant-at-Arms	Brian G. Hodgson
Clerk of <i>Journals</i> /Table Research	Micheline S. Gravel	Assistant Sergeant-at-Arms	J. Ed Richard
Senior Parliamentary Counsel	Robert H. Reynolds, QC	Assistant Sergeant-at-Arms	William C. Semple
Senior Parliamentary Counsel	Shannon Dean	Managing Editor of <i>Alberta Hansard</i>	Liz Sim

[Errata, if any, appear inside back cover]

## Legislative Assembly of Alberta

7:30 p.m.

Tuesday, June 3, 2008

[The Speaker in the chair]

**The Speaker:** Please be seated.

### Government Bills and Orders Second Reading

#### Bill 26 Labour Relations Amendment Act, 2008

[Debate adjourned June 3: Mr. Kang speaking]

**The Speaker:** Hon. members, when we rose at 5:30, the speaker on the floor was the hon. Member for Calgary-McCall, and I'll invite him to continue his remarks.

**Mr. Kang:** Thank you, Mr. Speaker. I was talking about ground ambulance services. Making them an essential service is not necessarily negative for them. There are two reasons for this rationale. Firstly, in two previous attempts to strike, at Edmonton and Calgary in 2000 and 2004, the unions were basically threatened with being legislated back to work by the provincial government if they went on strike. In other words, they were basically an essential service anyways. Secondly, there are three prongs to emergency service: police, fire, and ambulance. It only makes sense that if police and fire are essential services, then ambulances should be as well. They are considered an essential service anyway. In conversations with the paramedics they expressed that they were not overly concerned with this change as they were basically an essential service regardless of this change.

This bill can be seen as very favourable to non-union contractors. These are open shop organizations that are not unionized but, rather, negotiate directly with the employer to determine wage components of the bids.

This bill is a fairly heavy-handed measure to deal with the issue of salting. It is not a very used tactic. There's no reason for Bill 26 to be explicit in its prohibition of this tactic. In particular, the amendments to section 52 of the act, subsection (4.1)(a), allowing for a 90-day period for revocation of the agreement between the union and the bargaining unit would allow the employer to pressure employees to revoke their decision.

This, in essence, is a period of intimidation for employers, which I experienced, too, when we were trying to organize cab drivers. We had the southern Alberta taxi drivers' fellowship, and we tried to organize cab drivers in Calgary for better working conditions, for better fares.

**Ms Blakeman:** What things were going wrong? What was wrong that you had to organize?

**Mr. Kang:** The taxi fares were frozen. All the taxi fares ended up in the hands of the brokers, and the drivers were left with nothing. They were literally under the thumb of the broker. The broker was literally exploiting all the cab drivers. They were charging whatever standards they wished to do. Whenever the cab drivers got a raise, the brokers raised their fees right away. Then what happened was that the gentleman who was trying to organize the union was fired by the broker, and he had to go work with a smaller broker, where he couldn't even make ends meet. That kind of scared the hell out of the other drivers, too, so they had to give up organizing. This is one example.

There's another example in Calgary. There was a big manufacturing outfit. The workers there were trying to organize. They were just about signing up everybody, and then the manufacturer brought in replacement workers, and it was literally busted. He fired all those workers who were trying to organize. That was very heavy-handed on their part, too. They lost their jobs, and they had to literally start all over again. They couldn't get jobs in other places because the economy was slow. Some of them had to move their families to B.C. because they couldn't find jobs in Calgary. You know, the situation was very, very bad. So that's another reason why we need some protection for the workers, and the union to organize is the only way to protect the rights of the workers.

The use of MERFs can be seen as a collaboration between the employer and the employees. Employing this method has led to no strikes or lockouts in the construction sector since 1986. Limitations placed on MERFs are therefore limitations on the co-operative relationship between the contractor and the unions.

There's a legal remedy that already exists to deal with any problems associated with MERFs. The federal Competition Act gives jurisdiction to the Competition Tribunal to investigate and determine whether certain activities constitute a restraint or deliberate attempt to unduly injure the competition. In particular, the Competition Act provides these criteria under which complaints can be filed: bid rigging conspiracy, abuse of dominance, and predatory pricing. Thus far no group has seen fit to challenge the legality of MERFs as a prohibited practice under this statute. However, this legal remedy exists already, and groups who feel MERFs are an unfair practice should avail themselves of this remedy prior to provincial legislation respecting MERFs.

The basic questions are these. What benefit is there to Albertans by this change to the labour code when there's no urgency to change the labour code? We have labour peace, and only 20 per cent of organized labour is affected by the MERFs, so I don't see any urgency to change the labour code. What economic benefit does this provide to Albertans? I think it's only going to provide more unrest in the labour field, and it will bring more problems later on when the economy slows down a bit. What research or evidence is there to show that this benefits the construction industry in Alberta? Since 1986 there have been no lockouts or strikes in the industry, and I don't think we need to change anything now.

The answer to these questions is that there's no empirical evidence that this provides a benefit and will improve the labour situation in Alberta or provide economic benefit for Albertans. These changes are primarily a punitive measure against the unions for recent election ads and due to the lobbying efforts of open shop and employer-friendly and non-union organizations.

Section 52(4.1)(a) can be referred to as an intimidation clause. I gave you some examples before. It allows employees who voted for certification of the union to have 90 days to reconsider their vote. What this does is allow the employer that much time to either get rid of the union supporters by laying them off or by convincing them to change their vote. This has been done before. This is nothing new. The employers have always intimidated and they have always harassed the employees to change their vote or quit. This is called revocation of bargaining rights by the employees.

I've got another example here. When I worked in the mines, although we were unionized, the employer tried to take something away from us, and the union said: "Okay. We will give you all that you want, but you give us a guarantee that you won't lay anybody off." The employer wouldn't give anything in writing to the union, and the union said: "No. We're not going to give you the raise back. We're not going to give you some of the benefits back."

Thank you, Mr. Speaker.

**The Speaker:** Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much, Mr. Speaker. The member was partway through a description of a particular labour negotiation in which they were asking for some guarantee that jobs wouldn't be lost, and I'm wondering if he can tell me what the end of that particular episode was and what he learned from that.

**Mr. Kang:** The end result was the union said that we're not going to give you what you're asking for, like, the raise back and some of the benefits because the company won't give them in writing that, you know, we won't lay anybody off. And the union even went as far as a work sharing agreement. You know, they wanted to have a work sharing agreement, where UIC was paying so much for the employees to have them employed, and the company didn't even want to honour that. Then the union said: no, we're not going to give you anything back. The company laid everybody off. All of us lost our jobs. We were sitting home for a year, year and a half. Almost all the employees moved out because it was in the Crowsnest Pass and there were no other jobs to be had. I moved back to Calgary. Some other workers moved to Cranbrook or Lethbridge or Vancouver for that matter. It was a layoff, but I think it was literally a lockout for the workers, you know, in the guise of a layoff. That's what happened. We all lost our jobs.

7:40

**The Speaker:** Others?

**Ms Blakeman:** Does the member feel that that was bargaining in good faith, that that was a fair negotiation?

**Mr. Kang:** It was a very fair negotiation on the part of the union because the company was the one who put the proposal forward that you forgo the raise and some of the benefits we were going to get. The union was negotiating in good faith, but the employer was not negotiating in good faith. The union could sense that the employer was not negotiating in good faith. They were going to lay everybody off regardless, so you had to give back whatever the employer wanted. You know, instead of 300 workers employed, they could have kept maybe only 125 workers employed and lay the rest off anyway, so that was to the company's benefit. That's what they were negotiating, but they were not negotiating in good faith. The union said: we're not going to give you anything back if you're not going to negotiate in good faith.

**The Speaker:** The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you. I'm wondering if the member believes that if this legislation or this amendment was in place at the time, if it would have improved the situation or made it worse.

**Mr. Kang:** Well, I think it could have made it worse to begin with because we couldn't have the union if this amendment had been in place. If there was no union, then there were no rights protected for the workers, and whatever we gained through the union, you know, we couldn't have gained.

**The Speaker:** Others?

Then I'll call on the hon. Member for Calgary-Egmont, followed by the hon. Member for Lethbridge-East.

**Mr. Denis:** Thank you very much, Mr. Speaker. It's my pleasure to

speak to Bill 26, the Labour Relations Amendment Act, 2008, one that protects public safety and further builds fair workplaces. Like many of my colleagues I've had an opportunity to read a number of articles both for and against these amendments that we are debating today. I've listened to the debate not just within these walls but certainly from my constituents in Calgary-Egmont as well as from some other Albertans throughout the province.

In fact, discussion about salting and MERFing has been going on for quite some time, at least actively over the last five or six years, perhaps longer. There was a time when the terms would have been met by a puzzled look, but now discussion about these practices is widespread, particularly within the construction industry. Certainly, some of my veteran colleagues can attest to that. Maybe there is something to that line: everything old is new again.

During my last work assignment before I was elected, I was proud to work for a boss who valued fairness in the workplace. Likewise, Mr. Speaker, I'm pleased and proud to be a member of this Legislature, that is ready and willing to finally address issues of dispute resolution in the ambulance sector and union organizing and subsidizing tactics in the construction sector.

The ground ambulance amendments are a no-brainer, Mr. Speaker. Ambulance operators serve a very important function, a life-saving function, and they should be very proud of that. There are not many professions in which you can go home at the end of the day and say: I helped save someone's life today. As a legislator and as a lawmaker I never want to be in a situation where an Albertan is not being properly taken care of because of a strike or lockout that we allowed.

Last week in the news an ambulance worker was suggesting that this legislation was like taking tools away from a mechanic. With all due respect to the good folks in that industry I just don't see it that way. We're not taking away any tools that are a necessity to do the job and do it well.

This amendment is about doing the right thing. It's about ensuring that a service is in place 24/7, 365 days a year because without it there would be a serious threat to public safety. This amendment is consistent with the way that we treat police officers and firefighters, who also provide emergency services to the public. The bottom line, Mr. Speaker, is that holding the lives of Albertans at risk as a bargaining tool is simply not acceptable, and I'm certain that a vast majority of Albertans agree.

When it comes to salting and MERFing, Mr. Speaker, I'm reminded of my time as a director with the Institute for Public Sector Accountability. This nonprofit organization was founded in Calgary to promote transparency and accountability in the public sector, and this government is doing a good job of that. If this transparency works for our \$37 billion operation, we should consider asking ourselves whether this transparency could also work or should also work in the construction sector.

I've read and heard some of the comments about enacting laws that restrict salting and MERFing activities and that the government is somehow union-busting. To be clear, Mr. Speaker, I have no issues with unions. This bill is not about revenge, as some people have suggested here today. In fact, union members do an exceptional job of keeping the government running, and to say that we couldn't do it without them would be the biggest understatement of this session. I recall, as a child, my father being quite involved in his union back in Regina. If this government really wanted to exercise the long arm of the law, Mr. Speaker, I'm sure these amendments could be much, much stronger. They are a fair compromise after years of feedback from stakeholders.

I also recall, when I was a staffer at the Saskatchewan Legislature, unfair labour practices that were implemented by that government.

The government of the day in 1996 instituted what was called the Crown construction tendering agreement. You had to be unionized under this act, Mr. Speaker, in order to bid on a government contract. I also look back to the '70s, and I remember looking up a quotation by Mr. Davey Stewart, who was the Leader of the Opposition at the time: it's like they either want you to join a union or they will snuff you out. That type of legislation is not fair, but this legislation is.

It might not be perfect for the labour front, and it might not be perfect for the construction companies, which in my eyes means that we've probably hit the mark if everybody is a little bit unhappy. Someone once told me that if two parties are negotiating a transaction over a house, for example, and neither is overly ecstatic about the eventual outcome, then maybe the right balance has been struck.

I've read with interest an article on MERFing that's over five years old, dating back to the time when MLA committees were first struck and stakeholders were first being consulted. There is a paragraph that says:

Imagine your reaction if some players no longer played by the same rules and were able to eliminate their risk. Despite the time, effort and expense you put into preparing bids, you are now losing tenders to a competitor whose labour is subsidized by a third party.

Mr. Speaker, that's exactly what MERFs are doing to the construction industry today. It often results in the undercutting of bids and non-union contractors.

This government is not making MERFs illegal. Rather, the amendments simply put rules in place to make this activity more transparent. This is something I hear from the opposition and, clearly, something that they should support by their own verbiage. For example, MERFs can exist as long as the employees consent to the contributions and MERF funds are paid directly to the affected employees. Penalties may be levied if funds in a MERF do not comply with these rules. It's about individual choice.

Mr. Speaker, this legislation is fair. It protects both workers and employees while addressing potentially disruptive labour practices. It does not in any way restrict legitimate attempts to unionize. I understand that this is the sector in which salting and MERFing are most active. I also understand that almost 200,000 people are employed in Alberta's construction sector. I have full confidence that our government has taken the time to review this issue carefully. This is good legislation. I'd like to congratulate all those involved over the years in getting us to the stage we're at today.

Thank you, sir.

**The Speaker:** Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Centre, followed by the hon. Member for Airdrie-Chestermere.

**Ms Blakeman:** Thank you. The member mentioned a committee that he was sitting on about public accountability. Could he explain again how he thinks that's going to transfer to a transparent construction industry? I'd be really interested in hearing him expand on that idea.

**Mr. Denis:** Since my friend from Edmonton-Centre is so interested, I'd be happy to enlighten her. First of all, the organization I was involved with was the Institute for Public Sector Accountability. It had several people from Calgary. It was basically designed to promote openness, honesty, and transparency in government. The principles that were espoused by the founding members of the Institute for Public Sector Accountability are clearly consistent with this legislation: transparency, openness, choice, fairness.

Thank you.

**The Speaker:** The hon. Member for Airdrie-Chestermere.

**Mr. Anderson:** Thank you, Mr. Speaker. The legislation says that we're going to classify ambulance services as essential services. Why is this an important part of the legislation?

**The Speaker:** The hon. member.

**Mr. Denis:** Thank you very much, Mr. Speaker. My view on the issue about ambulance services being essential is rather clear because this is something that at some point in our lives everybody is going to require. I believe that it would pose a threat to society if ambulances were unavailable. I also believe that this is a policy decision that the government is making. If ambulances were unavailable, that would leave us open to lawsuits. Everybody knows how much I love lawyers. At the same time, the duty, obviously, is to the people of the province at large.

7:50

**The Speaker:** The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Thank you very much, Mr. Speaker. My question to the hon. member. He brought up the fact of choice, individual choice. If these individuals are choosing to be members of a union and individuals are choosing to put their capital to use in MERFs, aren't we taking away some choice by this legislation?

**The Speaker:** The hon. member.

**Mr. Denis:** Thank you very much, Mr. Speaker. I don't see at all how this restricts an individual's ability to choose. We're not outlawing MERFs. It's just that an individual has to consent that their money is going to this, that it's not just made on a collective basis without any individual consultation with the particular members.

**The Speaker:** The hon. Member for Cypress-Medicine Hat.

**Mr. Mitzel:** Thank you, Mr. Speaker. The hon. member at the very beginning talked about strikes and lockouts. I'm just wondering whether he would elaborate on how he would see Bill 26 address any issues regarding strikes and lockouts.

**Mr. Denis:** Thank you very much again, Mr. Speaker. I appear to be on the hot seat this evening, even from my own government.

Dealing with ambulance services, the principle behind the bill was that we should not be using an essential service like this as a bargaining tool. This is something that everybody requires, and in that case there won't be any further labour disruption in that sector of the economy.

**The Speaker:** The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you. I'm just curious, since this member is a member of a caucus that believes so strongly in majority rule, why he's switching and now saying that he wants to see a situation where every single member would have to agree to something. That would mean that it would be on a unanimous consent basis. Is he willing to transfer that to the House?

**The Speaker:** The hon. member.

**Mr. Denis:** Thank you very much, Mr. Speaker. I don't think

anybody in this House is suggesting that my caucus donate to a MERF fund or anything close to that. I've never received any solicitation. I like to know where my money is going.

**The Speaker:** I'm making sure everybody has a chance here. The hon. Member for Calgary-Nose Hill.

**Dr. Brown:** Yes. I wonder if the hon. Member for Calgary-Egmont would like to expand on how he believes this particular amendment would increase the safety of the workplace.

**The Speaker:** The hon. member.

**Mr. Denis:** Thank you again, Mr. Speaker. I'll tell you one thing: this evening I'm glad I didn't go to the gym because I might not be able to get up and down so quickly.

With respect to my friend from Calgary-Nose Hill, a safer workplace is one where there's always ambulance service available after accidents. If this is an essential service, there's going to be no labour disruption, and we're going to have a safer workplace for all.

**The Speaker:** The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you. My earlier question was around governance, and I'm just curious. The member is a member of a caucus that's so keen on majority rule, but in this particular instance, in this amendment, he seems to be plugging to have a unanimous consent situation put in place, according to what he's describing the MERFing amendment as.

**The Speaker:** The hon. member.

**Mr. Denis:** Again, Mr. Speaker, thank you. I believe that my friend from Edmonton-Centre is obviously missing the point. This does not take away the right for the MERFs themselves; rather, it simply requires an individual's consent before their money is used in that respect.

**The Speaker:** The hon. Member for Lethbridge-East, followed by the hon. Member for Airdrie-Chestermere.

**Ms Pastoor:** Thank you, Mr. Speaker. It's a pleasure to rise and speak to Bill 26, particularly after some of the debate that has been going on this afternoon and, certainly, this evening in the House. I'm finding that 29(2)(a) is probably just as interesting, if not more interesting, than the debate on the bill.

However, this is clearly a controversial change to the labour code and, I think, more controversial, perhaps, than people thought it was going to be. It directly impacts the ability of traditional unions – building trades, electrical workers, et cetera – to organize and expand. The market enhancement recovery funds, commonly known as MERFs, are used in the construction industry to allow union contractors to be competitive in the bidding process for specific jobs.

The rationale is that non-union contractors – some of the examples that were used could be Merit or CLAC – have an unfair advantage due to the fact that their wage component of the bidding process is lower than those of the traditional unions. In this day of staffing shortages, Mr. Speaker, being able to acquire staff at a lower rate is certainly a huge advantage to any company that can manage to do that. Particularly, a lot of these are temporary foreign workers, which, of course, cuts into the local staffing supply. An example that has been brought to my attention is that there are some

electrical-certified people on the union boards that actually can't get jobs, and they know that they have been filled by temporary foreign workers.

Unionized construction contractors can then lower the wage component of their bids to be competitive when they have staff at lower wages, and then they apply for MERF relief to the union. In order to apply for a MERF enhancement, all members must vote on the use of their after-tax wages to fund MERFs, so it is sort of a collaborative effort on the part of the workers.

There actually is a legal remedy that already exists to deal with any problems associated with MERFs. The federal Competition Act gives jurisdiction to the Competition Tribunal to investigate and determine whether certain activities constitute a restraint or a deliberate attempt to unduly injure competition. In particular, the Competition Act provides these criteria under which a complaint can be filed: bid rigging, conspiracy, abuse of dominance, and predatory pricing. I would suspect that somewhere in there we could be looking at some of this activity and calling it monopolies if they can bid on X number of jobs and basically cover larger projects.

I guess what is coming to mind under that sort of thinking are the P3s that would be coming forward. Would it be only one company that will meet the RFPs, and will that one company get the contract for all of the schools, or will they be spread around? Will it be the company that will be competitive because they have lower wages for their workers?

There is this jurisdiction where people can go. Thus far no group has seen fit to challenge the legality of MERFs as a prohibited practice under that statute. However, this legal remedy exists already, and groups who feel that MERFs are an unfair practice should avail themselves of this remedy prior to provincial legislation respecting the MERFs.

MERFing. It's more fun saying the word than actually saying what it really stands for; it's a great acronym. MERFs, job-targeting funds, sometimes called market enhancement recovery funds, were introduced into collective bargaining agreements within the construction sector. These funds are negotiated and added to wages and other joint industry funds to form the amount contractors will pay for labour. It's the belief of non-union companies, or open-shop contractors, that these funds are then used to subsidize selected unionized contractors bidding on contracts in the commercial and institutional sectors.

However, the trade unions believe that this is a co-operative effort between employers and employees in that it ensures that workers receive the same wage and benefits no matter what job site they work at, considering that the construction sector is a very fluid market and that job sites do not last very long. Again, I would suspect that those last words that I spoke could well be applied to a company that would be building the P3s at all of those school sites because if they have engineers and it's one company that has all of these sites and all of these projects – let's take an electrician. If the projects are properly put together and their project timelines match, you will have an electrician going completely through all of the buildings as the project moves along. They will have so many people, say, doing the framing, and then the next guy comes in, and the next guy comes in. They would have their staff rotating through those buildings, so I believe that that would come under that sort of thinking.

**8:00**

Some of the basic questions are: what benefit is there to Albertans from this change to the basic labour code? What economic benefit does this provide to Albertans? What research or evidence is there

to show that this benefits the construction industry in Alberta? The answer to the questions is that there is no empirical evidence that proves the benefits or that it will improve the labour situation in Alberta or provide economic benefits for all Albertans.

In section 52, in the amendments the new section 53.1, it deals with revocation representation votes, and it deems that a person is not eligible to vote in a revocation of the bargaining rights of a trade union with respect to employees and their employer if they were not an employee of that employer for at least 30 days preceding the date of the application for revocation. One of the questions that I would have on that: I would need a definition of what 30 days is. Does that mean that it's full time? Does that mean that it's actually 30 days, or is it actually the hours worked? How would we work in a day when there are actually four hours of overtime? Is that a day and a half? What if a shift is 12 hours? I do believe that that 30 days would require some kind of a definition in terms of hours.

**Ms Blakeman:** Is it normal business days?

**Ms Pastoor:** Would it be normal business days? In the construction industry we'd have to go for another definition: what's normal? Certainly, daybreak to sunset are most construction days.

**Mr. Hancock:** It could be an afternoon.

**Ms Pastoor:** It could be an afternoon. It could be nighttime. It could be what we do, what we call our hours.

**Ms Blakeman:** Our afternoon is a day.

**Ms Pastoor:** Exactly. So that would need clarification, in my mind.

The other thing. I was going to say this at the beginning, but I'll say it now. I really think that I resent that this bill has been brought in late, in my mind. I think that it's quite clear that we're all working very hard to do the work that we have on our desks, with the idea that the session would end, that with the committee work that many of us are going to be on, we'll actually have time between the end of the session and starting on our committee work. I know that we're all sort of looking at having the session wrap up, so I resent having this bill brought forward so late. I think that the other side is more than aware that we are short of researchers, and I myself have not had the time to study this bill.

**Ms Blakeman:** They just introduced it yesterday.

**Ms Pastoor:** That's right. By having it introduced just yesterday, I haven't had a chance to study this bill, and certainly our researchers have been working flat out and haven't had a chance to look at this either. So I really don't think it is fair. I think it's an important bill, and I'm not sure that bringing it in so late is totally cricket.

However, I also wanted to be able to study this bill in relation to how it's affected by TILMA. I haven't had a chance to look at the B.C. legislation to see, in fact, how MERFing and surfing . . .

**Ms Blakeman:** MERFing and salting.

**Ms Pastoor:** MERFing and salting. I'm sorry. Yes, MERFing and salting.

**Ms Blakeman:** It would be more fun if it was MERFing and surfing.

**Ms Pastoor:** MERFing and surfing would be far more fun, and

maybe that's why we would all like to sort of wrap up between now and our committee work: so that we could all go surfing.

However, I haven't had a chance to check out the B.C. legislation, and I think that it is important because this will certainly fall under TILMA in many ways.

I won't go into many of the arguments that I've already heard and that have been put forward already. I believe that it's very important that this bill be discussed over the summer. I think it's time that we seriously look at debating this in the fall. We would have more people that we could speak to over the summer. If it was put off until November or December, we still would have plenty of time to discuss it even having closure at the Committee of the Whole stage. There would still be plenty of time to discuss it in third as well.

I believe that it does deserve discussing much further. I would like to ask questions on how this bill was arrived at. Actually, if it has been studied with TILMA in mind, how has the TILMA overlay been put over this, and how is that going to stand up? I believe that this could well be open to a Charter challenge. If so, how would it work under a Charter challenge with B.C.? If there was a Charter challenge, we then are dragging it through the courts, which can take certainly any amount of time. Before that, it may well be under the TILMA agreement, that comes into effect April 1, '09, but this is the point in time where we're working out all of these kinks, so to speak, and I think that this would be a big kink in TILMA. I think that it could really create a large problem.

I guess what I'm saying is that I think we should take a further look at this. My problem with TILMA is that it could go to the appeal board, at which point, again, the appeal board could well overrule something that had been done in this House, something that had actually been put together and passed by elected people. Say that we did pass this Bill 26 and this went forward but was challenged by the appeal board and the appeal board, based on the B.C.-Alberta agreement, said: no, this is out. That means that this appeal board could overturn what we have done in this House, and I find that really quite troubling.

The other questions would be: how long and expensive would this process be? If this process is going to drag out through the courts and appeal boards and on and on and on, why don't we just get it right in the first place? I really believe that more work has to be done to look at how this fits in with TILMA. I think it needs a good debate and not at the end of a session when it has been brought forward with not a great deal of time to discuss it in its entirety or the way it should be.

As far as the ground ambulance services, they would be moving under Health, which would, in my mind, probably automatically make them an essential service. It still remains to be seen how that's going to exactly shake down. If they are contracted to a private contractor . . . [Ms Pastoor's speaking time expired]

**The Speaker:** Hon. members, 29(2)(a) is available. Five members have now caught my eye. We'll go in this order: Calgary-Nose Hill, the President of the Treasury Board, Calgary-Egmont, Edmonton-Centre, and Edmonton-Calder.

**Dr. Brown:** Thank you, Mr. Speaker. I'd like to ask the hon. Member for Lethbridge-East a question. She mentioned that there were electricians on the union hall hiring list who were waiting for work in circumstances where temporary foreign workers were being imported, as I understood it. I'd just like to ask her whether or not the workers in question would be willing to take a job that pays comparable wages and benefits or whether they are restricting their job search to union circumstances.

Also, with respect to the MERFs she mentioned the necessity to

ensure that the wages and benefits are more or less equal, yet in my understanding in the construction trades the wages and benefits are specifically set out in the collective bargaining agreement, which has force right across the spectrum of contracts, whether it be industrial or commercial or residential. Is there not that equity there all ready?

8:10

**Ms Pastoor:** Thank you for that question. I don't believe that that equity is there. There is certainly talk of the temporary foreign workers working, doing electrician work at lesser wages. I think one of the things that people in Canada, certainly electricians or qualified trade workers, are looking for is safe work sites. I think that the conversations – and, of course, try to prove this – are going around the fact that they feel that some of the people they have to work with truly are not safe. I think one of the examples would be the Chinese workers that were killed. They had to close that work site down. So part of it is not just the wages. I think part of it is the fact that they would then be sure that they're working on a safe work site.

**Mr. Snelgrove:** Early in her speech the hon. member mentioned how important it was or how right it would be or should be for union membership to be able to have a voluntary after-tax check-off to support other MERFing funds. I would ask her to find or please bring to our attention anywhere in this bill or any legislation that limits the unions' right to use after-tax dollars to support whatever idea they happen to come up with. I would certainly look forward to her finding that in this legislation.

**Ms Pastoor:** I'm not sure that this bill won't limit. Even if they're using the after-tax dollars, I'm not sure that it doesn't limit their ability to do the MERFs. You're obviously going to ask me another question or make a point?

**The Speaker:** The hon. Member for Calgary-Egmont.

**Mr. Denis:** Thank you very much, Mr. Speaker. In the member's opening comments she indicated that she didn't have enough time to review this legislation. She cited a lack of researchers. I've done a bit of my own research: I'd indicate that the government caucus has eight, that the Official Opposition has seven. I was wondering if she was aware of that.

**Ms Pastoor:** I think the answer was that we have five and a half.

Our researchers don't just do our research, unfortunately. They do a whole bunch of other work as well. I know I sound like I'm whining, but you know what? We do need more researchers.

**Ms Blakeman:** The member was talking about what was happening with the ambulance workers and essential services when the buzzer cut her off, and I'm just wondering if she was able to complete her thoughts on that.

**Ms Pastoor:** Thank you for that. Yes, the ambulance workers, as I believe I mentioned before, probably will come under Health and would therefore be regulated by those rules of Health, that they are essential workers.

I guess I would be questioning some of this. Yes, they always will be essential workers. However, they could well be working for private companies that will be running the ambulance services. Then, yes, they will be emergency workers, and they would not be allowed to strike, but who is going to protect them against the private companies that are in it to make a profit? We do have some

private ambulance services now that are contracted to – I'm not sure what to call them anymore, not regional health authorities – well, the hospitals, I guess. I'm not sure what you call them.

Thank you.

**The Speaker:** I was following a rotation. Shall I call on the hon. Member for Airdrie-Chestermere?

**Mr. Anderson:** I have nothing, Mr. Speaker.

**Mr. Elniski:** Just one simple question. So the Member for Lethbridge-East . . .

**The Speaker:** I'm sorry. We've finished that. We're now into the debate.

Then the hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thanks so much, Mr. Speaker. I'm pleased to be able to get an opportunity to speak against this bill, and I know I'll have many opportunities over the next couple of days. I'm pleased to be able to speak. I'm certainly not pleased about what I'm seeing in front of me in this bill. We're in second reading of Bill 26, the Labour Relations Amendment Act, 2008. You know, what I'm seeing here, Mr. Speaker, is a pattern. I'm seeing a pattern of the government using a huge majority to be able to bully its way through legislation and slam dunk it as fast as they can so that it's very difficult for people involved outside of this building to even find out that the legislation is happening, to get any kind of reaction in here, even to be able to come in and watch the debate and what's happening here. I'm seeing a pattern of leaving the most controversial or difficult bill to the end, and then just ramming it through using, of course, closure.

A couple of issues arise out of that, but here's what we've seen. We had the rent bill last spring, the spring of '07, and indeed it was run through as an all-nighter by the government in order to get it passed and get rid of it. We saw Bill 46 around the EUB and public hearings rammed through in the fall on the last day of the fall sitting to get rid of it fast before there could be a lot more objection raised to it by people outside of this building. Here we have it, one presumes – I hope not, Mr. Speaker – towards the end of the spring sitting that we're going to get Bill 26 through pretty quickly.

A couple of issues come up out of that. First of all, we've already had closure called on the next section of this bill. The first section is always second reading, in which we're discussing the principle of the bill, then Committee of the Whole, and then third reading. I can hear the Government House Leader saying: oh, it's allocation; it's not closure. Well, two different words to describe exactly the same effect, and that is that the opposition will be shut down in their ability to talk about this bill. So same effect, two different words to describe it: either closure or time allocation. Same thing, same effect.

What I find interesting is that the government has now obviously come to a formula in their head of what they feel is an appropriate amount of debate for this Legislative Assembly. It's very interesting. It seems to run on a calculation of: "How many opposition member are there? Okay. They each get 15 minutes plus maybe part of 29(2)(a), and then we'll restrict them in their time in Committee of the Whole, and then we'll run them all through again in third. Then, bingo, that's the amount that we deem is an appropriate amount of debate." Not, you know: what needs to be said about this bill? Not: do we need other stakeholder consultation; do other people want to contribute to this? None of that is part of this debate.



It's just a definitive: well, we've decided that this is how much time all of the opposition parties are going to get.

It has nothing to do with democracy. It has nothing to do with the issues. It seems to be based on some sort of formula of how many opposition members there are. You know, Mr. Speaker, with 72 elected members here you'd think the government wouldn't have anything to worry about. They're going to get the bills they want. So why is there such a desperate need to control the timing of the bill as well?

They get to control when it comes up in the order of things, and they've already done that. They brought it up towards the very end of the spring sitting; they've controlled that. They've controlled how the bills have gone before it. Now they've got to control that there's a very little amount of time that's allowed to be used on the debate and also that it will be put through consecutively. Often when we have a bill that comes up, we spend some intense time on it, and then it's left there, and a week or two later we might come back to it and spend some more time on it. That's not what we're seeing in front of us here. There seems to be a real definitive pattern: just get this through as fast as possible before anybody else is able to find out what's going on here.

There's an überarrogance to what the government is doing here in that they shall now determine, they shall deign to determine, how much time is appropriate for a democratic debate in this Assembly. I was listening to the Tannoy this afternoon, and I heard one of the government members say: "Well, what else did you want to raise that you want more time to talk about this? Can't you get it all said in your 15 minutes?" Well, no, actually, you can't.

I'm sure I'll go back to my office, and there'll be e-mails from constituents or from other people I know in Alberta who are raising additional points with me that are worthy of being raised in this House. But depending on how things go, I may not have any more allocated time to be able to speak to it because the government has determined not how important it is to talk about the issue, not making sure that there are alternative points of view brought into this House or that it gets a good airing or that it's reasonable in any way; they've just used their überarrogance to determine that that's how much time it's going to be. And it is überarrogance.

8:20

**An Hon. Member:** We use a mandate.

**Ms Blakeman:** He calls it a mandate. I call it überarrogance. There you go.

You know, one of the interesting things about all of this, Mr. Speaker, is that it is about trying to achieve a balance. Even our Charter recognizes that, and in section 15(2) it recognizes that there are procedures, processes, even organizations in place for the amelioration of an historic inequity. The inequity, as I see it, is trying to achieve a balance between profit-making, private-sector entrepreneurial instinct and the protection of workers. That has been a struggle since we've had entrepreneurs, since we've had people who employed others, and hopefully we're not talking about slavery. I hope we don't have to talk about that in the context of what we're doing here. I hope what we're talking about is independent individuals.

But there is an imbalance there. Certainly, the private sector is looking to make as much money as it can possibly make, and it will look to make that money by reducing expenses and increasing the amount that they charge for their services. Fair enough. That's what they're here to do. Good on them. But where I'm going to argue with you is where they choose to try and reduce their expenses on the backs of the workers and particularly on the backs of protecting the workers.

Now, one of my colleagues had talked about working in safe workplaces. If you want to be in a safe workplace in Alberta, you want to be on a union job site because on a union job site you are protected in your ability to say: "No. You're asking me to do something that is not safe, and I'm protected by my union in saying that I'm not going to do that." Those are our safest work sites in Alberta.

Given the appalling record – and it's a terrible record, Mr. Speaker. During workers' mourning day, you know, we hear so much talk from the other side about: it's a terrible thing that we're killing three workers a week in Alberta, that it's a terrible thing and that we shouldn't do that and we should be better at it. Well, one of the ways you could be better at it is by having more union work sites because we don't kill as many people on union work sites. They're a lot safer. So there's a starter, and that'll save some money for the health minister, too.

We have programs, legitimate programs and processes to allow a minority or a disenfranchised group or a less powerful group to be able to hold off bad things happening, annihilation, or in fact to be able to try and negotiate and achieve more of an equity. That's why people come together to form a collective: to protect themselves from injury, from unfair practices, from abuse, or just that, you know, with a larger group you have more ideas and you can move an issue forward and try and negotiate with another powerful group. I mean, there are even Biblical references that say that if we stay together, if we stay united, we're harder to break apart. Indeed, why you end up with a collective process for workers is to protect the individual worker by having a collective that can then negotiate with a stronger and more powerful employer.

I kind of wonder what this government is afraid of that it needs to strip away a few small, legitimate endeavours that unions have, a few small processes that unions have to try and combat everything that comes at them in Alberta and elsewhere around the power of the money and the construction industry in particular, where they are trying to get themselves a fair shot at things.

Mr. Speaker, we've heard quite a bit of discussion around the ambulance workers being declared an essential service, and I just want to talk very briefly about this idea that somehow workers go on strike on a whim, you know, that it's somehow fun or exciting or that you would want to go on strike. It's not. It's a frightening thing to do. It's incredibly stressful. It hurts people's pocketbooks because, of course, they're getting strike pay at cents on the dollar from what they would usually be making in their wage in a workplace. They run the risk of not achieving what they are trying to do. Frankly, they could be on strike because they're trying to stop something from being rolled back on them. They may not even be trying to achieve more; they may be just trying to stop things from getting worse. They run the risk that things will get worse, that they could lose, that public sentiment could go against them.

So this idea that somehow we've got to legislate more and more people as essential workers so they can't go on strike – well, people don't go on strike for fun. They go on strike because they deeply believe. They know they're going to be more than inconvenienced. They're going to lose money on this. They could lose the respect of their neighbours, their friends, their family. It causes all kinds of upheaval. They don't do this stuff lightly.

The idea of declaring essential services I personally do not agree with because when I look at those essential services, they tend to be areas in which people feel very strongly. They go into it because they want to serve the public, and these are not people that would on a whim or easily turn around and go on strike. We're talking police officers. We're talking emergency workers, nurses, and in this case ambulance drivers. I don't think you need to determine them as essential workers, but that's a personal opinion.

Now, Mr. Speaker, I have talked a little bit about the Constitution and the ability of people to come together collectively and try and do something to protect themselves, and I would like to move an amendment. I'll just pass it on to one of our pages to bring to the table. I'll ask for it to be distributed. Essentially . . .

**The Speaker:** Well, we'll just wait until I see that it's been distributed, please.

**Ms Blakeman:** Sure.

**The Speaker:** The clock was stopped, hon. member, so you haven't lost any speaking time. You have two minutes, 35 seconds left.

**Ms Blakeman:** Thank you very much, Mr. Speaker. This is an amendment that I am moving, and it is that the motion for second reading of Bill 26, the Labour Relations Amendment Act, 2008, be amended by deleting all the words after "that" and substituting the following:

Bill 26, the Labour Relations Amendment Act, 2008, be not now read a second time because the Assembly is of the view that the bill will limit the constitutionally protected right of association by labour unions without sufficient consultation or consideration of the deleterious effects of the proposed amendments.

This, of course, has been duly signed by Parliamentary Counsel.

I have brought this amendment onto the floor because I think there are wider considerations than the specifics of what are contained in the act. They have been referred to by some people during this afternoon's debate, but it is around the appropriateness, the constitutionality of restricting the right of people to freely associate and to self-determine how they wish to act together as a group.

There have been some legal opinions already expressed in Alberta about whether this amending act, if passed, would be constitutional. I suspect that we get into a number of court cases when that happens. Of course, inevitably someone will find a court case to challenge it, and the taxpayers end up being on the hook for that. I'm always very aware of the taxpayers having to pay for long legal battles.

8:30

I wanted to move this amendment at this time and give my colleagues and others the opportunity to debate this. I believe this is a good amendment. It's timely. I don't think that this amending act, Bill 26, should go forward. Here's an opportunity for us to recognize why and to take the right steps in not proceeding with it and examining other ways not to achieve the same end at all – I don't approve of that – but perhaps some other things that can be done around supporting collective bargaining and the idea of workers' rights.

Thank you for the opportunity to speak to that.

**The Speaker:** Hon. members, we have before us the amendment, and in the past we've allowed 29(2)(a) to kick in as well with the amendment. I have three individuals – the hon. Member for Calgary-Nose Hill, the hon. Member for Calgary-Egmont, and the hon. Member for Edmonton-Strathcona – on the question-and-comment side.

**Dr. Brown:** Thank you, Mr. Speaker. The hon. Member for Edmonton-Centre seemed to be greatly affected by the fact that time allocation has been moved in Committee of the Whole. The point has already been made that there is no time allocation in second or third reading, so by my calculations there are 15 minutes for each of the 11 members of the opposition plus, as she pointed out, a portion of the five pursuant to section 29(2)(a), so two and a half to three

hours total there on each of the second and third readings and seven hours, as I understand it, pursuant to the proposed motion for time allocation in committee, so that means 12 to 13 hours altogether.

She's indicated that perhaps there would be additional arguments or whatever, and I wonder if she could just elaborate a bit on what the consequence of the additional time would be. Would there be more arguments? Would she feel that she would be able to be so persuasive as to be able to convince a majority of the members of the House to defeat the bill? Or would we simply be subjecting ourselves to another round of the filibusters like we had in the 26th Legislature when the members for Calgary-Currie and Calgary-Elbow required us to stay up and listen to the bells ringing for seven hours and when we had an interminable amount of amendments and subamendments and so on which were simply deferring the business of the House? So would there be any advantage to going on more than 13 hours of the opposition plus listening to the members of the government side? What would the consequence of the additional time be?

And just one last, perhaps, word of a comment that I might make pursuant to 29(2)(a), and that is that I would suggest that the hon. members of the opposition might be a little bit more succinct and a little bit more careful in the preparation of their remarks, make their points in a strong and persuasive manner instead of a rambling discourse in order to make the time work to their best advantage.

**Ms Blakeman:** Well, I think the member has made a number of my arguments for me. It's exactly that attitude of: well, what else would you want? What the government has done is use a formula to decide whether an issue is valid or not rather than the issue itself and the consultation from the Albertans that speak to us. This is the überarrogance that I'm talking about. It's not based in democracy. It's certainly not based in any kind of accountability back to our voters. It's not based on the validity of the issue. It's based on none of those things. It's based on a mathematical calculation that the caucus members for the government have decided is what they deem appropriate. It has nothing to do with the rest of those things, and that's my argument.

He also feels that some members are rambling and should be more pointed, and we would like to do that. But, you know, this bill was introduced at 3 o'clock yesterday afternoon. Now, we really can't afford to pay overtime to our staff, so they should be going home at 4:30, which would have been an hour and a half later. Then if they'd come back in this morning and done nothing but work on the briefing notes for this, that still isn't necessarily going to give them enough time to do the readings, the background that they need to do, the consultation with the stakeholders.

So he's rather made my point that we are in need of more research support, and I appreciate that coming from him. I will certainly hold that near and dear to my heart, that he's been so supportive for additional staffing to help us in what we're trying to do.

There was one other thing. Sorry; I missed your middle question.

**The Speaker:** The hon. Member for Calgary-Egmont.

**Mr. Denis:** Thank you very much, Mr. Speaker. First, I want to thank the hon. Member for Edmonton-Centre for her use of the German word "über." As a German-Canadian that warms my heart.

My question further is that I've reviewed a few pieces of legislation in my day, and I notice that there are only 12 actual clauses in this bill. I'm wondering specifically how much time she would deem fit to debate this rather brief bill in this House.

**Ms Blakeman:** It's based on the issue itself. I refuse to do what

you're doing, which is to come up with some sort of mathematical calculation and say: that's democracy. Democracy takes time, folks. Democracy can be noisy. It can be messy. It can be tiresome. It can be all kinds of things, but if you're really committed to it, you're going to go there.

**The Speaker:** We are now debating an amendment to this bill. That's what we're on, the amendment.

The hon. Member for Calgary-Buffalo, followed by the hon. Member for Edmonton-Strathcona on the amendment.

**Mr. Hehr:** Well, thank you very much, Mr. Speaker. I'm here to speak on behalf of this amendment moved by the hon. Member for Edmonton-Centre. It seems that she is right here in suggesting this amendment as: if we are trampling on the rights of freedom of association, this is something we should not go forward quickly with, expeditiously, have a bill dropped in our lap yesterday at 3 o'clock and then all of a sudden find ourselves in violation of the Charter.

Let's also speak not even so much – who cares if we would be in violation of the Charter? It's more: is this the right thing to do given that we respect the freedom to associate and we recognize the value of what this type of legislation has meant to not only Albertans but a great many Canadians who were around when there were no worker protections, when there was no ability for people to associate and for people to get together and try to collectively make their lives better?

If this is, in fact, the case that we could be constitutionally offside on this, I believe it makes eminent sense for us to take some time. Building more on what the hon. member from Lethbridge stated earlier, what's the big rush? We can come back in November, have all this settled up, have a little more debate on it, and make sure all the i's are dotted, the t's are crossed, and maybe get a chance to consult with the odd Albertan in the meantime who is affected by this.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available.

**Ms Notley:** My question to the hon. Member for Calgary-Buffalo is whether he can perhaps elaborate a little bit on some of the specific elements in this bill that he thinks might ultimately bring us into conflict with the Charter and, in particular, what members of this House should take a second look at were we to ultimately demonstrate the sober second thought that you are wisely recommending.

**Mr. Hehr:** Well, let's see if I can get this right, and by no means am I guaranteeing that it's right. That's why we probably need to go away and actually discuss this. But freedom of association has long been with us. When I look at especially the information around MERFs, these are individuals who have decided to get together in a union and decide how they're going to collectively pool their money, decide how they're going to put together job bids. You know, it seems to me that these people have organized themselves in a businesslike fashion that suits those individuals, the way that they want to be organized.

8:40

That is an essential right that our Constitution protects. It is one of those things that people should have the ability to do. Thankfully, in Canada and in Alberta they have the right to do it, and I don't think we should go boldly trampling on those rights. You know, let's face it. We already have in this province what anyone will

admit is the weakest worker protection in this country. Why go forward and trample on it more, especially if we're in breach of the Charter?

**The Speaker:** Additional questions under 29(2)(a)?

**Ms Notley:** Well, my understanding, of course, is that one of the main reasons why we might well be at risk with respect to this legislation relates primarily to the Supreme Court of Canada decision that was rendered last June or July, I believe, the B.C. health services decision. I believe that one of the things that came out of that – there are many things, and I suspect I'll have a chance to talk about those in more detail. But one of the outcomes of that was that where the government had changed the legislation, ultimately that legislation was determined by the Supreme Court of Canada to be in breach of section 2 of the Charter.

There was a whole other issue that arose, which was: how much money were they going to have to pay back to all those employees they had inappropriately stripped of their rights? There was a huge and, as far as I know, still unresolved issue in B.C. about the liability that accrued to government as a result of their unconstitutional action. I'm wondering if the member might have any comments on how you think that might ultimately factor into our version of good governance.

**Mr. Hehr:** I appreciate the hon. member's comments. She is much more well versed in that case than I am. Nonetheless, it appears to be reasonable from what she has said and from my basic background that: why would we put individuals and why would we put ourselves through the extra cost? Why would we go down this road when we can do it right the first time, investigate what the ramifications are? If B.C. has already tried some similar stuff to this, why not learn from another jurisdiction and go forward in that way at a later time?

**Mr. Anderson:** To the hon. member. I'm a little unclear on how restricting the use of MERFs will take away choice. I don't quite understand that. Right now workers pay into the MERF. It's a collective agreement, so it's not like you can opt out of it. It ranges, of course, but about a dollar per hour, if it's a MERFing project, will be taken off the worker's paycheque and stuck into the MERFing fund. That worker has absolutely no say whatsoever – no say whatsoever. So my question is: how is this somehow limiting the choice of the individual workers?

**Mr. Hehr:** That person has chosen to join that union. Every year their union gets together, and they decide what their protocols and practices are going to be. That individual is going to say at the end of the year: "I'm sick and tired of paying into these MERFs. I'm going to go join one of the 80 per cent of the non-union organizations out there, and I'm going to rid myself of the yoke of these people sucking my money away from me." That's their fair choice.

**The Speaker:** Hon. members, that segment has now left us.

The hon. Member for Edmonton-Strathcona on the amendment.

**Ms Notley:** Well, thank you, Mr. Speaker. This is at this point my first opportunity to rise to speak at all on this bill, but of course I will focus my comments in particular to the amendment. Now, part of the amendment is calling on this Assembly to essentially stop and review and have some sober second thought about this bill because of the potential legal implications of the bill were it to be enacted.

I want to in some cases sort of mirror some of the comments that have been made by my colleagues on this side, some of which there

have been attempts to negate the merits of by colleagues on the other side. I think it's important to raise them again. That is that we got notice that this bill was coming forward on Thursday, and we saw it for the first time on Monday, which was yesterday. Now, the minute the motion was put forward, our staff attempted to contact the minister's office for a briefing. We've not yet been given that opportunity for a briefing, which is uncommon because I know other ministers of this government have been very forthcoming in terms of providing comprehensive briefings even before the bill is introduced. Again, in this case we didn't get that briefing, so it's difficult for us to look at a bill with such significant legal consequences and come up with a clear understanding of those legal consequences on such short notice.

The other thing of course is that the minister acknowledged today in question period – and he was very clear – that he has not consulted with any unions on any issues since he's become the minister of labour. That to me suggests that, in fact, this may well be the subject that would be appropriately the attention of some sober second thought regardless of the legal implications. All these little discussions about, "Oh well, every member of the opposition can spend 15 minutes talking about it, and that ought to do it" – I mean, in my view this is a very complex, far-reaching piece of legislation, and people need to have the opportunity to consult with those who are impacted by it. You know, work that is done behind closed doors does not count, in my view, as the kind of consultation that's required.

I'd like to focus more specifically on the concern around whether or not this bill might ultimately amount to a breach of constitutionally protected rights. There are different elements of the bill, of course. We have the element that prohibits salting, the element that effectively prohibits MERFing, and the element that renders an essential service, the ambulance workers. Unlike some previous speakers I want to put it on the record that on principle I as a member of the NDP caucus am opposed to the blanket description of any worker as an essential service person, who has no access to the internationally protected human right of the right to strike. In my view it is a fundamental breach when one attacks that right to strike. I appreciate that it exists in many different jurisdictions and in many different forms throughout Canada, but I would say that it is, without question, most significantly limited in the fair province of Alberta. That has been the case for some time, and now this bill purports to expand that barrier to a fundamental human right of many of our citizens in Alberta, those being the ambulance workers.

Now, this issue hasn't just been addressed this time; it has been addressed in the past. As we know, in the late '70s, early '80s this government decided that all government workers provided essential services, not only the health care workers. Even ALCB employees were essential. The folks in the registries office were essential. The custodians in various and sundry government buildings were essential. The parks people were essential. They were all essential, so none of them had the right to strike. Of course, that act and that piece of legislation at the time was widely criticized nationally and internationally, and indeed this government was identified by an arm of the United Nations as having breached the International Labour Organization's human rights code, shall we say.

Nonetheless, the matter ultimately went before the Supreme Court of Canada in the mid to late '80s. At that time the Supreme Court of Canada said: "Well, it does seem pretty heavy handed, but at the end of the day the way we view things, we don't see section 2 of the Charter as being something that protects the right to bargain collectively. So, Alberta, if you choose to deal with this problem this way, then ultimately it's up to your Assembly, and it's up to your voters."

8:50

Interestingly, then, if you fast-forward, the consideration of the courts has evolved. In many cases, of course, what they now say, generally speaking, globally speaking, not just on this issue, is that it is sometimes even the case that you can breach a human right, breach the Charter. If you can then show that it was a right that had to be breached for the greater good of others and that the breach was as limited as possible and that all efforts had been made to minimize that breach, then the breach could stand.

Well, as I already mentioned, we have a new decision of the Supreme Court of Canada that came down in the summer of 2007. That was a fundamental change in the position of the Supreme Court of Canada around the rights of the labour movement and around the rights of people to belong to unions. That decision, in my view, has far-reaching consequences. In the course of coming to that decision, the Supreme Court of Canada reviewed the decision that they had made back in the early '80s, where they upheld the decision of this government to identify anybody who receives a paycheque from the provincial government as providing an essential service. The court reviewed that and essentially rejected the logic upon which that previous decision had been made.

So I myself, frankly, have been wondering how long it would be until many of the essential service designations within the province of Alberta would be challenged. Of course, part 2 of that analysis, which is a reasonable part 2, is: well, okay, we're breaching the rights of the custodians in the environment for them to say that they can't strike. It is now a breach of their constitutional right under section 2 to say that they can't strike. But is it a reasonable decision? Is the greater good of the public something that can be balanced against that? I would argue that for the vast majority of those employees who receive paycheques from the provincial government right now, the test would be answered in such a way that the breach would still be seen as a breach by the courts, and the government would be told that they need to fundamentally re-evaluate how they deal with their staff.

But that's that, and the reason it's relevant to this, of course, is because what we're talking about here is moving the ambulance workers. So we are now talking about actively taking from a group of people who had the right to strike – we are actively taking that away from them. What's the outcome of that decision? Well, I would argue that now under the most recent decision of the Supreme Court of Canada in June of 2007 there will be no question that that represents a breach of their section 2 rights.

Then the next question comes: is it a reasonable breach? They do provide an essential service. They are part of the health care system. Maybe it's reasonable for us to be taking away their right to strike and adding them to the long list of people who do not get access to internationally protected human rights in Alberta.

I would also argue the fact that they have existed for the last 20 years with the right to strike and that we have actually not seen any significant crisis arise as a result of the fact that they have had the right to strike, that the sky has not fallen, the world has not ended, we have not had anybody whose emergent outcomes can be attributed to those ambulance workers being on strike. So I would say that, personally, I think the government has a lot of work to do to argue that the breach of their rights is something that's justified for the public good.

**Ms Blakeman:** There's no statistical support.

**Ms Notley:** There's no statistical support. There's no anecdotal support.

There's no support to suggest that we were in a state of crisis

because those ambulance workers had a right to strike. None. There may have been a state of crisis because they're part of a health care system that's falling apart. That's fine. We can buy that. But that problem is not being fixed by taking these people's internationally protected human rights away from them. That problem has a number of different solutions, which we've talked about, in different sectors, but it's not a solution that involves beating up on hard-working emergency providers and workers in Alberta. That's a real concern. It seems to me that we're rushing headlong to make a decision which a considered examination of the current jurisprudence would advise us is sort of like waving a red flag to everybody about how we are fundamentally at risk in this province with respect to the legal correctness of a good portion of our whole labour relations scheme.

I'm quite surprised, really, that this is the action that the minister of labour chooses to take. If I were the minister of labour, I'd be reviewing my whole Labour Relations Code with reference to that decision and making changes on that basis. If I were the minister of labour, I'd be talking to all these people who'd been asking for changes to the Labour Relations Code, whom I'd been ignoring, and looking at how those requests line up to what the Supreme Court of Canada is telling me that I'd better get doing. I don't know if the Assembly is planning on, you know, introducing a notwithstanding clause alongside this bill. I don't know. It seems to me that it's quite a ridiculous length to go to in order to justify withdrawing internationally protected human rights from a very hard-working and much respected group of Albertans. But who knows? I don't know.

Anyway, that's the most obvious area, but that decision also went on and talked about the process of collective bargaining. It talked about how that is a really, really important thing. That's what is protected under section 2(d), not the outcome. If you get in a union and you start bargaining and you cut a bad deal, the Charter is not going to step in and do anything just because you've had a bad deal. But if the process that you're relying on to get there is fundamentally ripped to shreds by a set of laws, whether they be provincial or federal or whatever, then that's something that they might protect, as in the case of B.C. where the agreement that you bargained is ripped up by the actual government.

In this case the process is what's protected, and I would argue that the efforts with respect to salting – you know, we've heard about all these hard done by employers. I have a lot to say about that. It's been very difficult to sit here and watch, but I'm going to limit this area. Suffice to say that another way of characterizing salting is that it's an organizing tool, and organizing and the right to organize is part of that collective bargaining process, which was identified. I mean, they didn't identify salting, but they identified the right to organize and the right to sign people up and the right to become part of a union and to then collectively bargain. That's what's protected under section 2(d), as I suspect now at this point is the RAN formula. I suspect any efforts to try and get rid of the RAN formula would also run up against section 2(d) very, very quickly. So all that to say that there are at least two elements.

**The Speaker:** Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Centre, followed by the hon. Member for Edmonton-Highlands-Norwood.

**Ms Blakeman:** Thank you very much, Mr. Speaker. Two questions to the member. The first is if she had any opinion on why the minister was reluctant to do the usual briefing. Connected to that question is: which union groups were available in Alberta to consult on or to brief the minister? He said he hadn't consulted with any

unions. Which ones were available, in fact, to be able to help educate him?

**The Speaker:** Hon. member, if you feel competent to answer that question.

9:00

**Ms Notley:** I certainly can't answer it exhaustively, but I can answer it in terms of my own communications with some of those unions. I do know, for instance, that representatives from the Alberta building trades council were available and seeking an opportunity to be briefed. I know that representatives from the International Brotherhood of Electrical Workers were available and seeking the opportunity to be briefed. I know that representatives from the Alberta Federation of Labour were available and seeking the opportunity to be briefed.

I know that a much larger group of unions were simply interested in meeting on a regular basis with the minister and making their views known. If you're talking about the Alberta Federation of Labour, I suspect that that would include the executive board, and the unions represented on that executive board include the United Nurses of Alberta, the Health Sciences Association of Alberta, the Communications, Energy and Paperworkers, the United Food and Commercial Workers, the Telecommunications Workers Union, the United Steelworkers, the carpenters, maybe IATSE.

**Mr. Mason:** That's plenty.

**Ms Notley:** That's plenty? Yeah. I know that those folks are typically quite available. COPE is another one who through their relationship with the Alberta Federation of Labour would have been quite interested. I know through the Alberta Federation of Labour directly that they were quite interested in trying to enhance their dialogue with the minister of labour after the election. So I think that that's a short list if not a conclusive list.

**The Speaker:** The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. I wonder if the hon. member could please enlighten the House with respect to further rights that individuals who belong to unions and unions might be entitled to under the Charter.

**Ms Notley:** Well, I think that, ultimately, if you're talking about the section 2 decision, because the decision talked about protecting the bargaining process, anything that inhibits the bargaining process or fundamentally interferes with the bargaining process would at least be up for consideration. I can't say conclusively what the courts would say is ultimately so significant that it fundamentally prohibits the individual workers from being able to exercise their right under section 2(d), but I would say that the way to look at it would be to look at the process and look at the rules of the game and look at how they're laid out and the extent to which they allow the parties who choose a union to be able to pursue that objective without functioning within a set of rules which are designed to negate their ultimate success. So bargaining in good faith and, obviously, the ultimate adherence to the bargaining process.

Again, in B.C. we had the spectre of the collective agreement being ripped up. But also, again, the right to strike is fundamental. That's part of the bargaining process. That's where the bargaining power rests for workers. The employers' bargaining power rests with the fact that they pay out the paycheque and give out the jobs,

and the workers' bargaining power rests in their ability to withhold their services. That's a fundamental right. Along with that, of course, is the right to organize and to organize in an environment that is free from intimidation, from economic threat, from discrimination, from a whole wide variety . . . [Ms Notley's speaking time expired]

**The Speaker:** Thank you, hon. member.

I have my speakers list for those who wish to participate on the amendment: the hon. Member for Edmonton-Gold Bar, then the hon. Member for Calgary-McCall, then the hon. Member for Lethbridge-East. Then should I put on the hon. Member for Edmonton-Highlands-Norwood?

**Mr. Mason:** That would be good.

**The Speaker:** Okay. Let's proceed, then.

The hon. Member for Edmonton-Gold Bar on the amendment.

**Mr. MacDonald:** Yes. Thank you very much, Mr. Speaker. I certainly would like to speak to the amendment as presented by the hon. Member for Edmonton-Centre, and I would urge all hon. members to consider this amendment and vote for it. Certainly, to remove Bill 26, the Labour Relations Amendment Act, 2008, from the Order Paper and to remove it from this Legislative Assembly I think is a good idea considering the fact that the entire labour community was not consulted. We heard a discussion on this earlier. They're the ones that are to pay the consequences for this legislation, but incredibly there was very little, if any, consultation.

[Mr. Mitzel in the chair]

Now, I know that hon. members across the way can say: well, in 2002 we conducted a review. But one representative on that review had certainly different opinions, Mr. Speaker, on what should and should not be done with salting and MERFing. There was a limited opinion expressed, but obviously since the time that this review was conducted until the present time, the practice of salting has hardly ever been used. So little of the construction sector is involved with MERFing. We're looking at the constitutional issues that the hon. member is suggesting in her amendment. We must be mindful of the obvious point of this bill. It was only introduced yesterday. We start discussion today. There's no time for anyone who wants to bring up concerns or issues with this bill to act or react.

This bill is simply the prevention of unionization by Alberta's construction workers. It's not about salting or the practice of salting although there was never anything wrong in the first place with people with the same interests, working people, banding together to advance their cause and the cause of their workplace organization. In any event, there's absolutely nothing the matter with that. Workers have the right to freedom of association and to try to organize themselves and others into unions. In a mature democracy that is reality, and we should all live with that.

Now, it would be my opinion that this bill will limit the constitutionally protected right of association by labour unions. There's no doubt about it, and that reason alone, Mr. Speaker, is why we should support the hon. member's amendment.

Now, looking specifically at the bill, if we look at section 3, it creates a new standard, and it's only for construction employees. This standard takes away the right to participate in the choice of a union as a bargaining agent by casting a secret ballot in a representation vote. Only employees who have been employed for 30 days at the time of the application for certification and who remain employ-

ees until the vote get to participate. Interesting. In an industry where short-term employment is very common and in which it is very difficult to organize in the first place, the government for whatever reason, whoever is influencing them, has decided to set the bar higher than for any other kind of employee.

**Ms Blakeman:** A different test.

**Mr. MacDonald:** It certainly is a different test. I don't know why this government would be pointing the finger at construction workers. I don't understand that. In the past construction workers have been very sympathetic to this government.

**Mr. Mason:** They supported Lyle Oberg.

**Mr. MacDonald:** They certainly did support Lyle Oberg for his leadership. I never thought I'd ever say this, Mr. Speaker, but I wish Dr. Oberg was still here to defend their interests, and I'm sure he would. They certainly did support him; the hon. member is absolutely correct.

**9:10**

Now, in effect, by the introduction of this bill the government has stripped thousands of employees of the right to choose a bargaining agent, and it's wrong. It's wrong, hon. member. If we look at that and we consider that, it's another reason to support the hon. member's amendment.

Now, to make matters worse, if we go from section 3 to section 5, section 5 creates a special provision that will allow construction employers 90 days in which to pressure their employees, manipulate their workforces, and do whatever they have to do to get the workforce to change its mind. What this means is months of campaigning in every construction certification.

**Ms Blakeman:** Boy, that would affect productivity.

**Mr. MacDonald:** I would think that would affect, unfortunately, productivity at a time when we need it most.

Now, I certainly hope that that wouldn't be motivation to lay off workers or fire them, if they supported a union in that time period. I certainly hope that that wouldn't happen. This also means, Mr. Speaker – and I would urge the House to consider this – that we will have more costly litigation over employer unfair labour practices. What this means is uncertainty and strife in the workplace. At the end of the day what it means is that this government thinks that employers and not employees should get to choose the union or the unions in the construction industry.

**An Hon. Member:** This is democracy.

**Mr. MacDonald:** No. I think this is undemocratic, hon. member.

Perhaps someone could have a look at the performance measures that are in this year's budget and just see what sort of plans or measures the government has to speed up the processes before the Labour Relations Board. At one time this government was very proud of the turnaround times on hearings at the Labour Relations Board. With this amendment to the Labour Relations Code as it stands, if we don't support the hon. member's amendment, I think it's going to get worse. I can see people, Mr. Speaker, double parked and their meters expired on 100th Avenue south of the Labour Relations Board. You would know that if you go up the elevator to the hearing rooms, they'll be busy and they'll be crowded.

Also, when we consider this amendment, employers will be free to help friendly alternative organizations like CLAC avoid the 90-day open period. But if it is the building trades unions, they can choose to keep the 90-day open period alive no matter what the employees want.

This bill is all about employer choice and all about preventing free employee choice. I know that for the CLAC and the Progressive Contractors . . .

**Mr. Mason:** Progressive Conservative contractors.

**Mr. MacDonald:** . . . the Progressive Conservative contractors and the Merit Contractors, this is a draft that I'm certain would please them. I know that the Alberta building trades have some questions about this. The Alberta Federation of Labour has some questions about this. If we support this amendment, perhaps these questions can be addressed and the bill, if it is necessary at all, can be redrafted.

Again, we need to be mindful, Mr. Speaker, that many people who have a lot of expertise in the construction industry are stating that there will now be more incentive for employers to delay certification votes than ever before under the old Labour Relations Code. There will be more issues to litigate about at the Labour Relations Board. We talked about that earlier. I don't think the hon. Member for Edmonton-Whitemud is concerned about lawyers and their opportunities. It's a robust economy, and they're all very, very busy. I don't think we need to make more work for lawyers and tie them up unnecessarily. They already have enough to do. If we add the days of hearing time, thousands upon thousands of dollars in legal costs and research time, and untold public resources just to help companies avoid unionization, I don't understand how this benefits Alberta.

Again, Mr. Speaker, how does this bill improve the construction industry? What economic benefit is going to be achieved as a result of this bill? It can take months and even years to deal with certification cases before the Alberta Labour Relations Board. Meanwhile, workers lose their rights to have trade unions of their choice represent them.

The government has come up with this recipe, which is Bill 26, for which the hon. Member for Edmonton-Centre has given you a way out, and I'm urging you all, hon. members, to take it, to take the way out. The Alberta government has come up with a recipe for even more delay, even more cost, even more frustration in employee rights. If we look at the average number of days from acceptance of an application to the date of the first hearing, it's 67, and the target, of course, in the performance measure in the business plan for the government is going up to 70. I think it's going to go a lot higher with this Bill 26 if we don't take the hon. member's advice and accept her amendment.

The percentage of applications with board involvement settled before reaching a formal hearing was 65 per cent, and going out three years, it's going down to 57 per cent. The percentage of decisions rendered within 90 calendar days – oh, there's that 90 days again; I wonder if that's where that came from – and 90 days from the completion of the hearings: oh, it's going to go up. Good luck with that. The percentage of decisions rendered within 180 calendar days from the completion of the hearings. Of course, the ultimate target here is 100 per cent, but we know that's not going to happen with this bill.

Now, I heard a lot earlier in discussion or debate on Bill 26 about MERF funds, and I would like to remind all hon. members of this House at this time that there was never ever anything predatory about MERF funds. They're simply tools to make even an unlevel

playing field closer to level. This government with this bill is interfering with freely negotiated arrangements that allow unionized contractors some hope of being competitive against employers who do not make substantial pension contributions or benefit payments. It is helping contractors drive down terms and conditions of employment in the construction industry at a time when workers are faced with rising fuel costs, rising housing costs, and rising costs of virtually everything, including their electricity. It is taking the side of the companies that want to go with cheaper terms and conditions of employment. It is preferring the interests of the companies to the interests of working Albertans.

**The Acting Speaker:** Hon. member, you're speaking to the amendment still?

**Mr. MacDonald:** Yes. Absolutely, Mr. Speaker.

I would like at this time, Mr. Speaker, to remind hon. members of this amendment because we have before us this \$800 million cost-escalation account for construction costs that may be above and beyond what was initially anticipated. This bill is bad for business.

**The Acting Speaker:** Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you, Mr. Speaker. I'm wondering if the member can clarify his last comments around that escalation account and what effect you think this bill may or may not have on that.

9:20

**The Acting Speaker:** The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Yes, thank you, Mr. Speaker. I was astonished initially this afternoon to hear the Minister of Employment and Immigration – Employment and Immigration – indicate that construction costs are on the rise and that we really need to do something about it. If he was sincere and if this government, hon. member, was sincere in that, well, they would leave the MERF funds alone because the MERF funds are reducing construction costs. Overall they are reducing construction costs in this province. The hon. minister is maintaining that at the same time that this government has an \$803 million stash of cash put aside for cost escalations in government-administered contracts.

This bill at this time for economic reasons, certainly, hon. member, doesn't make sense. Thank you.

**Ms Notley:** I would like to ask the member a question not dissimilar from the one that I asked the Member for Calgary-Buffalo as it relates to the legal consequences and the constitutionality of this legislation. The Member for Edmonton-Gold Bar, I know, chairs Public Accounts and is very familiar with the monetary considerations within government. I'm just wondering if he has any comments to offer on the ability of this government to plan for any liability that might arise from costs ensuing as a result of the legislation ultimately being ruled unconstitutional and many, many parties thus potentially having a claim against the government.

**The Acting Speaker:** The hon. member.

**Mr. MacDonald:** Thank you, Mr. Speaker. In response to that, hon. Member for Edmonton-Strathcona, I would say that I am very worried. I'm very concerned. I think this bill is the perfect Charter challenge.

I see, unfortunately, the money that was used in some circum-

stances by some unions to administer their MERF funds now being pooled into a substantial amount. It will grow to be a substantial amount, and it will be used by various unions to protect their legal rights, which this government is unfortunately unwilling to even acknowledge through legislation. I see things getting very troublesome for the government.

There was reportedly millions of dollars spent in this ad campaign, and I could see money like that being used by unions to defend their legal rights not only at the Court of Queen's Bench here but I could see it, hon. member, going all the way to the Supreme Court. If this government is unwilling to protect their democratic rights, the unions may do that themselves by pooling their money and hiring legal help and legal advice.

**The Acting Speaker:** The hon. Member for Calgary-McCall on the amendment.

**Mr. Kang:** Thank you, Mr. Speaker. I, too, want to speak on the amendment. Lately we've been hearing about the legality of the bill. It's coming into question. It's going to be in conflict with the Charter of Rights and TILMA. That's what we've been hearing. Talk of the notwithstanding clause came up, too. I think if this bill is not going to benefit Albertans in any way, shape, or form, why is there such urgency to bring in the bill? I think this amendment will give time to the government to consult with all the stakeholders being affected by this bill.

So far everything has been working, even salting and MERF, so why rock the boat? I think we're rocking the boat here. We're not only rocking the boat; I think we're putting the boat upside down. With this bill we're open for a legal challenge.

Again, what economic benefit does this provide to Albertans? With such haste we're going to bring in this bill without any benefit to Albertans. If salting and MERFing has not affected the industry in any negative way, shape, or form, then why should we have this haste? And if this bill is going to be open for litigation and legal challenges, then I think we should do a thorough study of the bill with all the stakeholders and take a broader look at the bill.

So I support the amendment of the hon. Member for Edmonton-Centre to redraft the bill so that all the stakeholders are taken into confidence.

Thank you, Mr. Speaker.

**The Acting Speaker:** Standing Order 29(2)(a). The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you. I'm wondering why the member thinks it's important to consult with others. Does he think this is part of upholding a democratic tradition? Why does he feel so strongly that others should be consulted in the context of this particular bill?

**Mr. Kang:** Well, I think the way this bill has been brought forward – it was not even supposed to be brought forward so quickly – enough consultation hasn't been done. That has come up time and again. There's no urgency for this bill to go through that quickly because everything has been working just fine. I don't think there's any urgency to bring in this bill because there's not going to be an economic benefit to Albertans in any way, shape, or form.

**The Acting Speaker:** The hon. Member for Edmonton-Highlands-Norwood. I'm sorry, the hon. Member for Edmonton-Centre.

**Ms Blakeman:** Right. Thank you. Although Edmonton-Highlands-Norwood is nearby.

I'm wondering. Others could argue that there was consultation involved with this bill. I mean, there was a report that was done by a government committee on which were mostly government MLAs. Is that not an acceptable amount of consultation in the member's view? Why wasn't that MLA committee good enough, seeing as it had so many good Conservatives on it? Oh, yeah. Look at that. In fact, it had three sitting Conservative members, someone that represented non-union contractors, and then there was the dissenting report that came from the Alberta Building Trades Council. So wasn't that enough consultation on this one?

**Mr. Kang:** I don't think so. This was done, I believe, in 2002, and I think the economy has changed so much. MERFing has been a benefit to the economy, so I don't think we should be ramming this bill through. You know, even salting is not really done a whole lot. MERFing, as it came up before, is just keeping the costs down. I don't think we should be ramming this bill through. We should do another consultation with all the stakeholders as of today.

**Ms Blakeman:** Thank you.

**The Acting Speaker:** The hon. Member for Calgary-Egmont.

**Mr. Denis:** Thank you very much, Mr. Speaker. Just a quick question to the hon. member. I want to know how he believes that MERFing is a benefit to the economy. Any statistics or backup would be most appreciated.

**Mr. Kang:** Well, I'm not a lawyer to begin with. What I have been reading and what I have been gathering from the House here, is that if MERFing was such a bad thing, it would have gone out the window a long, long time ago. So MERFing must be working. You know, there have been no lockouts. There have been no strikes since 1986 in the construction industry.

**The Acting Speaker:** The hon. Member for Edmonton-Gold Bar.

9:30

**Mr. MacDonald:** Thank you very much. I have a question for the hon. Member for Calgary-McCall. Earlier you were describing your work activities at a welding shop. I was wondering if you could tell us if you were represented by a union in that welding shop and if it was CLAC, a union of convenience. Or was it a real union that stuck up for workers' rights?

**Mr. Kang:** I worked in non-union shops, and I worked in union shops, too, where the union was trying to protect our rights and the union took a stand because the company wanted rollbacks on the wages and rollbacks on the benefits. Then the union wanted something in writing, some kind of guarantee: okay, we will give you the rollbacks, but you give us in writing that you will not lay anybody off, and we will even go with work sharing. The company didn't want to guarantee anything, and I think the union was right in protecting the rights of the workers. The union didn't buy the company line, and the union said: no, we're not going to have any rollbacks if you're not going to give anything, and we need a guarantee for the job security of the employees. The company didn't do that, and the union said: we're not going to give you any rollbacks. So everybody was laid off. The company was going to lay most of the staff off anyway, but they were trying to get more benefit out of this, so we all lost our jobs.

I worked in a non-union shop, too. There, as to the safety, they only wanted to do so much and wageswise, too. The economy was



slow, and they wanted to pay workers just above the minimum wage. The unions are good to protect the workers' rights.

Thank you.

**The Acting Speaker:** On the amendment the hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Speaker. I am pleased to stand up, and I will speak only to the amendment, and I will be brief. I do believe that on this one we really need to take a deep breath on Bill 26, the Labour Relations Amendment Act, 2008, because after listening to the discussion here in the House tonight, I believe that the point is that we really have to get this right. I believe that if we get it right now, it will save us pain, lots of time, and lots of dollars further down the road. I really believe that this is the kind of thinking that is looking ahead, and it's analyzing what in this case, in my opinion, is proper due diligence. It really is determining what the risk assessment is that this bill will bring forward to the government, certainly, and to Albertans in terms of what it may cost them in court cases, et cetera.

I don't see anywhere, I believe, that this discussion has taken place before this bill was brought forward. I would like to see some of the thinking and, in fact, that risk assessment really was done in terms of what the consequences of this bill might be, as I've spoken on before, about how it actually is going to blend in with B.C. I believe that the hon. Member for Edmonton-Strathcona had mentioned some legislation in B.C. that really will run counter to this bill. Certainly, under TILMA when there's an amalgamation or an attempt at amalgamation, then this will be coming forward.

I know that certainly every time this side says something that may be challenging, may be provocative, may actually make people think, it's considered negative. I don't believe that I'm opposing this bill for the sake of opposing it, I don't think that I'm being negative, and I don't think that I'm being obstructive. It's certainly not what I'm trying to do. But I do really believe that this is actually positive thinking. It's for the future. We have to look at the risk assessment, and we have to do due diligence on consequences of bills that we bring forward.

I feel quite strongly that we really need to step back, take a deep breath. Let's look at this over the summer. That's why I believe that this amendment should go forward and be passed.

**The Acting Speaker:** Under Standing Order 29(2)(a) the hon. Minister of Justice and Attorney General.

**Ms Redford:** Thank you, Mr. Speaker. I'd like to ask the hon. Member for Lethbridge-East if she agrees with her colleague the hon. Member for Edmonton-Gold Bar, who seemed to suggest in his earlier comments that trade unions would be able to use MERF funds to mount legal defence campaigns.

**Mr. MacDonald:** Point of order.

**The Acting Speaker:** A point of order has been called.

#### Point of Order

#### Factual Accuracy

**Mr. MacDonald:** Yes. Thank you. I rise under 23(h), (i), and (j), Mr. Speaker. That we stated earlier that MERF funds would be used as the hon. Minister of Justice has suggested: that's wrong. That's false. What I suggested was that if we remove the MERF funding with Bill 26, the money that had been used for MERF funds could then be used, if unions wanted to, to hire legal advice and legal

counsel to pursue their interests in the courts. I didn't say that MERF funding would be shifted in that way, and I would ask the hon. member to withdraw that comment.

Thank you.

**The Acting Speaker:** Hon. member, thank you for that. It does sound like a point of clarification. Do you consider that? If not, I'd like to look at the Blues before I make a ruling on this.

**Ms Redford:** Thank you. I would be grateful if we could actually look at the Blues, and if indeed I was incorrect, then I'd be prepared to withdraw but not at this point, Mr. Speaker.

**The Acting Speaker:** Hon. members, I'll take that under advisement, and we'll continue on. As soon as the Blues are here, we will do that.

**Ms Pastoor:** I think that if this is a point of order and it's under advisement, then I probably wouldn't answer.

#### Debate Continued

**The Acting Speaker:** The hon. Member for Edmonton-Centre under Standing Order 29(2)(a).

**Ms Blakeman:** Yes. Are we okay with that?

**The Acting Speaker:** Yes.

**Ms Blakeman:** Okay. Good. I'm trying to ask my colleague: what are her largest concerns around leaving this legislation in place rather than being able to follow through with the amendment that's in front of it around the democratic process and how it affects the democratic process?

**The Acting Speaker:** The hon. member.

**Ms Pastoor:** Thank you, Mr. Speaker. I think that the democratic process does take a place in here, but I think that probably my largest concerns are the fact that I think that this is opening itself to a Charter challenge. It could end up in the courts. It's going to cost money. The next thing you know, it's going end up – probably it could be before – in the appeal process. I just believe that if we step back, we can do a little more due diligence on this. We can take a look at the risk assessment. My largest concern, too, is: has this really been discussed in terms of how it will fit in with, work with, against, or for the TILMA agreement? There are certainly some details out there, but I think there are many details that have to still be worked out, and this may well be one of the ones that wasn't thought of ahead of time. My concern is just how that will fit in because I think it's going to cost the taxpayers of Alberta money in the end.

**The Acting Speaker:** The hon. Minister of International and Intergovernmental Relations.

**Mr. Stevens:** Yes. I'd like to rise and ask a question of the hon. member. I know that she's the critic for my ministry, of course, and is undoubtedly versed in TILMA. I just wanted to talk about TILMA specifically and part 5, the exceptions to the agreement, specifically under General Exceptions, where it says that measures adopted or maintained relating to the following are exceptions to the

agreement, “social policy, including labour standards and codes,” and whether she understands that that would except a matter such as this from the application of TILMA.

9:40

**Ms Pastoor:** A very good point, and I appreciate the minister’s having looked that up.

The standards and codes as they stand with this bill I believe are being watered down. I’m not sure that when B.C.’s labour laws and their labour unions look at this, they’re going to be accepting this. Then they’ll end up challenging it. So despite the fact that, yes, we’ve got that and, yes, it’s in section 5, I’m not altogether sure that that doesn’t leave it open to a challenge.

**The Acting Speaker:** The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Yes. Just in regard to sort of the legality of this bill and how it relates to those employees who are involved in the delivery of essential services, I’m wondering if the member could share with the Assembly her own experience as a nurse and how at that time considerations were made with respect to the provision of essential services in and around the times that bargaining activity was going on.

**Ms Pastoor:** Thank you for that question. I was always in geriatrics and in the long-term care side of it, so my union and my chapter really weren’t all that involved in terms of that. I’m not sure that we would have been necessarily declared an emergency service and would perhaps have fallen under that. But I do have a story that, actually, partly includes the Minister of Education on my foray into unions. [Ms Pastoor’s speaking time expired] Oh, that’s too bad because it’s a great story.

**The Acting Speaker:** On the amendment the hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. I’m pleased to rise to speak to this amendment. This is an amendment that, I want to indicate to the House, I wholeheartedly support. I believe this is a well-crafted amendment. [interjections] Well, it’s well crafted in the sense that it says exactly what’s on my mind with respect to this legislation, that there hasn’t been a consultation.

I know that after this latest election there are a lot of bright new faces on the other side of the House, a lot of people from different walks of life. We’ve got lawyers. We’ve got people involved in business, in municipal government, even in one case someone who has been involved in the labour movement. I know that everybody came here wanting to make a mark, wanting to actually really make a difference.

[The Speaker in the chair]

I’ve always sort of contrasted the role of opposition members with the role of government members who are not in the Executive Council, who aren’t members of cabinet. I’ve always thought that in lots of ways the role of an opposition member was more fun, more enjoyable, and allowed more creativity and more opportunity to get up and speak and to try different things to try and change the outcome or at least reach the public in some way. On the other side, I’ve seen the role of government members as a little more tiresome in the sense that you have to sit and listen to the opposition for hours on end. The great joy, of course, for the government members is that at the end of the day they get to win the votes. But I think

people came here regardless of which side because they wanted to make a difference.

I think we should think about what’s happening here. We’re falling back into old patterns in this Legislature. We’re going back to the old thing of the opposition railing against the government and using every tactic it can to try and slow things down. That’s ultimately the only power a small opposition has, the power to delay. We can’t win a vote. We can try and get our message across to the public. The only power in this Legislative Assembly that we have is the power to delay, and I think it should be used wisely, but it should be used from time to time. I think we’re getting into this situation where the government is just saying: “We’ve got to ride it out. We’ve got to put up with this for as long as it takes. In the end we’ll ram through what it is we want,” what it is the government wants, as long as it takes, whether it’s closure or not.

I’ve thought about some of the things that we should be trying to do in assessing a piece of legislation and particularly a contentious piece of legislation. I wrote down four things that I think that we as members of this Assembly should do before we pass a significant piece of legislation.

The first one is to consult. I don’t think that we ought to be making significant changes to policy that affects thousand and thousands of people’s lives without consulting with them. That involves not just organizations but individuals. I think that this hasn’t really happened. I know there was an MLA committee five or six years ago of a few members, but I don’t think there really has been consultation here. One of the reasons I like this motion is because I would like to have this referred to the Standing Policy Field Committee on the Economy with a view to having some hearings and with a view to listening to Albertans on this, whether it’s on the business side or on the labour side or just individuals that feel caught up in things. I would like to think that we would consult before we’d make a major change in policy like this.

The second thing I think we need to do is review the legality. There was a Charter case in June of 2007 called health sciences and support workers versus British Columbia, which changed how the Supreme Court of Canada viewed the right to belong to a union and the right to collective bargaining and the right to strike under section 2(d) of the Charter. We don’t have anything here that would indicate that the government has had its lawyers carefully review what’s in this act with respect to whether or not they feel that it meets that Charter test or any other legal reason why we might not want to pass this legislation in its current form.

I think also that we as MLAs, as an Assembly, have a duty to assemble the evidence pro and con with respect to this piece of legislation, but I haven’t heard any evidence with respect to the three major provisions in this act that would sway me to support it. There’s no evidence, for example, that emergency workers through strike action have jeopardized the health and safety or the lives of patients. There’s no evidence that MERFing is distorting the playing field with respect to the awarding of contracts in the construction industry and so on. We haven’t assembled any evidence, any studies, any cases that would support this change, and I don’t think that we should pass this legislation without doing that.

I certainly think that the conducting of some public hearings would allow us perhaps to do that. I think organizations like the Progressive Contractors Association, the Merit Contractors, and so on should have to make their case to this Legislative Assembly that this, in fact, is necessary. I think the unions should have the right to counteract that if they can and to suggest, you know, other courses of action. I think we should do that.

I think we also have a responsibility to allow due and fair consideration. Now, we know that this piece of legislation was just

introduced yesterday. I know that one of the hon. members on the other side suggested that the opposition wasn't being concise and really focused on its arguments, but quite frankly we just barely started to do the research necessary for this piece of legislation, and already we have to debate and vote on it tonight, very likely, in terms of whether or not we support the principles of the bill.

9:50

I doubt that given the closure that's been imposed on the Committee of the Whole portion of this debate, we will really have the time to slow this down so that we can get the attention of the public, get the attention of the different organizations that might be involved, and make sure that they make sure that their voices are heard. That's the problem with how this particular piece of legislation is being approached.

I really need to mention that we have not yet received a briefing. We don't really have the time. I think the haste here is suspicious. I don't understand why this is so absolutely necessary, and I don't know why members on the other side are getting so enthused about this process. I don't think this process is why people got elected to this Assembly. This is not a process that makes good laws. That's why I support this amendment. It says that we don't read it now because we haven't consulted. I really think that this should go to one of our standing policy field committees, and we really ought to hear from both the unions and from the employers or individuals who may or may not be employees. They might be a small business-person. They might just be a citizen who has an opinion.

If I can go back to the duty to consult with the public, I just wanted to mention something that I neglected to at the beginning, and that is the astonishing statement from the Minister of Employment and Immigration this afternoon when this bill was introduced that he has not consulted with any labour unions since becoming the minister. The fact that the labour unions directly affected by this bill have not been accorded the respect of actually having the minister sit down and explain to them what he wants to do and given a chance to respond to it I think is very unacceptable. I don't think that hon. members on the other side ought to accept that kind of thing. They might be mad. They might be mad at the unions that supported Albertans for Change, but they're not nearly as mad as we are.

Nevertheless, if I can, you know, just kind of paraphrase Voltaire – I don't have the exact quote here – it's along the lines that I disagree with what you are saying, but I will defend to the death your right to say it. That's how I feel about this. I think that the Albertans for Change campaign had the unfortunate effect of re-electing the Conservative Party in this province or contributing to that. That's just my opinion. Other people have different opinions, but I don't think that they should be punished for exercising their democratic rights. I know that members opposite have rejected that as a rationale for what's going on here, but for the life of me I don't understand what the rationale is for bringing a bill like this forward in the way that's it been brought forward: with no prior consultation, with closure immediately imposed, with very little chance to get any kind of public input, and with very little evidence that it has been brought forward by the government in support of this bill.

Now, one of the things that I do like about the new government, if you can call it a new government after 30-odd years, is that the new approach of the Premier has been to try and take some steps to revitalize the democracy in this place. I appreciate that. I think that the potential of the standing policy committees is significant, and I see a change happening in what we do as MLAs. Where previously we just debated and voted on what the government laid before us, now there is an element creeping in where we're actually participat-

ing in the crafting of legislation, and I think that's a great democratization of this Assembly.

I also think that it breaks down partisan barriers or that it can have that effect, at least in some instances, and I think that's also a positive thing because it recognizes all members as having something to contribute. Even though the basic rule in this place is that the government proposes and the opposition opposes, there is, I think, lots of room for all of us to try and work to improve the legislation. That's our primary job, but what's happening here really is preventing us from doing that because of the lack of consultation.

The grim determination of the government to force this bill through is readily apparent, I think, even probably to members on the other side, and we have to ask ourselves why that is. The conclusion I've come to is that this is a piece of legislation that is – I've called it revenge – political revenge for the political activities of the labour movement in the last campaign. Maybe it's not that, but it's not balanced. There's not a balance here balancing the interests of business on the one hand and labour on the other. There's not a recognition that labour. . . [Mr. Mason's speaking time expired]

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available.

**Ms Notley:** I was wondering. As it relates to the issue of the legality of this bill, the Supreme Court of Canada decision that many of us have referenced did in part in the course of its reasoning refer to the amount of consultation that had occurred between the government and the affected unions, and that actually factored, to some extent, into their reasoning and their ultimate rejection of the constitutionality of that initiative.

Anyway, given that the consultation, as far as we know, that preceded this bill goes back to roughly 2001-2002 with a bunch of government-side MLAs, some industry people, and I believe one representative from the building trades and given that that consultation occurred prior to those people involved in the consultation being made aware of the change in labour relations law since then, could the member comment on how a different way of consulting and considering this legislation might improve the quality of that consultation and the breadth of it were the kinds of suggestions advocated by you through this amendment to go ahead?

**Mr. Mason:** Well, thanks for that, hon. member. You know, it really does seem to me that it's rather fundamental that government should be doing consultation with affected groups in an even-handed way, and I know that they do that. I know that they have consultations with all sorts of organizations: agricultural organizations, municipalities, business, small business, the nonprofit sector. People that provide social services in our system are consulted regularly. I know that in a recent case there were some changes to some professional associations – I think it was the engineering profession – and there was consultation there, extensive consultation before the legislation was brought forward. But that hasn't happened in this case. The government knows how to do it, but it has chosen in this case not to do it at all, and I think that that's what's unfortunate.

**The Speaker:** The hon. Member for Edmonton-Gold Bar.

10:00

**Mr. MacDonald:** Thank you. I have a question please, Mr. Speaker, for the hon. member. It is noted that no Canadian legislation has explicit provisions with respect to salting. I'm reading from the government's own report on reviewing labour relations in the construction industry. Why at this time do you think it's necessary

for Alberta to make salting illegal if no other Canadian legislation has explicit provisions with respect to the salting practice?

**The Speaker:** The hon. member.

**Mr. Mason:** Thank you, Mr. Speaker. Well, as I understand it, the question is: why do I think it's necessary to make salting illegal at this time? The answer is: I don't. I don't think that it's necessary. I mean, we're really trying to restrict whether people can take jobs or leave jobs. We've got past the stage where there's indenturing of people and, you know, they're not conscripted into some industrial army to work. People have free choice in this society to seek employment and to leave employment, subject to the contracts which they make. I just don't really think that this particular legislation is necessary. But I would be open to listening to some real stories and some real evidence by employers who want to convince me that the practice is harmful. If they can make that case, you know, I think I might be prepared to consider that.

**The Speaker:** Proceed.

**Mr. MacDonald:** Thank you very much. Do you think that there was any compromise to the integrity of the competitive bidding system for construction contracts in this province as a result of the market enhancement recovery funds?

Thank you.

**Mr. Mason:** I think that the comment that the minister made this afternoon was quite telling, and that is that often a case like this brings down the price of contracts.

**The Speaker:** Sorry, but the time has now escaped us for that portion.

On the amendment, the hon. Leader of the Official Opposition.

**Dr. Taft:** Thank you so much, Mr. Speaker. I'm pleased to rise and speak in support of the amendment from the Member for Edmonton-Centre.

**Mr. MacDonald:** How long are you going to speak on this now?

**Dr. Taft:** Well, we'll just see how long. I have a great deal to say.

**Mr. Knight:** Our faith is restored.

**Dr. Taft:** I'm glad I've restored the faith of the Minister of Energy. I hope he'll do that again tomorrow in question period for me.

Clearly, Bill 26 is a highly contentious piece of legislation. This amendment, which I will read into my comments just so that they are there for posterity, reads as follows:

[that] Bill 26, the Labour Relations Amendment Act, 2008, be not now read a second time because the Assembly is of the view that the bill will limit the constitutionally protected right of association by labour unions without sufficient consultation or consideration of the deleterious effects of the proposed amendments.

On our side of the Assembly, Mr. Speaker, we support this amendment. We are concerned with several angles of Bill 26, and this amendment would obviously address those concerns.

The amendment as proposed here addresses, first of all, the constitutionally protected right of association. I think it's important to explore that very point that the amendment makes. First of all, do we want to proceed with a piece of legislation that may in fact not be constitutional? Why wouldn't we take the time as an Assembly

to ensure that this piece of legislation is constitutionally sound before bringing it forward and pushing it through the Legislature? Clearly, there's no value in using the time or energy or credibility of this Assembly to push through legislation that may not be constitutional.

Now, this government actually has been known to do that before. They've been known to do it very directly and very willfully. The most recent example that I can think of concerns auto insurance rates, in fact, changes to auto insurance operation here that were pushed through, particularly the cap on soft tissue injuries. They were changes, our information is, that the government was warned probably would not stand up to a constitutional challenge. The government said: well, to heck with that; we don't care. They pushed the changes through. We were under an auto insurance system for the last couple of years that, it turns out, has failed a constitutional challenge, and we are now left in the position where there are some thousands of Albertans left in limbo if they have had soft tissue injuries because the auto insurance system is now unconstitutional. They have had their rights curtailed.

Now, I raise that issue because we could be doing the very same thing through this legislation. Imagine if this legislation were to go through – heaven forbid – and then a couple of years from now it's found to be unconstitutional. Well, in that couple of years all kinds of things would have happened under this legislation. New contracts would have been negotiated. Settlements would have been made between employers and unions. Probably, attempts at unionizing would have been blocked or prevented. The perfectly legitimate efforts of people to form labour associations would have been overruled. Suddenly we find that the legislation that's provided for all that is unconstitutional. Then what sort of mess are we in? What liabilities – financial, legal, and moral – would this government be acquiring through such an aggressive, bold, and ignorant move?

Mr. Speaker, first and foremost I think this Assembly only has one responsible option to take on the constitutional side, and that is to set this legislation aside until we can have a full legal assessment of whether or not it's constitutional. Until we have that, I don't think it's wise at all to proceed with Bill 26. Now, that, of course, is only dealing with one word in this amendment, the word “constitutionally.”

What follows that is “protected right of association.” One of our cherished rights as Canadians is the right of association, the right we have protected in the very founding or defining law of this land to freely associate with whomever we wish. This bill challenges and threatens that right. So even if this piece of legislation after many months of due consideration were found to be constitutional, just because it's legally right doesn't mean that it's morally right. Just because it's legally right doesn't mean that it's the proper thing to do. It's quite possible to follow a law to a T and yet do something that's immoral and improper. By bringing in a piece of legislation that threatens the right of association of Canadians, we would be doing that. So even if we were to find after many months that, yes, this probably would stand a constitutional challenge, we probably would be unwise to proceed regardless. We need to search our souls here. I can see that some of the members are even paying attention to my comments, and I appreciate that.

We need to search our souls here about threatening the right of Canadians, the right of Albertans to freely choose who they associate with and how that association proceeds because we run the risk of eroding some of the most important freedoms that our society is based on by pushing through legislation like this, Mr. Speaker. If we form a habit of doing that, then I believe that we actually threaten democracy itself in this province.

**10:10**

My personal feeling is that democracy in Alberta is not nearly as healthy as it should be. It's not nearly as vigorous as it should be. Rather than considering laws that threaten people's rights, we should be in fact taking steps and actions in this Assembly that encourage people's freedoms, that feed democracy, that fuel debate, that energize the morals and the values and the attitudes that create a wholesome and vigorous conversation about the future of this province in all its many aspects.

This bill, if it were to pass, goes in quite the opposite direction. It stifles, it limits, it curtails, it suffocates, it goes against the very spirit of democracy, Mr. Speaker. I am very concerned that if this piece of legislation were to go through – and this amendment would of course put that on hold – it would threaten the spirit, the nature, the functioning, the feel of democracy by threatening the rights of Albertans to associate freely. So that is another point, another reason that I am supporting this amendment.

The amendment then goes on to say: “will limit the constitutionally protected right of association” – and I've addressed those points – “by labour unions.” Mr. Speaker, I think it's important that we have a discussion in this Assembly about the role of labour unions. I know that labour unions are not particularly popular with this government, but I think we need to back away sometimes and really explore the value that labour unions bring not just to Alberta but to society generally, you know, a quick history lesson in the kinds of contributions labour unions have made to Alberta and Canadian societies and societies internationally. Many things come immediately to mind. Public education, for example, was championed through labour unions. Public health care was championed through labour unions.

Occupational health and safety was championed and continues to be championed through labour unions. We can see, when we look at the history of occupational diseases and occupational hazards, how important the efforts of labour unions in that area have been. You can go back through the construction industry, through the mining industry, transportation, agriculture, through all kinds of industries, and you can see that it's through the efforts of labour unions that safety standards have been raised.

I want to just give a particular example, Mr. Speaker, and that concerns asbestos. Asbestos in Europe is actually very carefully studied and very carefully tracked, and the impact of asbestos on the health of workers has been followed for many years. Well, asbestos was used freely in all kinds of construction and building materials and industrial processes through the 1950s and '60s, and then it began to become apparent that there were health issues around asbestos. Through the efforts of labour unions, primarily labour unions, Europe in particular led the way in improving standards concerning the handling of asbestos and curtailing its use, demanding that it be removed from situations where there was exposure to workers or to the public. Well, thank goodness that the labour unions did that.

If you follow the health indicators and the worker fatalities in Europe, you'll see now that deaths caused by asbestos number in the many, many thousands a year. These are people whose lungs were contaminated by asbestos in the 1950s and 1960s and 1970s. People are dying, recorded deaths, in the many, many thousands a year in Europe. The future will not be so bleak for workers when it comes to asbestos because of the efforts of labour unions.

Now, Canada has a shameful record when it comes to asbestos, and Alberta, unfortunately, shares in that shame. We've seen in Alberta a dramatic case play out, actually, at the Holy Cross hospital in Calgary, Mr. Speaker, where there is now a class-action suit filed concerning asbestos exposure. If there had been proper vigour

granted to our unions, if our unions had had more opportunity to shape the occupational health and safety landscape of this province, that class-action suit probably wouldn't have happened because when those renovations were undertaken and launched at the Holy Cross hospital a few years ago, there would have been proper enforcement of occupational health and safety standards. There was not. There was not because this government didn't have the resources, refused to send in the people, and refused to give those inspectors the clout they needed. The work continued. So throughout that hospital people of all kinds were exposed to asbestos: visitors, patients, workers. Those people have now launched a class-action suit. That is one example of how important a role maybe unions can play in something like occupational health and safety.

Pensions is another example, Mr. Speaker. The topic of pensions has been debated at some length in various ways in this Assembly, pensions for teachers. In fact, we've been tabling petitions concerning pensions on a daily basis for the entire session. Pensions are there because labour unions had the capacity to push them through, to demand them, to go to bat on behalf of the workers of Alberta and the workers of Canada to demand pensions. Of course, so often once those standards are set in the unionized sector, they become the norm, and then other people get pensions as well. We all benefit because of the activities of labour unions.

I could go on with many other examples of why labour unions are so important, Mr. Speaker. I will just comment on one other, though, and that is child labour. I'm sure we've all read about times when children were used freely as labourers, children as young as five, six, eight years old. They weren't actually seen as children. They were just seen as little workers, and they would be sent down into the mines, or they would work in the mills. If they were injured, if they were hurt, if they had no chance for education, if they were malnourished, all of that, well, that was just how things were. Who led the charge to address issues of child labour? Well, among many groups, including churches, were the labour unions, and they were able to do that because they had some of the rights that this bill, Bill 26, threatens. They had the right to freely associate; they had the right to organize. We need to be very alert to the benefits that labour unions bring.

I don't know if anybody yet has brought forward the research, but if it hasn't been brought forward today, I'd love to bring it forward tomorrow. It's a study of jurisdictions all around North America, every state in the U.S., and I think it also includes the District of Columbia. It includes all 10 provinces and the territories. So we're talking about all of Canada and the U.S. It compares every jurisdiction's labour laws, this particular study, which was actually an academic piece. It ranks them from 1 to I think it was 63 because they include some territories and so on.

**10:20**

Out of those 63, well, the top few include a number of Canadian provinces. Some of the most labour-friendly provinces or jurisdictions are, not surprisingly, B.C., Manitoba, Saskatchewan. I think Ontario might have made the top 10 or Quebec. I can't remember. Where is Alberta? Well, you go down through the 20s and through the 30s, and on your way down through this list you go through a long list of American states which are known for being antilabour states. By the time you're well into the 40s, you're into states, I think, like Alabama and Mississippi and Arkansas and so on. Then you know who turns up at number 51? This province. Out of over 60 jurisdictions in North America, Alberta ranks number 51 in this study for some of the worst labour laws in North America. The most labour-unfriendly jurisdiction in this country and one of the most unfriendly on this continent is right here.

What are we doing here in this bill, Mr. Speaker? We're making it worse. We're going from 51. Goodness knows where we'll be after that. Why? Why? What's the point? Why are we trying to make things worse for the working people of Alberta? Why are we trying to reduce the power of organized labour in this province through this bill?

I think it's crucially important, Mr. Speaker, that this amendment pass because of its effect on labour unions and its failure to accept and recognize and, heaven forbid, even celebrate the contribution that labour unions have made to Alberta society.

The amendment then goes on and says "without sufficient consultation." Mr. Speaker, I was in the Assembly this afternoon when there was a very interesting exchange between the Member for Edmonton-Strathcona and the minister responsible for this bill. The minister took a privilege that you granted him at the end of the Routine to offer a clarification. He had made what I thought was kind of a Freudian slip about who had been consulted in developing this bill, so he tried to correct this. Then the Member for Edmonton-Strathcona asked a very simple question – I don't have the Blues in front of me – she asked which labour unions had been consulted. What I heard of the minister's response was: none.

That's shocking, Mr. Speaker. How can this government claim credibility on a bill like this that fundamentally affects a large group, organized labour in this province, a group that would number in the hundreds of thousands of members, I'm assuming, and not even consult them. You know, I look at the minister of agriculture down there, and I think, well, I bet if he brought through a bill that affected farmers, he'd consult with farmers. The Minister of Energy: well, I bet if he brought through a big bill that affected the oil sector, the energy sector, he'd consult with the energy sector. And so on it would go. But not in this case, Mr. Speaker.

We have a major piece of legislation brought in affecting some 300,000 Albertans, and they weren't consulted. What? The nerve. This government should be ashamed, embarrassed. On that point alone it should pull this piece of legislation and say: "You know what? We're going to go back to the drawing board. We're going to consult with the people that are really affected. We're going to consult with those organized labour unions who represent construction workers and represent health care workers and represent educators and represent teamsters and represent all those other people who make the daily life of this province tick along. We're going to consult with them. Then we're going to respond to their needs and not just to the Progressive Conservative Association" or whatever it was that the minister referred to earlier.

Mr. Speaker, this amendment has many, many fine points. As I proceed through the amendment, it says: without consideration of the "deleterious effects of the proposed amendments." Deleterious: isn't that a musical sort of word, many syllables.

**An Hon. Member:** Sing.

**Dr. Taft:** I'm being asked to sing by one member, but I'm sure most others would not want me to respond, and I wouldn't want to either.

It's pretty obvious, Mr. Speaker, that this piece of legislation will have deleterious effects on the working people of Alberta, not just on the working people but on almost all citizens because it threatens their rights. It weakens their voice. It takes the opportunity to make this a province with healthier work sites and reduces that. It takes the opportunity to make this a province with a more vigorous democracy, and it threatens that. It does all kinds of things that I think will make this a worse province for the working person. If it's a worse province for the working person, it's a worse province for all of us because we all benefit from the efforts of the working people in the labour unions of this province.

Why in the world – why in the world – would this Assembly choose to pass a piece of legislation affecting 300,000 people that were not consulted, pass a piece of legislation that has not been tested to see whether it's even constitutional, pass a piece of legislation that weakens one of the most important groups of our society, the labour unions, pass a piece of legislation that threatens our rights as Albertans and as Canadians?

Mr. Speaker, those are the reasons that I very much support this amendment. Those are the reasons, if this government insists on proceeding, that we will bring forward time and again to this Assembly to try to get this government to understand that there's no rush for this bill. Why not, at the very least, give it a few months? Why not take the time to consult with people and see what comes out?

With those comments, Mr. Speaker, I hope that I've had some impact. I hope I've caused some of the members of this government to pause and think and at the very least say: well, you know, maybe this is time for second thought.

Thank you.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available. The President of the Treasury Board, followed by the Member for Edmonton-Highlands-Norwood, then Airdrie-Chestermere.

**Mr. Snelgrove:** Thank you, Mr. Speaker. The hon. leader can maybe clarify. Some of the members of his caucus have stated at the start of this discussion that salting and MERFing actually were not even an issue, that they were certainly not a big issue, that there were far bigger issues, and they went on and on and on. The hon. leader suggested that there are 300,000 people that would be affected by this legislation. Is it his assumption that this legislation around salting and MERFing actually will have a direct effect in that there are 300,000 people involved in salting and MERFing?

**The Speaker:** The hon. leader.

**Dr. Taft:** Thank you, Mr. Speaker. I love to engage in these kinds of discussions. Each of us enjoys a range of rights as Canadians and as Albertans. We don't necessarily exercise those rights every day, but the day comes when you want to form that association. It may not be this year. It may not be next year. But that day can come. If your right has been removed, you're hooped. Taking rights away from people should be a drastic last resort. The very logic that the minister brought forward, which is that MERFing and salting are not common practices, suggests: why are we so worried about them? Why do we want to rush and take away these rights of working people when they're not used all that often? But when they are used, Mr. Speaker, I would contend that they're important.

10:30

**The Speaker:** The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, I just wanted to add another example to the hon. Leader of Her Majesty's Loyal Opposition's list of things.

**An Hon. Member:** Question.

**Mr. Mason:** It doesn't have to be a question. It can be a comment, and this is one. The leader can certainly respond if he wishes.

He gave quite a good list of the accomplishments of the labour movement in our society. One, maybe, that could be added to that

list is the weekend. Since the labour movement accomplished the 40-hour workweek, it gave us the weekend, which all of us enjoy, whether we belong to a labour union or not.

**The Speaker:** The hon. leader for comment?

**Dr. Taft:** Sure. Well, that probably didn't occur to me, and it probably wouldn't occur to most MLAs because we don't get weekends anymore, do we? But for those people who do, more power to them.

**An Hon. Member:** We should have a union.

**Dr. Taft:** Yeah, we should form a union, a union of MLAs.

**The Speaker:** The hon. Member for Airdrie-Chestermere.

**Mr. Anderson:** Thank you, Mr. Speaker. I just need some clarification. I'm having difficulty understanding the Leader of the Opposition's assertion. I'm reading this legislation. I'm going through it for – I don't know – the sixth, seventh, eighth time. I'm trying to find where the freedom of association is restricted.

I look under the salting provisions. There's nothing prohibiting individuals from joining unions. There's nothing prohibiting unions from forming. It just simply requires that an individual be employed 30 days before they vote in a union vote. Then the workers at that company or organization will have 90 days after to change their mind. More importantly, if there are people who have abused the system, that have come in just for the purposes of making the shop unionized, there is an avenue to get out of that situation for those who are left there in the organization that are going to be working there for the long term. There's nothing prohibiting individuals or organizations from unionizing.

The second point, on the MERFing. There's no restriction at all on the rights to assemble, the rights to even have a MERF fund. It says right here if you look at section 148.1(2) and (3), specifically in (3):

Nothing in subsection (2) prohibits a construction contractor who is an employer from deducting, in accordance with subsection (4), dues, assessments or other fees from the wages of an employee and remitting those amounts to a trade union or trade union trust or any person acting on behalf of a trade union or trade union trust for the purpose of establishing or maintaining a market enhancement recovery fund.

**The Speaker:** Sorry, hon. member, but that concludes our section there.

Now, I have no additional speakers that have indicated their intent to participate in the speech on the amendment, so that being the case, it's incumbent to call the question.

**Hon. Members:** Question.

[The voice vote indicated that the motion on the amendment lost]

[Several members rose calling for a division. The division bell was rung at 10:34 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:		
Blakeman	Mason	Pastoor
Hehr	Notley	

Against the motion:

Anderson	Groeneveld	Prins
Berger	Hancock	Redford
Blackett	Jacobs	Rogers
Boutilier	Klimchuk	Sandhu
Brown	Knight	Snelgrove
Calahasen	Lindsay	Stevens
Campbell	McQueen	VanderBurg
Denis	Mitzel	Woo-Paw
Drysdale	Morton	

Totals:	For – 5	Against – 26
---------	---------	--------------

[Motion on amendment lost]

**The Speaker:** The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. I wish to rise to speak briefly to Bill 26 because I've heard over the course of the speeches that we've been listening to tonight a number of good speeches, mainly from my colleagues in the government benches. Most of what I've heard from the opposition is categorized in a number of ways: that we shouldn't proceed with this because it might be against TILMA, which is a bit of a strange argument because in the past it was that we shouldn't proceed with TILMA because it would tie government's hands to legislate. I don't understand the argument on that side. As the hon. Minister of International and Intergovernmental Relations has pointed out, TILMA specifically exempts the labour code.

We've heard that this will limit the right to association, but as the hon. Member for Airdrie-Chestermere pointed out, there's nothing in the bill which limits the right to association. The fact that it puts some requirements around how you do a vote to create a union or to become a member of a union in a shop doesn't take away the right to do it. It just says: how do you do it fairly? How do you do it reasonably? How do you do it in an appropriate manner? That doesn't restrict or delineate or determine any rights of a worker. Nothing in that could be said to be anti-union, and nothing from my perspective is anti-union about this government. We want to have fair, open processes by which people can engage in work. In fact, we want to encourage people to work whether they want to do it with a union or without a union.

**10:50**

With respect to the provisions relative to ambulance workers, paramedics, emergency medical personnel, clearly some rights are more important than other rights. There's always a balancing of rights. People do talk about the right to strike, but I don't believe that striking is actually a right. It is a process, and it has to be held in balance with respect to the rights of people to live. If they're in a situation where they need an ambulance, it shouldn't be a question of whether there is a negotiation around salary which determines whether an ambulance will be able to arrive on a timely basis. There are such things as essential services. We have had in the past and have today in this province areas that are considered essential services because the right to life is more important.

**Mr. Mason:** Liquor store workers?

**Mr. Hancock:** We're not talking about liquor store workers; we're talking about ambulance attendants. That's what's in here.

The other piece that's in here is about the market enhancement recovery funds. Again, this bill doesn't outlaw the concept of having a fund. It just says that if a worker wants to contribute to a fund, he should be asked. They should have the opportunity to

determine whether their resources flow to the fund or not. The labour act right now, under section 148, prohibits direct contribution from an employer to a union. So I think there's a very good argument that the funds that exist today are actually unlawful. Rather than go through a court process to show that that is, in fact, the case, it makes much more sense to clarify the law and to make it clear that employers should not be contributing directly to unions, that if union members wish to contribute to a fund, that's a perfectly lawful process and that's allowed. In fact, this act allows for them to do that in a very convenient way by means of check-off.

To say that those funds cannot be made by direct contribution does not take away anybody's right to associate. It does not discriminate against a union. It does not in any way put down a union. It just says, again, that there's an appropriate process in place if a member of a union wants to contribute a portion of the money which is being paid for their labour, which is what this is: it's an amount of money per hour worked, although instead of it going to the person who earned it, it's going to a market enhancement recovery fund to be used on other projects and to create an unlevel playing field in the market and to distort the market.

Those are the very simple concepts. It wouldn't take a day for members of the opposition to read the bill and understand those concepts. Those are concepts that have been discussed for many, many years. Those are concepts which will make it a better and fairer playing field in this province for all workers.

Mr. Speaker, the only other thing I'd like to address is to the hon. Member for Edmonton-Highlands-Norwood, who indicated that this bill should be referred to the committee and that it should be studied. In fact, no amendment was brought forward to send it to a committee for study. The amendment that was brought forward was actually to kill the bill because of the argument about constitutionality. If they'd wanted it to be studied, if they'd actually cared about the bill and having it reviewed in an appropriate way, as they're suggesting that it should be, that amendment could have been brought forward, but it was not. I can only assume that their intention actually was to kill the bill rather than to have it discussed. That's in my view not appropriate.

The other question that was raised by many of the members opposite, and very repetitively so, is the whole question of constitutionality. I guess my comment would be that a Legislature or a parliament has to be able to move ahead to make the right laws for the right reasons. Of course you have to review those to make sure that you're within the bounds of constitutionality. Of course you have to do that. Of course that would have been done before a bill was introduced in the House. No government would bring forward a bill that was blatantly unconstitutional and known to be so. [interjections] The question of the applicability of the constitution is always . . . [interjections]

**The Speaker:** The hon. Government House Leader has the floor.

**Mr. Hancock:** Thank you, Mr. Speaker. The question of constitutionality is always one that's open to interpretation. Any bill that's brought forward could be referred for constitutional amendment. But I would suggest that no one, not even this opposition, would suggest that every bill be referred to the courts for a ruling before it's passed in the House. That would be absurd. I would suggest that this bill does not in any way limit the rights of individuals. It is not in any way unconstitutional in that manner. It does not in any way fall into the case law that the hon. Member for Edmonton-Strathcona was arguing.

I would, however, note that we have now heard a lot of speeches today, and most of them have said the same thing. Therefore, Mr. Speaker, I would move that this question now be put.

## Speaker's Ruling Previous Question

**The Speaker:** Hon. members, I want to refer you to your standing orders. This is a unique procedure, and you will have to go to Standing Order 49. Standing Order 49 deals with a section called the previous question and states:

- (1) The previous question, until it is decided, shall preclude all amendment of the main question.
- (2) The previous question shall be put in the following words: "That this question be now put".
- (3) If the previous question is resolved in the affirmative, the original question shall be put immediately without any amendment or debate.

Now, we've had experience in this Assembly with respect to this matter in the past, and I think I'll just review the situation for all members. Our Standing Order 49(2) clearly states that a member may move that this question be now put, and "the previous question cannot be proposed by the mover of the main motion." You may find that information in *Marleau and Montpetit* at 456. What in essence this does is that the motion of the previous question serves to put bounds around the debate in that after it is moved and carried, no further amendments to the main motion may be moved. The motion may be debated, even by members who have spoken to the main question. The source for that is *Beauchesne*, paragraph 522(1).

As I repeat, this motion is debatable under our Standing Order 18(1)(c), confirmed by Speaker statements of August 28, 1986, in *Hansard*, page 1374, and March 25, 1988, in our *Journals*, page 38. It cannot be amended, as per *Beauchesne*, paragraph 524. After the motion of the previous question has been put but before it is voted on, debate is not strictly limited to the subject of the motion but can include debate on the main motion itself. In other words, members are now able to participate with respect to this Speaker's ruling, the last one that I gave, April 11, 2000, in *Hansard*, pages 889 to 890, and *Marleau and Montpetit* at 459. If the motion after this debate is carried, the vote is immediately called on the original question without any further debate. That's under Standing Order 49(3) and *Beauchesne's* 521(2).

If the motion is defeated, then the question on the main motion cannot be called that day as the House would have just decided that it could not be voted upon. The motion under debate is dropped from the Order Paper, and unless revived on a future date and reinstated on the Order Paper, the motion will not be debated again.

So, in essence, what we have now is a debate, a strict debate with respect to this. All members may participate, and at the conclusion of their participation the question will be called.

**Mr. Mason:** A point of order, Mr. Speaker.

**The Speaker:** A point of order on what?

## Point of Order Explanation of Speaker's Ruling

**Mr. Mason:** Well, Mr. Speaker, when amendments are prepared in this Assembly . . .

**The Speaker:** Sorry. The question has been moved under Standing Order 49(2). The ruling has been given by the Speaker. These are the rules, our standing orders.

**Mr. Mason:** Well, may I ask, then, the Speaker for some clarification? When we make motions in this Assembly, they go to the table, they must be approved by counsel, they must be distributed. I would ask whether or not this motion also is subject to the same rule.



**The Speaker:** It is not because this is clearly identified in our Standing Order 49(1). It's very simple. What the House leader said is under 49(2): "The previous question shall be in the following words" – that is what is required – "that this question be now put." Members last dealt with this procedure in the House in 2000.

11:00

**Dr. Taft:** Mr. Speaker, a point of clarification for me as well. Thank you. I came in as a member of this Assembly to speak to this bill in second reading, in the normal course of second reading. I now find that I'm speaking to the motion put forward by . . .

**The Speaker:** I clearly indicated just a few minutes ago that with the nature of the discussion and debate, even those who have spoken before are allowed to speak again. You may speak with respect to the whole bill.

**Dr. Taft:** May we speak repeated times on this?

**The Speaker:** No. Just once.

**Dr. Taft:** Thank you, Mr. Speaker.

**The Speaker:** Who shall I recognize for participation? The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. I need to say in this Assembly that I'm appalled by the tactics of this government. They started out this discussion saying: you know, we're only putting closure. I don't know how many members on this government side stood up and said: "You know, we're only putting closure on the Committee of the Whole portion. What do you need more time for? We're not putting any limitation on second reading or on third reading." But this act of political thuggery by the hon. Government House Leader has deprived at least two members on the opposition side of their right, should this pass, to speak to this bill at second reading.

**Mr. Hancock:** A point of order.

#### **Point of Order Imputing Motives**

**Mr. Hancock:** Under sections 23(h), (i), and (j) the hon. member is imputing motives. He specifically mentioned the Government House Leader and said "thuggery" and said that I've deprived members of their right to speak when what I've actually done by moving that motion is opened it up for every member of this House to speak one more time on the bill, so it's not depriving their members of their right to speak. In fact, Mr. Speaker, that hon. member has already spoken to the main motion once and wouldn't have been able to speak to the main motion again but for my motion.

**The Speaker:** On this point of order. This is very clear. I would refer all members to Standing Order 10, member attendance. These are your standing orders, the ones I apply. "Every Member is bound to attend the service of the Assembly unless notification has been given to the Speaker in accordance with the rules of the Assembly." No one has advised me that they wouldn't be here.

Please proceed. Go on with the debate. The point of order is finished.

**Mr. Mason:** Yes, I appreciate that. We were informed that we would be dealing with second reading of this bill tonight. The Leader of the Official Opposition has come to the Assembly tonight to speak to the bill. The motion that we have before us, put by the

Government House Leader, is essentially to close the debate. His argument that this represents another opportunity to speak to the bill is patently false because the motion he put is to move the previous question, which means that we must now debate whether or not the question should be put.

**The Speaker:** Hon. member, please. I made it very clear in my ruling a few minutes ago that this opportunity now afforded allows members to speak on the total motion; that is, any aspect that they want with respect to the bill. This chair will not put any bounds around that, no bounds at all. You have the time. Proceed.

**Mr. Mason:** Well, I didn't understand that from listening to your ruling, Mr. Speaker, but obviously I wasn't paying close enough attention.

#### **Debate Continued**

**Mr. Mason:** Nevertheless, I want to pursue my line of argument that the government in doing this is stifling debate. I know that it's possible to speak about the bill, but really the motion is no longer about the bill, so I'd like to talk a little bit about what the Government House Leader has done. He has put the lie to assertions that have been made that the government only wants to limit debate at Committee of the Whole. Now, in Committee of the Whole, of course, according to our rules we're allowed to speak as many times as possible.

#### **Point of Order Imputing Motives**

**Mr. Hancock:** Mr. Speaker, under 23(h), (i), and (j), again, imputing motives and casting aspersions on character. The hon. member can phrase it any way he wants, but when he says that I'm putting the lie, he says that I'm lying. That is not the case, and the hon. member should refrain from that.

We have a debate today at second reading. There has been no limitation on that debate. In normal second reading every member gets to speak once. An amendment was brought forward that allowed every member to speak again, and now I've moved that the question be put. That allows every member to speak again and to speak to the full amount of the bill. If he doesn't understand your ruling, Mr. Speaker, he could understand it this way. He could debate whether the question should not be put now because he still has more to say about these very essential elements of the bill. That's how you'd frame your debates, and you'd get full debate on it.

Do not suggest that I lied to anyone about how much debate time there would be. We indicated that we would be in second reading today, and it was very clearly put that we would be in second reading today until a vote was taken. I don't think there was any suggestion otherwise to any member of the opposition at any time. I appreciate that he may wish to make the point that he'd like to have more time although under the normal rules of this House you get to speak once in second reading and you get to speak once to any amendment. Now, with the question having been put, he gets to speak once again. That, in accordance with what's been happening today, has allowed every member of this House three opportunities to speak to this bill rather than one. If that's not full debate, I don't know what is.

**Mr. Mason:** I would ask that that diatribe from the hon. Government House Leader not be included in my speaking time, Mr. Speaker.

**The Speaker:** Hon. member, please. It has not been included in your speaking time. There was a point of order. The clock was stopped. But, please, can you find other words to use that don't lead to points of order because I really want to give you your full 15 minutes to talk about the bill. So far we've gone nearly four, and we haven't got to the bill. Now, the clock will start again when I sit down. I'd really appreciate it, hon. member. Please proceed.

**Mr. Mason:** Okay. Thank you very much, Mr. Speaker. I just would ask for a point of clarification given the motion that's put by the hon. Government House Leader. I am assuming that I am allowed to address the government's tactics in handling this bill as well. Is that correct?

**The Speaker:** Absolutely. I said that you've got your bounds. You've got 15 minutes. You go for it.

**Mr. Mason:** Thank you very much, Mr. Speaker. I will try to avoid any more language that might upset the hon. Government House Leader further.

### Debate Continued

**Mr. Mason:** You know, the whole question of how this government has approached this bill really, really should cause concern to citizens in this province. The approach was that there would be no consultation with the parties that were affected. That was the first thing that the government decided when they brought forward this bill.

The second thing is that they brought it forward and immediately imposed closure, before the debate had even begun. They insisted on moving this bill forward very quickly so that the opposition and other affected parties did not have time to gather their arguments. They told us when they brought closure for Committee of the Whole that they were not imposing closure on second reading and on third reading, and the Government House Leader himself said that not once but several times. The motion that the Government House Leader has just made is, in my view, imposing a form of closure at second reading.

I believe, Mr. Speaker, that it is heavy-handed, it is unnecessary, and it is evidence of this government's intent, come hell or high water, to ram this bill through this Legislature just as quickly as possible, with an absolute minimum of debate. I want to know why that is, why this government with its enormous majority feels that it has to act in such a high-handed and undemocratic way. We haven't seen any reason for that.

**11:10**

The government may have reasons for the various aspects of the bill. They might have reasons for stopping salting. They can put them in the course of normal debate. They might have reasons for stopping MERFing, and they have plenty of opportunity to put those before the Assembly and before the public. They may have good reasons for declaring ambulance workers an essential service and depriving them of their right to strike. Yes, Mr. Speaker, that is a right that is recognized internationally, and it should not be taken away except under the strictest requirements of the public interest.

I really find myself despairing of this government's commitment to democratic debate. Now, they've made a great deal of their intention to provide a more transparent process of government – more democracy, more involvement of the opposition parties – but when the opposition parties don't even have a chance to thoroughly review the legislation or to discuss with people who would be affected by the legislation what impacts that might have, the

government's promises to the people of Alberta ring hollow. I think the government's credibility with respect to openness, enhancing the role of private members of this Assembly, and involving the public are shattered by what this government is doing with respect to this bill, Mr. Speaker. I think they're going to feel the effects of what they've done for a very long time.

Now, the minister wants us to use this opportunity to talk about the bill. I have said in the Assembly what I think of the bill, as have other members. I think the more pressing matter tonight, Mr. Speaker, is the government's heavy-handed tactics with respect to this bill. This bill obviously holds a special place in the hearts of some members of this government. They haven't wanted a bill like this in a very, very long time. It's very apparent that they really want this bill passed so badly that they can taste it. They can just taste it. They want to put some AI sauce on it. They want to fry it up so that it tastes just that delicious and then savour every bite.

But let's remember what they've done. Let's remember what they've done, Mr. Speaker. They have brought forward a bill that affects many important organizations and individuals in our province, and they have not consulted with them. They brought it forward to this Legislature so that the opposition parties don't have time to consult with their constituents about the impact of this bill. They imposed closure right off the bat. Why do they need to do this? It is beyond me. But I believe that this is going to be one of those things which represents a turning point. I think that people are going to see this government for what it is. It may not be right away, but any claims that the government has in the future to being a government of all the people of this province have evaporated tonight with this tactic on the part of the government.

Mr. Speaker, I am not going to stand here and speak to the bill because there is a greater issue that is now before the Assembly, and that issue is the government's antidemocratic nature when it comes to . . .

**Mr. Stevens:** The rules of the House.

**Mr. Mason:** Well, the hon. Deputy Premier is shouting out, "the rules of the House." It was not the rules of the House that were followed when there was no consultation with the unions and the individuals that were affected by this bill. The government not only has a massive majority, Mr. Speaker, but it imposes its will through the rules of the House, as the hon. Deputy Premier says, in a way to accomplish a goal that is ultimately not a democratic goal and does not help us reach the conclusion that they are acting in good faith, with the interests of the public as a whole.

The government has many rules at its disposal, Mr. Speaker. It has many rules at its disposal. The question is: how does it use them? In what way does it impose its will through the rules of the House and whether or not that's fair or balanced? I'm sure the government thinks it's fair and balanced. They're fair and balanced in the same way that Fox News is fair and balanced. [interjections] You know, that's just rhetoric as far as I'm concerned.

I don't respect the argument that has been put by the Deputy Premier that the government is following or using the rules of the House. Of course they are. Many dictatorships have followed the rule of law. That doesn't determine whether or not it's democratic or undemocratic or fair to all concerned or not fair to all concerned. The use of the rules is just a legal dodge, as far as I'm concerned, that attempts to detract from the real political content of what's happening here.

This bill, Mr. Speaker, is an attack on the working people of this province, and the lack of democracy with which the government is

putting this forward really speaks to their real lack of interest in the welfare of working people in this province. I've talked before in this House about Alberta having the widest gap between rich and poor and the fact that this gap is widening. These steps that the government is taking are going to have the effect in the future of widening that gap still further. As long as we're here in this House, we will stand up for those working people, and we will stand up for the democratic norms of this Assembly and of democracy in this province regardless of the government and regardless of its majority.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, there is one interesting procedural note that we need to make a decision on here. When this matter was last dealt with, it was the year 2000. In the year 2000, when this Speaker made his ruling at the time to provide a great opportunity for members, at least in terms of the subject matter, to participate, the Assembly did not have the rule 29(2)(a), which provides for a question and answer segment after a speaker speaks.

Earlier this evening when we had the amendment, we applied the provision of the five-minute question and answer. Without a rule in the standing orders with respect to this, the chair is going to use his discretion to suggest that our rules should allow for a five-minute question and answer segment after each speaker.

Secondly, I've received several notes here with: how long would the Leader of the Opposition have the right to speak? That's covered in 29(1). It's 90 minutes.

We're now into 29(2)(a) with respect to the Member for Edmonton-Highlands-Norwood if there are questions. The hon. Government House Leader.

11:20

**Mr. Hancock:** Yes. Mr. Speaker, the hon. Member for Edmonton-Highlands-Norwood on a number of occasions as I interrupted on points of order indicated that he found my conduct reprehensible – my words, not his – and then went on to be a little bit more circumspect in his language. But I'm wondering how he can stand in his place and say that the government has introduced closure and cut off debate and then fail to debate the issues on the bill, taking the time that was afforded by the process and procedure of the House.

You know, we've been debating this bill now since 3 o'clock this afternoon with a short break for dinner and will be debating it for some considerable period of time. How can he stand in his place and baldly say that he didn't have the time to say whatever was important for him to say on the bill at this reading? How can he further stand in his place and say that he will not have time to hear from people who might call in when he knows full well that you can only debate one stage a day and that there will be another day?

**The Speaker:** The hon. member, if you wish.

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, the Government House Leader through his motion has deprived the hon. Member for Edmonton-Strathcona of her right to speak to the bill. Now, some of us have had the opportunity to speak to the bill and speak to the minister's rather odious motion, but the hon. member and, I think, there's at least one other member, probably the Leader of the Official Opposition, that has also been deprived of their right to speak directly to the bill – as much as the minister wants to say that this gives everybody another chance to talk about the bill, in my view it's more important to talk about the tactics of the government with respect to this. You know, I think this was entirely unnecessary, and we could have concluded the debate this evening without this tactic.

**The Speaker:** Others to 29(2)(a).

There being none, then the chair is prepared to recognize the hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Thank you, Mr. Speaker. It gives me some pleasure to speak out against this bill, the Labour Relations Amendment Act, 2008. But before I go on, I just sort of would like to answer a couple of questions a little more fully that were asked by the Member for Airdrie-Chestermere. I believe they were in regard to the freedom of association. I think that looking at this and the Government House Leader's comment on this, the freedom of association has implications to the act on taking away the right to strike of the ambulance services. Yes, it is a government priority to look and see whether this is an essential service, and it may well be, but you know that is a very live argument that could be before the courts. That was the argument that was put forward by both the hon. Leader of the Opposition as well as the hon. member for the New Democrats.

You know, given that there were a certain number of years where ambulances were not essential services and it seemed that things went along all right and that there are other tools in the legislative playbook that could adequately deal with this situation, I believe that that is a live issue. So that was the 2(d) infringement that we were talking about, but nevertheless.

Now, getting to more the merits of the bill, I too am somewhat disappointed at the way this bill has sort of seen the light of day in this Legislature. We've been here now for two and a half months, some time, and we get this bill sprung on us – I think that's an appropriate term: sprung on us – yesterday afternoon sometime. I don't know the exact time, but it appears that this has been in the works for some time, and it has some scheduling appropriateness to this.

I really appreciated, actually, the hon. Member for Edmonton-Centre's sort of legislative history that she gave me of this House and the fact that the rent debates happened in a similar fashion, that Bill 46 debates happened in a similar fashion, and now this debate appears to be happening in a similar fashion.

There's no doubt we have a bit of trouble with democracy in this province, and it's not the fact that you guys keep winning, either. I'm not even complaining about that. It's the fact that, you know, we have 60 per cent of our population that doesn't vote. I don't see us discussing it in this Legislature or hearing from our constituents on whether a bill is important and whether there's time to consult with them. I tell you what. Maybe they look at us, and they say: well, maybe if those guys and gals don't think it's that important, why should we?

That's what I'd look at in this House, and that's why I'm disappointed to hear of the legislative history over the last little while and, in fact, disappointed at the way this amendment has come about. I think we can do better. If we'd known this was on the plate, I think this would have given some members of the community some time to contact their MLAs, perhaps contact you in your offices, perhaps contact me and give their rationale for why they were for or against it. Many people from CLAC or the Progressive Contractors group could have called your house and said: this is exactly what we need. But maybe we would have had some other people who say: well, I'd like to hear you bring up this aspect of the bill. Essentially, if the population doesn't see us debating it in here or at least seeking some of their interest in the bills that go before this House, well, then, I don't think we're doing our service to democracy in general. But I'll leave that as it may.

If we go more to some of the aspects of the bill – and these have been touched on before – I look at this MERFing business, and I really do actually see it as a bit of an infringement on the individual

rights. These individuals have come together to form a collective bargaining unit and then to negotiate with their employer some market enhancement replacement funds. They have come together to do this as a way to creatively do their business, to economically take care of their families as well as to engage in a certain amount of contracting in this province. These individuals have chosen this way as their way of business.

If we look at a MERF, a MERF is established only after members have voted to support it. Members vote on the use of the wages to fund MERFs by either a ratification vote of a collective agreement or at a special meeting. MERFs are an expression of a collective and democratic decision. If that portion of wages were not directed to a MERF, it would be applied to wages or pension and health and welfare plans.

MERFS are not cross-sector subsidy. They allow workers to earn the same wages and benefits in whatever job they are doing at the time. That's what I honestly believe these are. To take away that right that these people have collectively come together for, that they have used to engage in what they see as a fair way of dealing with their lives, I think, is at cross-purposes.

**11:30**

You know, this bill can only be seen in the light of having anti-union animus when you take a look at the responses in question period of the Minister of Employment and Immigration and when he answered the question: who have you met with this term? Really, he couldn't mention one labour union. If it's his job as the Minister of Employment and Immigration, he should be doing that, at least meeting with them and telling them what his side of the story is, why he thinks it's good. It's always in his purview, then, to pass laws or bring in this type of legislation to do what the government sees fit and is in the best interests of the voting public. Nonetheless, I think he does his role a disservice and this House a disservice by at least not opening himself up to that consultative process.

If we look at the organizations he listed this afternoon, I believe it was the Christian Labour Association of Canada, Progressive Contractors, other organizations of this type. They may call themselves organizations, but they're not really unions in the traditional sense, and everybody knows that. To parade around as such and to say that you're doing consulting on that notion I think is irresponsible. But then again: what the heck do I know?

We can look at a couple of other things. This bill just seems to be pushing along at a remarkably quick speed, and it really doesn't, like I said, do a very good job of consulting. I'm also somewhat disappointed that section 52 was amended by adding section (4.1). That's the 90 days to reconsider the vote. I really do have troubles with this portion of the legislation. As everyone knows – at least I learned young, or at least I still believe it's intuitive to most people in the House – the employer always has the hammer. He who has the gold makes the rules.

During that 90-day extension period it's reconsidering of the vote. I don't know what else is really supposed to happen there besides pressure and emerging layoffs and threats and all that sort of stuff that people, you know, came together to collectively organize to try to get out of. That 90 days seems like a long time for an employer who has been unsympathetic to this whole process to maybe do some fundamental damage to what we were talking about earlier: the right to collectively bargain, the right to freedom of association. What we've done here in Alberta is seeming to erode this.

It was exemplified in that list brought up by the hon. Leader of the Opposition, where we came in remarkably low on being a labour-friendly province. I don't say that we have to score at the top of the list. In fact, I think many people on the opposite side of the fence

believe that we should be at the bottom. But I think we look at the labour movement and what it's brought to this country, what it's brought to this province, and the good value it still does. We have many workers in Alberta right now who, you know, hopefully are making minimum wage. That's why minimum wage legislation was brought in. But if unions can do a little better job to help them get a little better, fairer wages and some of these things that we continue to erode at, that we're continuing to nip at along the edges, that move us down on labour protections. I don't know if that's good.

If we look at the statistics coming out of Alberta, we have a disproportionate increase in the difference between the wealthy and the poor in our province. I think that might have something to do with the eroding of unionized labour forces in this province. Let's face it. Any way you cut it, unionized labour organizations come together to probably get a little better deal for their employees. If that's doing that, maybe it's time to have a little more of that in this province. If we look at what the erosion of the middle class is, which is fundamentally happening in this province, maybe it's time to allow for some of that protection to creep back in, to allow for some of these people to organize and maybe get a little more of what would be considered a reasonable return. It may be one way. I think we've all identified it as a problem, the continuing separation between the wealthiest in Alberta and the poorest.

I leave those arguments to you. You know, I'll vote against this motion. I believe for the reasons that I have stated it's just another kick at organized labour. Thank you very much, Mr. Speaker.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available. The hon. Minister of Energy.

**Mr. Knight:** Thank you very much, Mr. Speaker. I listened with interest to the comments that the hon. member made. One of the comments – and it's been repeated here a number of times today – is the fact that there's never been an opportunity for any consultation either with constituents, labour unions, other members of the public, or perhaps the contractors involved. With the involvement that I've had with this issue since being elected in 2001 – I think it started in either late 2001 or 2002. From that time until today I don't have a record or a track of how many times I've met with representatives or groups of union leaders or union members and members of the contracting groups, members of small business throughout the riding that I represent, and certainly even just, in general, members of the public that have an interest and have discussed this issue with me. I would ask the member if he wouldn't think that discussions and consultation on this issue from 2002 to 2008 would not constitute enough discussion with respect to the issue.

**Mr. Hehr:** I guess the thing is the whole timing of it. You know, it's like human nature. I don't pay my taxes until the last day they're due because I don't get around to it. Maybe people don't discuss a bill until they see it up on the Order Paper, and they say: oh, my goodness, something is going to happen on this. It's human nature for them to wait until they see it, and they go: "Oh, my goodness, the government is going to do something about this. I'd better call my MLA." I think that's self-explanatory in human nature. Yeah, we wish people were proactive, but they're not. Often reactive. They read it in the paper. "Oh, my goodness. This is coming up. This could have a dramatic effect on my workplace." That's why we should bring it forward and wait two weeks, to have some people call the office, to have some organizations. When you sit it on the Order Paper or whatever it is for that long, people forget, thinking it's going away. When you bring it out, give some people the time, they go: oh, my goodness. Maybe they want to say something; maybe they don't. Give them the opportunity.

**The Speaker:** The hon. Member for Calgary-Egmont.

**Mr. Denis:** Thank you very much, Mr. Speaker. While I always enjoy a discourse with the Member for Calgary-Buffalo, I do have to hammer him on one question here. He indicated that a MERF is somehow democratic. To me that's so antithetical. How is a MERF democratic when an individual is not consulted before their money goes into a MERF? I'd like to know your views on that.

**Mr. Hehr:** Because they're consulted when they join the union. They're consulted when they're electing the union. You know darn well there's 80 per cent of this province where they don't have a union shop involved. If it drove them nuts, I am sure they would leave. But they're finding it's way in their best interests to join that union, take part in that union. I think it's a fallacious argument. They wouldn't stay if it wasn't in their best interests. There are too many other opportunities out there in Alberta right now otherwise. So I think it's very democratic.

11:40

**The Speaker:** The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. I just wanted to follow up on the question that was put to the hon. member by the Minister of Energy, just to suggest that it is impossible for people to respond to legislation that they have not yet seen. They can't read the mind of the government about its intentions. I guess I would just ask the hon. member for his comment with respect to that.

**Mr. Hehr:** Well, I think it's pretty much, like I said before, human nature. They may know that something is coming, but until it's right there in front of them, in writing. I take the hon. member from the New Democrats at face value. They did not know this was coming unless people have a crystal ball out there, unless they're Kreskin. Houdini doesn't read minds; it's Kreskin. But you got the drift. That's just sort of how it is.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Yes. I'd like to ask the Member for Calgary-Buffalo, just following up on the previous question. It was suggested that with MERF . . .

**The Speaker:** I'm very sorry, but the time has left us.  
The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Well, thank you very much, Mr. Speaker. Again, I'm not thrilled to be in the position I am in speaking, in fact, to Standing Order 49, which is calling the previous question. You know, it's been sort of an interesting night. There's been some engagement, which isn't very common, from members of the other side. Some of them have got up and debated. Certainly, the participation on 29(2)(a) has been vigorous. You know, I like to see engagement in this House instead of it being quite so one-sided. So I appreciate anyone that participated in that.

Do you know what I'm really struck by with this discussion, Mr. Speaker? I took a little walk down the hallway, and I thought: what is it about this government that they don't want workers to make good money? That seems like an odd statement to make. I've already got some chuckling happening over here. But, you know, it's a strategy that I have seen this government do consistently.

Really, this government would do well if Albertans got paid more. They make money from income tax. They don't even have to do anything. Unlike the municipalities they don't actually have to sort of make a big deal of saying: we're raising your income tax. They just sit there. If people earn more money, they make more money off the income tax. They do well when people earn more money and more people earn more money.

[Mr. Mitzel in the chair]

What I see happen from this government is that they want people to be paid less. Years ago we had the encouragement of this government towards RNs. They were paid too much money. They were too expensive. We couldn't afford them. We needed to develop somebody like an RN but not an RN, somebody that did almost the same thing but not the same thing, and we could pay them less. So we got the LPNs. The LPNs have certainly proven their value, and actually now their wages are rising, and I'm hearing the same sort of rumbling about: gee, isn't there some way we could have somebody else, a different level, that was a little lower, that just did most of the same stuff and got paid a lot less?

We see it again on policing. We've just gone through this. We had police officers. "Can we pay the police officers? Well, no. What we'd really like to see is – wait a minute. Let's get sheriffs. We'll have them do most of the same stuff that police officers do, but we'll pay them less."

**Dr. Taft:** And peace officers.

**Ms Blakeman:** And peace officers.

So every time I see this government follow a consistent path, which is: can we figure out a way to get mostly public servants, frankly – I mean, nurses and police officers are public servants – people on the public payroll to create a new category where they do most of the same work but we can pay them a lot less?

**Dr. Taft:** Does the same principle apply to MLAs and cabinet ministers?

**Ms Blakeman:** No. Interestingly, the same principle most definitely doesn't apply to MLAs and cabinet ministers. It seems to go in the other direction there.

That's essentially what we're seeing around this concept of MERFing. I talked before about, you know, the disenfranchised or those with less power coming together collectively to be stronger and to be able to negotiate on more of an equal level with those that are most powerful or often have money and resources behind them that the individuals don't have. When they come together, they might be able to pool their money and be more equal. We have a collective effort here from individual workers. When they look out in the labour force, they go: "Okay. Well, there's been a push back against unions. They say they're too expensive." We've got the non-unionized construction sites or non-unionized companies bidding on projects. They pay their people less. That's how they can bid lower. Let's face it. You're all paying the same price for the machinery. A bulldozer is a bulldozer. But where do you save your costs? You save it on the labour.

You have the private-sector companies that are non-unionized that are bidding. They're paying their people less. The union people go: "Well, you know, we worked hard to come together as a collective group to agree to do things together. We want to protect that. Our benefits are important to us. We want those benefits. How do we keep working and hang on to that collective process? Okay. We're

all going to contribute money to a pot, and we'll use that money to help bid in the open market." So you can then have a company that's a union company go out and bid on the same job and bid to match the private sector that's paying its people less. Those extra funds are used to pay the benefits so that the union people are not losing out. That's a choice they're making.

A number of times I've heard: "Oh, well, what do you mean? They don't have any choice in this." Well, yeah, they do. They had a lot of choice in it. They decided to join a union. They decided to continue working on union sites. There are lots of opportunities, actually considerably more opportunities in Alberta to not work on a union site. With a couple of unions that work on an indentured series, everybody else is free to get their apprenticeship on non-union sites as well. They've made a choice to belong to a union. They've made a choice to work on a union job site that keeps them involved with that. Then they make a choice to elect an executive, that puts through policies of deciding on doing things like MERFing. Those individuals have had quite a bit of opportunity, three that I've named for you, to be involved in that decision to go forward on using MERFing as a policy of that particular union.

What's the other thing I was going to say about MERFing? I can't remember. I'll have to come back.

Here we are tonight. We had the bill introduced Monday afternoon at 3 o'clock. Before 3 o'clock on Tuesday afternoon we start debating second reading. We go all the way through the afternoon. We break. We come back at night. We keep debating at night. We have the reasoned amendment that I brought forward to say: "You know what? Let's not do this anymore. Let's stop right here. There are a number of reasons why we should not proceed." That gets defeated. Now we have the Government House Leader call the previous question.

Really what that is – I was talking earlier this evening about überarrogance, that arrogance this government has that whatever they decide to do is going to be the right thing, whether it's right or not. They decide that 10 hours is an appropriate amount of time. It doesn't matter. Whatever other reference points are out there, they've decided that that's the way it's going to be. It is überarrogance.

Now we have überclosure. Not only is it enough to start out right at the beginning and say that the one point where you have some freedom in the amount of time that you spend debating a bill, which is in Committee of the Whole, we're going to put limits on that by putting up closure right to begin with. I can feel the Government House Leader taking breath in to go, "It's time allocation." Same result, my friend.

Now we truly have überclosure. Every time I think that this government can't possibly think up another way to limit debate, to shut things down, to make it over, to make it go away and get it off their plate, they come up with something new. Indeed, you know, this is available to them. This exists in our Standing Orders. Anybody that reads the Standing Orders, like me, knows that it's in there, and in fact it could be called some day. In fact, that's exactly what the Government House Leader has done tonight. He has used a resource that's available to him. I'm always interested in how desperate this government is to get these controversial bills off their plate and out of here and get their little butts out of this Assembly at the end of . . . [interjection] I'm sorry?

11:50

**Mr. Hancock:** That's the nicest thing you've ever said about me.

**Ms Blakeman:** Well, I know, but you've been working hard for that.

**Dr. Taft:** She didn't say cute little butt.

**Ms Blakeman:** No. I said – anyway, we're moving on with this one, guys.

I do find it really interesting how averse this government is to the light of day because here we are again at 10 to midnight, how averse it is to debating this in the light of day, how averse it is to leaving legislation up long enough that the rest of the public can get engaged. By the time the public even reads the paper tomorrow, in some cases we will already be well into that allocated seven hours of closure in Committee of the Whole. You know, 72 votes; you guys have got nothing to worry about. So why do you get so tied up in knots about ramming through legislation in, you know, basically 2.5 days?

Alberta is a land of such opportunity, of such wealth, of such magnificent people, of amazing educational institutions. We have so much here. What are you afraid of? You do just get absolutely stressed out and tied in knots about trying to control every little thing and trying to make the whole world fit into your time schedule so that it isn't inconvenient to you. It's really a sad statement because you're all, individually, great people, but you put them together, and something strange happens to that Conservative caucus. I think it's sad.

You know, this is supposed to be a House of honour. It's supposed to be reflective and mirror Alberta society and the concerns of that society. I look at where this came from; I've read through as fast as I can any of the newspaper articles and the reports that were mentioned. Somebody earlier tonight said that there were 300,000 union members in the province. I'm not casting aspersions here; it's just an observation because I value this organization. I think it does some very interesting work. But we try to balance all these things.

I'm very interested when I look at the submission of the Federation of Independent Business and, in fact, what they were asking for.

1. Expand the time period for revoking a union's certification . . .
2. Prohibit "union salting" . . .
3. Prohibit job targeting funds . . . (MERFs) . . .
4. Reform certification procedures . . . [including]
  - (a) Increase the minimum threshold of union support required to prompt an election from 40 to 45 per cent . . .
  - (b) Ensure that employees eligible to participate

basically stay on the job. It's that clause. On and on. So pretty much every thing they asked for they got.

I've been tabling letters here every single day. What have the unions been asking for? They've been asking for things like first contract arbitration. The meanest, nastiest, longest running, ugliest labour disputes we've had in this province were all around first contract arbitration. Really, when you've got a union that gets into place, it says: "This is what we want to do. We want to negotiate." This government has made it possible for the owner or the business to not negotiate that first contract. That is just slimy and lowdown. I can think of no complimentary word for that process in which this government is ignoring the wishes of a group that want to negotiate in good faith, and the government makes it possible for that employer to not negotiate in good faith. There's no requirement to ever come to a first contract.

What are other things that the union people were asking for? They were asking for prohibition against replacement workers during legitimate strikes. Perfectly reasonable, and I very much support this. I think, again, that it's wrong in a legitimate collective bargaining situation to allow the employer to bring in replacement workers. How is this bargaining in good faith? It's not. There were the five points that they kept making, and I can't remember what the rest of the five points were. They were also asking for pension representation, and certainly they've lost that with the LAPP situation, where the union representatives were taken off that board, and that's really concerned a lot of people.

I'm just really interested in how the government does tend to put much more weight or value on certain sectors but less on other sectors, and it seems to be that the weight and value goes on to the corporate sector and their interests and desires versus individual Albertans, in this case people that are union members that are interested in moving ahead some policies under that.

I'm interested that the government wants Albertans to be paid less and therefore won't support things like MERFing. You know, what's wrong with salting? So what? Somebody has gone onto a job site. They're there. They're choosing to work on that job site for a period of time, and they try and encourage people around them to join a union. If they're not successful, nobody is going to join the union, guys. What are you so worried about? You've got somebody out there in the cold, you know, hammering bolts into something, trying to convince others to join a union.

**The Acting Speaker:** Standing Order 29(2)(a). The hon. Member for Calgary-Egmont.

**Mr. Denis:** Thank you very much, Mr. Speaker. Just a quick question for the Member for Edmonton-Centre. She's had a lot of positive comments to say about our caucus tonight, which I appreciate, but I do have one question. With all of her comments about the benefits of unionization, et cetera, I'm just interested to know if the Official Opposition caucus is unionized.

**Ms Blakeman:** Well, we come together as a group collectively, and we choose to belong to this particular group and identify ourselves that way. I have certainly been a member of a union. I'm officially on withdrawal from the two unions that I belong to: ACTRA, which is the radio and television and film union, and Equity, which is the stage union. Of course, I'm immensely proud of my two brothers, my uncle, and all of my cousins who are members of the Ironworkers union. So, yes, we've got very strong ties. We believe in that collective approach. We believe in the collective bargaining process. You know what? I don't know, but I think our employees are covered under the general government contract for people.

**Mr. Mason:** It's an NDP union that they belong to.

**Ms Blakeman:** It's an NDP union that they belong to. My colleague from Edmonton-Highlands-Norwood would like me to underline that for you.

Essentially, yes, we really support the collective bargaining process. Thanks for the question.

**Ms Notley:** I'd like to ask the member and just to go back to some previous comments that were made. She was talking about MERFing, and the members opposite had suggested that MERFing, even though it was something that a union might decide through its properly constituted internal processes was an appropriate allocation of their funds, was undemocratic unless each and every member had the opportunity to check off the payment of a certain amount going towards the MERF fund. I'm just wondering if the member thinks that perhaps on the basis of a similar argument, the failure of Albertans to be given the opportunity to check off the allocation of however much money it would be to pay for the \$25 million greenwashing fund would be similarly undemocratic and whether perhaps we should be bringing some legislation in to stop that lack of democracy in its tracks.

**The Acting Speaker:** The hon. member.

**Ms Blakeman:** Well, thanks. There are actually a couple of similarities that you can draw there. Yes, the ability of individuals to decide whether they want that much of their taxpayer dollars paid on a propaganda campaign. Another similarity – and I tried to explain it earlier, obviously not very well unless you were deliberately misunderstanding it – is that essentially what I'm hearing is that they want to see a sort of unanimous consent set up to everything despite the fact they've joined a union, that they're on a union site, that they've elected their executives who come up with the policy. What I'm hearing from the government members is that they still want each and every one of those members to be consulted each and every time on whether that money now goes into a MERF. Well, how is that different than saying: "Well, we don't really like the majority rule on something anymore. We want each and every member in here to be polled. When they don't like it, well, then it's not going to happen." I would argue that that's exactly the same.

I had another example in my head when I stood up, and I lost it.

12:00

**An Hon. Member:** Taxes. Paying taxes.

**Ms Blakeman:** Yeah, choosing to opt out of paying taxes.

**Dr. Taft:** Well, why not put all the MLAs' salary increases and have voters decide. Let's get into the spirit of democracy here.

**Ms Blakeman:** MLAs' salary increases: have voters decide on that. I mean, it's really interesting, the parallels that are not followed.

Thanks for the opportunity to talk about that again, but the government backbenchers are going to have to be consistent in what they're asking for, and I think they may have opened a Pandora's box that they don't really want to climb inside of.

Thank you.

**The Acting Speaker:** The hon. Member for Airdrie-Chestermere.

**Mr. Anderson:** Thank you, Mr. Speaker. I just want to take exception to the comments that this government doesn't want Alberta workers to be paid well. Just some simple research going to the ATA's website. The ATA seems to think that we have the highest paid teachers in Canada. The *Edmonton Journal* reports in 2007 that we had the highest paid nurses. We also had the highest average income in Canada.

**The Acting Speaker:** The hon. Leader of the Official Opposition.

**Dr. Taft:** Okay. Thank you, Mr. Speaker. I look forward to a good, thorough debate.

**Ms Blakeman:** A new day, June 4.

**Dr. Taft:** A new day, not necessarily a fresh beginning.

I think we need to begin by addressing some of the issues that were debated in the last hour or so and concerns that were vigorously raised by the Member for Edmonton-Whitemud, who seems to be leading the charge on this piece of legislation, and his comments. He took great exception to comments from the Member for Edmonton-Highlands-Norwood concerning the process. I happen to think that the Member for Edmonton-Whitemud was completely and utterly off base. In fact, I think he twisted and torqued the argument beyond all recognition.

The point that needs to be driven home here is that this significant piece of legislation was only tabled Monday afternoon, and we are

into late debate on second stage at this point. In fact, we had less than 24 hours to prepare our responses. Now, perhaps the members of the government caucus need to understand the role of the opposition and what we have to do with the bill because clearly they don't have to do this.

What occurs when a bill is tabled? What do we do? Well, it's our responsibility as members of Her Majesty's Loyal Opposition, and it's the responsibility of the third party as well, to hold the government to account. That's our job. How do you do that when there's a bill introduced? Well, you do that by taking the time to study the bill and by sending the bill out to stakeholders, something this government did not do. That takes time. It takes time to consult, in this case, with a range of labour unions, with constitutional lawyers, with all kinds of other stakeholders, to say: well, what is the meaning of Bill 26? That can't be done in 24 hours. The Member for Edmonton-Whitemud surely knows that after all his many, many years in this Assembly. You cannot develop a well-informed response to a bill on such short notice, and it is completely and utterly unfair to the stakeholders to handle a piece of legislation this way.

I think the Minister of Education's comments, his attitude, his approach, his arguments were very poor indeed. I have to say that as somebody who I've thought of historically as having some interest in his role as a parliamentarian, I believe he has betrayed that interest. He has done himself a disservice and damaged his own credibility by defending a process that is so clearly unparliamentary. I need to begin my comments with that position.

The same question came into my mind as came to the mind of the Member for Edmonton-Centre: what is this government afraid of? What are you so frightened of that you have to bring in a bill on a Monday and have it pushed through second reading on a Tuesday? It'll be into committee on Wednesday, and it'll be law by Thursday. What are you afraid of? Where's the fear coming from? You hold all the cards. Why not allow a bill like this to be aired in full, public view? I think this is a government, perhaps, that more often than we realize moves from fear.

I think that the process this government is following in this piece of legislation is abominable, Mr. Speaker. I think it's embarrassing to this province, it's embarrassing to this Assembly, and it's shameful to this government.

The Minister of Education made the same kind of comments and took side-swipes at the leader of the third party about: where were his amendments? Again, Mr. Speaker, what are the practical issues of developing amendments on a bill when we've only had possession of the bill for 24 hours? What are the practicalities involved? [interjections] Stand up and be on the record. I hope you stand up and make your comments on the record, Member for Edmonton-Whitemud.

Mr. Speaker, there's a time issue here. There's a respect for this once-hallowed hall of democracy that has suffered so, so badly. In fact, over the supper hour I was at an event with a former minister of this government, who was shaking his head in dismay over this government's behaviour. A former minister of this very government. That tells you how far this government has declined in its respect for parliamentary democracy.

Now, I also want to pick up on questions from the Member for Edmonton-Whitemud, who, as I said, seemed so enthusiastic for this bill. He seemed to indicate – in fact, he may have outright said or certainly implied; I'll have to consult the Blues – that this bill was reviewed for its constitutionality before it was introduced. I hope that the Member for Edmonton-Whitemud, who is studiously avoiding looking at me right now, will take this question to heart and perhaps bring it forward in debate later on. My question is: was this

bill vetted for its constitutionality before it was introduced, as you implied in your comments earlier tonight? Is there a legal opinion on the constitutionality of this bill? [interjections] If the Member for Calgary-Egmont, who seems to be chipper and full of energy tonight, wants to draft up a legal opinion and table it tomorrow on this, he's most welcome to do so, but I would like to know if the government sought a legal opinion on the constitutionality of this bill, and I'd like to know that before this bill becomes law.

12:10

There is an interesting set of parallels between this legislation and the position of the Canadian Federation of Independent Business. The CFIB has actually done some interesting work and some valuable work. It raises questions for me about where the CFIB was coming in on this because the Canadian Federation of Independent Business is, to my understanding, primarily a small-business organization. I cannot imagine that many of their members have unionized workforces, so I will be following up with the CFIB and seeing if I can find out how many of their members actually support this legislation. What was their motivation in bringing forward such an anti-labour position paper that, clearly, directly fed into this piece of legislation.

There were also comments brought forward, perhaps from the Member for Calgary-Egmont in his chipper kind of way, about whether we opposed workers being able to check off individually whether they supported a MERF or not and what the democracy is of that sort of thing. Well, the points are very clear that in a democratically elected union executive, those executive members are accountable back to the union membership at large, very much like you would expect a government to be, in the same way that this government did not consult with voters on the pay raise for the Premier and cabinet ministers or MLAs. It took that decision on its own. I think it was a wrong decision. I think there was a better process. But it's your democratic right.

It's the same kind of process at work in unions, where a union leadership can choose to pursue a MERF. If that doesn't get the support of the union members, the members will vote them out. It's very simple and straightforward. So I think that the principles of democracy for better or worse are pretty well established in these situations. This bill – make no mistake about it – is in no way about strengthening democracy.

Over the next hours and couple of days there's going to be a lot more debate about this bill, but I think it's important to begin getting some specific questions on the record. Mr. Speaker, I am looking at what will be under section 148.1(4) of this bill, which reads:

No construction contractor who is an employer shall make a deduction referred to in subsection (3) unless

- (a) the employee gives prior authorization in writing for the deduction, and
- (b) the amount of the deduction and the purpose of it are clearly shown, separate from other deductions,
  - (i) in the records of the employer, and
  - (ii) in a written statement that is made available to the employee at the end of the pay period in which the deduction is made.

So what happens, Mr. Speaker, in a union situation – maybe there's a simple explanation for this – where a member working on a work site does not want to have a union fee deducted from their payroll? Is it therefore not deducted? If they refuse to give prior authorization in writing for the deduction, is the deduction not taken? Then what happens when that employee continues to work there, gets all the benefits of the union but is not contributing union fees? [interjections] Okay. What if the MERF funds are not from dues? What if it happens to be the case that a labour union over



years has made a range of investments – buildings, lands – and that money is used to support a MERF fund? What if that kind of money is used to do what is spelled out in 148.1(5) here, which says:

No trade union or trade union trust, and no person acting on behalf of a trade union or trade union trust, shall

- (a) subsidize the bids, tenders, fees or prices of a construction contractor, or
- (b) subsidize the wages paid to the employees of a construction contractor

by contributing funds to the construction contractor or any person acting on behalf of the construction contractor.

A simple question. Unions might have funds from various sources: they might have funds that are transferred from other unions; they might have funds that are from investments; they might have funds from lots of sources in addition to dues.

Is the government prepared to control those kinds of funds? Is the government prepared to wade into the internal business of a trade union and take that kind of activity? I look forward to a response from the Member for Edmonton-Whitemud or somebody else on that side to that sort of question.

**Mr. Snelgrove:** We're trying to stick with the bill here.

**Dr. Taft:** I'm quoting the bill here.

What if duly elected leaders of a union with the full democratic support of members want to do this? Why are we taking away their right to do that? What if the membership of a trade union fully supports their union dues being used in a MERF? Then what happens to that? Those are some of the issues that we will look for elaboration on.

I'm then just going on here to 148.2(4), which reads:

The Lieutenant Governor in Council may make regulations that the Lieutenant Governor in Council considers are necessary to carry out the purpose and intent of this section, including, but not limited to, regulations

- (a) respecting the disclosure of information respecting market enhancement recovery funds by trade unions, trustees of trade union trusts . . .

And so on. Then in (c) – I'll be looking for some clarification on this – we're talking about regulations

- (c) respecting the manner, or the process for determining the manner, in which amounts contained in market enhancement recovery funds are to be distributed, including regulations respecting to whom amounts should be distributed for the purpose of subsection (3)(b).

These are the kinds of provisions in legislation that give tremendous power and authority to the Lieutenant Governor in Council through regulation in a highly undemocratic manner. Regulations, of course, can be changed more or less at the stroke of a pen.

Why is it that the government actually feels that it needs to intrude this far into the operation of duly formed labour unions? What kind of meddling is this? What is the intent here? What is the driving energy of this government to wade into duly elected union executives or duly formed, fully legal trade unions? I don't understand the intent here other than to meddle in the lives and the welfare of the working people of Alberta, Mr. Speaker.

We could go on and on here, and we will go on and on over the next couple of days. But I think one of the crucial things to keep in mind here, Mr. Speaker, at this the second reading is: what's the intent here? What is this government trying to achieve through this piece of legislation? Well, clearly, it would seem to be that it's trying to achieve a step backwards for labour unions and a step forward for people who want to break labour unions. This government's intent is to make it more difficult for labour to organize in this province, for labour unions to level the playing field.

12:20

So we, for example, have a bill that will prohibit MERFing, but it doesn't prohibit corporations from cross-subsidizing their activities. That happens all the time. It can happen in many, many different forms. Goodness gracious, you know, in the bitumen industry one of the highly debatable issues is around bitumen valuation because you have corporations selling bitumen to connected corporations, basically an internal transaction.

Corporations and businesses have lots of other ways to manipulate markets. One of Starbucks' very aggressive and controversial approaches is what they call cannibalizing. Starbucks will open a very large number of franchises in a particular area, knowing that they will actually steal business from each other but in the process driving every other coffee shop out of the area. When the other coffee shops are gone, Starbucks will pull back. That's called cannibalizing. We see corporations doing this all the time and this government absolutely shrugging its shoulders – absolutely shrugging its shoulders – yet when the working people of this province want to take steps like MERFing to protect and enhance their strength of organizing, this government wades in, wades in to the point of meddling in the internal operations of duly constituted labour unions. I think that's clearly the intent – I don't think anybody on that side disagrees – but I think it's a bad intent. It will take this province from being very low on the labour friendliness profile to the bottom in all of North America.

Mr. Speaker, I'm disappointed with the process that this government has brought through. I'm disappointed with the intent of this bill. I'm disappointed with the attitude of this government. I don't know why we need to push this through in a matter of a few days. As momentum and reaction build over the next hours and through the next couple of days, I think the debate on this bill is going to get sharper and sharper.

Thank you.

**The Acting Speaker:** Standing Order 29(2)(a) is available.

The hon. Member for Edmonton-Strathcona on the bill.

**Ms Notley:** Well, thank you, Mr. Speaker. This is my first opportunity throughout the day to get up and speak to the overall principles . . .

**Mr. Mason:** And your last.

**Ms Notley:** And my last, yeah, on this bill.

**Mr. Hancock:** It's not really your first opportunity, just the first time you've taken the opportunity.

**Ms Notley:** No. No, it's actually, in fact, my first opportunity to speak on it because, just to go to that particular issue that was referenced by the House leader, in the normal course of debate on second reading there's a very limited set of circumstances, as far as I can understand, where members can move motions. Indeed, we had a motion prepared that had been run by Parliamentary Counsel with the full understanding that the Liberals also had a motion that was going through. Had that motion been allowed to be considered, we would have been able to have all those people who had not yet spoken directly on second reading speak, and then everyone would have had a chance to speak again.

**Mr. Hancock:** Which is exactly what happened.

**Ms Notley:** No. Because, in fact, I didn't get to speak to second

reading yet. The Leader of the Official Opposition, the Member for Calgary-Buffalo, and myself lost one opportunity to speak. I appreciate that that only comes down to roughly an hour, maybe a little bit more.

To go back to the point that was made by the leader of the third party, the motion made by the government did in fact restrict debate by between an hour and an hour and a half and did not offer up an opportunity for people to speak a second time, anymore than we in the opposition would already have ensured happened while at the same time ensuring that everybody got a chance to speak the first time. So the initiative of the Government House Leader this evening has resulted in the restriction of debate by about an hour and 10, an hour and 15 minutes.

Having said that, I also want to express my disappointment with what we have discussed as well about the rules, shall we say, that have been applied by the government arbitrarily for when this matter goes into discussion for third reading. We have called it closure. The government calls it time limit. Whatever you want to call it, the last time I checked, Committee of the Whole allowed for opposition members to speak as many times as they wanted and to introduce as many amendments as they wanted and to have as much breadth of discussion as they believed was required.

That opportunity is being restricted by this government, and all of that in the context of the bill having been introduced on Monday. We're now into second reading on Tuesday. I'm sure this government is going to be trying to pass it by the end of this week, there having been no consultation by the minister of labour with labour unions; nor was there any of the normal professional courtesy offered through briefings that would have been provided by staff to members of the opposition. We have had an uncharacteristically low level of consultation on this bill, even for this government, and we have two separate examples of the government stepping in to limit the opportunity for debate by the opposition.

Having said all that, I want to start by saying that I'm very much opposed to this bill. I'm opposed to it because it purports to expand the group of people who will not enjoy the right to strike as defined by the International Labour Organization.

Now, members from the opposite side may take issue with that and say: there's no such thing as a right to strike; we have a right to life. Sounds a little bit more like the pro-life people than people that actually talk about labour issues. Nonetheless, I must assure you that the United Nations has in fact acknowledged that the right to strike is a fundamental human right and one that should be enjoyed by most people but, unfortunately, is not enjoyed by probably a third to 40 per cent of unionized workers in Alberta today. That's something about which this government should be truly, truly ashamed.

The second thing that this bill purports to do is to limit salting, which I, frankly, see simply as a reasonable organizational tool, particularly in the industry which we are talking about, and I'll get back to that. But this is an industry that is . . .

[The Speaker in the chair]

**Mr. Mason:** Totally reasonable. They should do it more.

**Ms Notley:** They should do it more.

This is an industry that is all about short-term employment relationships. This is not an industry where the hard done by employer hires their folks and keeps them on staff for 25 years and sets up a daycare for them and gets them on pension and takes care of them and they're all one big happy family. This is an industry that uses their staff like livestock. They come in; they go out. There

is no expectation that the building trades who go to a job on one day are going to be there for more than a few days or maybe a few weeks. It's a bargain. It's part of the bargain that's made between the building trades unions and the employers, and that's the nature of the workplace. That kind of understanding seems to have been missed by many people on the other side of this House, because that's the way the construction trades work, folks.

Anyway, the third thing it does is it purports to ban MERFing, which we've had quite a bit of discussion about. Again, in my view, what this actually represents is a very unbalanced decision on the part of government to reach into the operations of a union and start trying to control them by legislation while at the same time not making the same efforts with respect to business on a whole series of other areas where business, frankly, needs to be controlled for the public good.

Finally, the other thing that it does is, I would suggest, it also significantly changes the rules around the construction trades in that where there was a 10-month period between the time a union got certified and the time at which it had to worry about the employer's efforts to decertify it, that now has been reduced to 90 days, three months. In fact, we are opening the window much, much more quickly for the employer to take a run at the union that's just certified and for the employer to take a run at the workers who attempted to certify. So none of these things are good for labour. Not one of them is good for labour.

*12:30*

I want to say that the other thing it's not good for is workers. I've heard way, way too many comments by members on the other side about how we have unions, but we're really standing up for the workers. Let's be clear: unions are organizations that workers choose to join, and unions are workers; they're not separate entities. So when the government chooses to attack and derogate and undermine the rights of unions, they are very clearly making a decision to choose the interests of employers over that of employees. That's what's happening. This whole notion of trying to separate out the union and characterize them as some third party is, I would say, spin and disingenuous in terms of what the real relationships are.

Now, we've had some people talk about, you know, whether they're pro-union. Some people like unions. Some people don't like unions. A lot of members on the other side are very happy whenever we mention the low level of unionization in Alberta. There is some happy desk thumping when that's pointed out. Some folks say: "Well, I like unions. I like employers. It doesn't really matter."

I have to say very much at the outset that I'm very pro-union. I come into this House being very pro-union, and that is for a number of reasons. Unions achieve a variety of extremely hard-fought victories for working people that they would not be able to achieve on their own individually, and they are a critical mechanism, a critical vehicle through which working people can better their lot in life, particularly when they're up against very well-financed cabinet ministers and/or multinational corporations. I'm not going to apologize. That's our position.

Having said that, I think it's the role of government, whether it is a Conservative government or even, heaven forbid, a New Democrat government, ultimately to try and strike the right balance between the interests of workers and, through them, their unions to earn fair wages, to have secure employment, to have a safe workplace, and to have a good quality of life. They need to balance that interest against the broader social interest of ensuring a reasonably healthy economy: businesses which can employ workers that can sustain their operations, that can grow and develop new technologies, and that can also maintain the kinds of profits that will ensure that they

continue on. It doesn't mean outrageous, 5,000 per cent profits. It doesn't mean Suncor profits. It means profits that make it sustainable for them to continue.

So there is an important balancing act that needs to take place, and it's usually the government that should be mediating that balance. This government, however, has completely abandoned the role of mediating that balance. This government is entirely and completely committed to advancing the interests of business at the expense of unions and at the expense of the workers who form those unions.

I want to start by talking a little bit about the whole concept of the MERF. I heard a lot of people today talk about how this is somehow an unfair subsidy by a third party – again this notion that unions are a third party, which they're not – and they somehow interfere with what would otherwise be the inspiring, brilliantly effective free market, so we must step in because the free market is somehow being jeopardized by these third parties that are engaging in the funding of these MERFs.

Well, I would say to you that the decision of the unions and their members within those unions to adopt MERFing as a strategy is, in fact, part of the free market. It's a natural development in the free market. People who choose to work within unionized settings, to enjoy the benefits of their unionized settings, to have security, to have safety, to have reasonable wages, can choose to do what they can to make themselves sufficiently competitive to be able to participate in the free market. That's what MERFs are. Nothing more, nothing less. So I find it rich and deeply ironic when the government uses the defence of the free market as the excuse for going after MERFing when, in fact, what they are is the adaptation of workers to the free market so that they're playing by those rules.

I heard someone at one point today talk about the issue of foreign workers, and they suggested that somehow it was the fault of the IBEW members that there were foreign workers coming in taking their jobs because another member was asked, somewhat derogatorily: "Well, do you think IBEW would take the jobs that the foreign workers are taking? No. So it's their fault that they're sitting, you know, in their union halls, and they don't have jobs right now." Well, I would say to you that what has really happened here is that this government has once again interfered with the free market because the free market would have allowed those IBEW members to negotiate a fair wage and get a good job and get a good unionized job. Instead, the government has decided to tinker with the free market, open the door to bring in as many foreign workers as possible to drive down the prices.

**Mr. Mason:** To undermine them.

**Ms Notley:** Yep. To undermine unionized workers. To drive down the wages.

So here again we're tinkering with the free market. Why? Because we want to make things easier for employers. Whenever the employers start complaining about the free market not working out for them, this government has got an answer. They have no hesitation to walk in and tinker at all that's required to make sure that it's all good for business, and that includes doing whatever is possible to undermine the rights of working Albertans.

The other thing, again, as I've said about MERFing, is that ultimately unions have the right to make decisions about how to allocate their resources. They have internal structures, which are overseen by the Labour Relations Board and which are fundamentally required in each union. There are opportunities within that union, if you're not happy about it, to question how that union is functioning and ultimately even in some cases to go to the Labour Relations Board. There are mechanisms in place for unhappy union

members. So it's not necessary for this government to with a sledge hammer beat down the organization of a union to say: we've decided we don't like how you run, so we're going to actually pass a law to interfere with how you run your organization. That's what's going on here. The government has decided to do that.

**The Speaker:** I'm sorry, hon. member, but we now must revert to 29(2)(a). The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thanks very much, Mr. Speaker. I appreciate what the hon. member has said about using a sledge hammer. I just wonder if she could perhaps suggest what would happen to our construction industry if the Legislature chose not to pass this bill.

**Ms Notley:** Well, I suspect that notwithstanding the concerns expressed on the other side that, indeed, the sky would fall tomorrow, strangely, if you go back to my discussion about the balance, I haven't been hearing a lot of stories about company after company after company filing bankruptcy because of these outrageous union rates. I'm not really aware of the crisis which is driving this need to reach so aggressively into the operations of unions and to strip away so many of their rights. So I'm going to assume that because I'm not seeing the crisis, there probably isn't one, and things would just sort of carry on.

Now, I suppose it's true that the building trades unions might not feel quite so chastised over their previous involvement in the election that just passed, so that particular objective might not be met. But in terms of the crisis or noncrisis I think that people would continue to be hired or not hired and that unions would continue to function as they have been without there being any economic crisis arising.

12:40

**The Speaker:** The hon. Leader of the Official Opposition.

**Dr. Taft:** Sure. I'm just wondering if the member has any other comments she would like to make.

**Ms Notley:** Well, I appreciate that. I feel like a government cabinet minister in question period. Nonetheless, given that I only have probably another two minutes in what was otherwise supposed to be more than enough time for me to raise my concerns, I did want to talk a little bit about the issue of salting. We've been hearing so much about: oh, well, we've got these horrible, horrible, evil union organizer types, presumably dressed in black and covered in tattoos, who infiltrate the operation of the employer and then talk union and then – heaven forbid – may actually infiltrate more than 30 days before a certification drive is completed and may actually leave before a vote that may happen weeks and months after that.

Yet as I was trying to say before, the construction industry, particularly in the trades, particularly as it relates to the oil industry – I mean, I'm not trying to negate the value of the work and the nature of the fact that it has to be structured in certain ways, but the reality is that these jobs: they come; they go. The people that work in this area by nature go up, work a few weeks in one job, and they come back. Then they work a few weeks in another job. That's the way it is.

**Mr. Hancock:** With respect, those ones are already unionized, and that's not where the salting takes place.

**Ms Notley:** No, but it's all over the place. The fact of the matter is that most construction by nature is building. As much as it is true

that everything takes longer to build these days, the reality is that building is not a process that goes on indefinitely. It's a short-term job. Most of them are short-term jobs. So by suggesting that people have to work there for 30 days before they can vote, before they can exercise their constitutionally guaranteed right to participate in and become part and organize to be part of a union is, in fact, in my view, disqualifying a significant portion of people who normally function within this industry and within this sector. You're making it impossible for them to exercise their rights.

Back to previous questions about: well, I just don't see how salting runs up against the Charter. Given the nature of this industry and given the nature of the work process and the way people come in and out of that, I think that, in fact, you'll find that it does significantly impact on their ability to engage in organizing. I think that there's a good argument to be made in the courts on that basis with respect to salting.

I also want to just sort of go back briefly to why it is that I think the right for these people to join unions is so important. We're talking about the construction sector right here. We've talked in this Assembly over this spring . . . [Ms Notley's speaking time expired]

**The Speaker:** Hon. members, that last participation exhausts the list of speakers that I have.

[Motion on previous question on Bill 26 carried]

**The Speaker:** Hon. members, pursuant to Standing Order 49(3) and *Beauchesne's* 522(1) I must now call the vote on the original question.

[The voice vote indicated that the motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 12:44 a.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Anderson	Drysdale	Morton
Berger	Groeneveld	Prins
Blackett	Hancock	Redford
Boutilier	Jacobs	Rogers
Brown	Klimchuk	Sandhu
Calahasen	Knight	Snelgrove
Campbell	Lindsay	Stevens
Denis	McQueen	VanderBurg

Against the motion:

Blakeman	Mason	Taft
Hehr	Notley	

Totals:	For – 24	Against – 5
---------	----------	-------------

[Motion carried; Bill 26 read a second time]

### Government Bills and Orders Third Reading

#### Bill 17

#### Alberta Personal Income Tax Amendment Act, 2008

**The Speaker:** The hon. President of the Treasury Board.

**Mr. Snelgrove:** Thank you, Mr. Speaker. It's certainly timely to

move on to something else that's equally as wonderful for the people of Alberta, and certainly Bill 17 is just that. To recap Bill 17, where some of the criticism has been that we may not be going far enough to support the families through this particular bill, there's absolutely no question it goes a long way to increasing supports for Alberta families through the enhancements to the caregiver, infirm dependant, and disability supplement credit amounts. This legislation helps maintain Alberta's competitive tax advantage and increases the support available to Alberta families.

Mr. Speaker, I move third reading of Bill 17, the Alberta Personal Income Tax Amendment Act, 2008, and look forward to the discussion.

**The Speaker:** The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thanks very much, Mr. Speaker. I think this is a worthwhile bill. I hope this is not all. I hope this isn't it. The government has recognized a deficiency here, but the people that will most benefit from this are actually people that have a fair chunk of change in their pockets. First of all, you've got to have enough of an income that you can apply a tax credit to, which is what's being offered here. Those that are really low income wouldn't actually benefit. So this is for people that have more of an income to start with.

Secondly, they have to have enough of an income that it doesn't matter that you're not going to get any of the benefit from this for anywhere from four months to 16 months down the road because, of course, that would flow back to you at the time you actually do your taxes. If you ended up expending this money in January of '07, you're not going to see the benefit of it until you're into April of '08, which doesn't mean that it's not valuable. It is valuable. I'm sure to a number of people it will be very welcome.

The other thing I had noted when I first debated this bill was that, in fact, the government actually did it right here. They mentioned it in their throne speech, they mentioned it in their budget speech, and they did it. So it was like part of a plan. They saw it coming. They put it in place. They've actually accomplished it, which doesn't happen very often, so we've got to celebrate these little successes. Have a cake. Have a cake, presents. You see, there should be presents that go along with this.

1:00

**An Hon. Member:** What would you like?

**Ms Blakeman:** Chocolate. Chocolate will always work.

But what I would like to see that goes along with this – I've heard the Minister of Health and Wellness acknowledge that things like more money from the health care system redirected into home care would be very helpful, particularly for people who are trying to be independent, who are trying to stay in their homes.

That home care funding: there's not very much of it. It's hard to get. Most of it goes to subacute care, people that have come out of the hospital, have had surgery. They're very good about getting home care to meet you or to come within a few hours of your arriving home. But for people that have more of a long-term disability – they're older or frail, or perhaps they're dealing with a lifelong disability or disorder – funding is much harder for them to come by, and it's pretty restricted. This is recognizing that who will benefit from this is a pretty small sector.

I'm always trying to encourage the government to take a wider view of this and look at a longer picture. Certainly, it saves you money in the long run. Investing in people's good health and keeping them in their homes pays off. Not investing in wellness

creates a number of other problems and usually ends up costing you much more money in the health care system because it tends to be acute care money that you're spending. If you're not helping people with diabetes, for example, look after themselves as a chronic condition, then they're going to end up in the hospital, and you're looking at amputations. You're looking at blindness and a number of other health issues that are going to cost a lot more money than helping someone manage their diabetes adequately.

Home care is major. I hear about this so much from the seniors, Mr. Speaker. It's very frustrating to them. I have a lot of seniors that live independently in those apartments and others who are living independently in the subsidized seniors' units. They would like to remain independent, but in many cases as their health starts to fail or they develop a particular condition, they need some help, and it's help of a medical variety.

They need that home care to keep them independent. When they can't get it, then they end up in the lodge program; they end up in long-term care programs. And we know that there is a significant difference between, you know, 20 bucks an hour for home care and \$300 a day in long-term care and even more than that in acute care in a hospital. Investment in that kind of thing will always pay off for you.

There were a couple of different credits that were actually being talked about here. We had a caregivers' credit. We had an infirm dependents'. We had a disability and disability supplements and family employment. One of the things that I noticed is that some of the people that I'd raised issues about earlier, in fact, would not benefit from anything that's being considered in this legislation. The mother that came in. I raised a question about her adult son who had Down's syndrome. He won't benefit from anything that's in here. Neither would she.

So I'm just encouraging the government. They did well with this – nice job – but, please, if we could see them complete that circle. That's part of my frustration with the government: they get a good idea, but it doesn't get followed through. My best example of that is around the performance measurements. You know, we were really leading the pack 10, 12 years ago in the whole concept of developing performance measurements, which we used on a regular basis and incorporated into our business plans. But those performance measurements need to be revised and updated to be really useful. We tried it once. We stuck to that performance measurement, or we just abandoned it. Or we do those awful satisfaction surveys, which are not helpful at all in actually telling us as a management tool whether we're being successful in delivering those programs.

I'm supportive of this legislation. I just think it needs to be part of a whole package, and that's where I see the government not following through on all of it. I'm encouraged by what I see specifically here, but I think that they need to do a lot more work in following the continuum of what's possible here or they end up wasting some of the money that they have invested here.

The second part of this is that this is forgone revenue. Being able to track a performance measurement on forgone revenue is much more difficult than on a cash basis, and I think it's really important that we have some way of tracking and measuring whether these programs have achieved what we thought they would achieve. We're not collecting income tax on some of this money because we believe it will create an incentive to change behaviour or do something else. How exactly is the government going to track that change in behaviour or track those changes that we want to see or to create?

The performance measurements on that forgone revenue are really important, and rarely does the government follow through on them.

That's a challenge that I'll put out to them, to follow through on that and be able to report back to me in a year on what changes we can see: how many people did stay at home as a result of this caregiver credit being offered, or how many days longer were they able to stay at home because of the assistance that this credit gave them?

Thank you very much, Mr. Speaker, for the opportunity to speak in third. I think the effect of this bill will be good, but if the rest of the programming followed, it would be better. Thank you.

**The Speaker:** Other speakers? The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Thank you very much, Mr. Speaker. I'll be brief today as I spoke on this in second and my comments are rather similar. I will echo some of the concerns brought up by my friend from Edmonton-Centre in that often you need income to make yourself available to receive some funds on this sort of thing. Like I said last time, often in Alberta, Canada, elsewhere, to be disabled is essentially to mean that you're poor, underemployed or something of that matter, or on AISH. Although this looks great – I'm going to get, I think, \$4,000 back on my income tax – is this the type of legislation that we're really looking at to help me out, or would it be better served actually trying to reach the people who are in more dire straits than myself? That's where I would have seen the money better served, with it possibly going to AISH, to those people who are really, really in need.

There's another point I'd like to point out and follow up on, and it's on completing this loop. I've had an experience with disability. I also know how much my work in the community has been with disabled organizations. It appears that this funding is going to be directed to many family members who will essentially come down to doing the care. Is that the best method of having this done? Maybe in some cases, yes, but I can say from personal experience that this is not always the most optimal. If there are other ways to complete this loop through extensions to our live-in caregiver programs, things like long-term funding for people to actually hire an LPN or someone to come in at a reasonable rate of pay, I think that would complete this loop.

I just know for a fact that in 1991, when the home care program was started in this province, I was a recipient of it, and that was good legislation. That was really good, and it really helped out, and it really freed up both myself and my family and many other individuals in the disabled community to then say: hey, I can do a couple of things; I can put an ad in the paper and be able to hire somebody, and we can work out a life that, you know, we can live to the fullest.

Now because maybe our funding has been lacking to this program where it maybe hasn't kept rate with inflation, what's happened here in Alberta, whatever, people are no longer able to utilize this program. They'll get the money, they'll put their ad in the paper, and the ad won't get answered. That's happening time and time again. We're seeing 21-year-olds – that's when I was injured, Mr. Speaker – who are now going to the Fanning centre instead of out in the community, and that's happening more often now.

**1:10**

**Ms Blakeman:** What's the Fanning centre?

**Mr. Hehr:** A long-term care centre. A 21-year-old is going into a long-term care centre instead of out in the community, and that's happening more often now than it was then.

If we could, like the member said, complete this loop – you know, yeah, this is a great step, but there are many supports that seem to have fallen away from where they were when they were initially

instituted. It was really a great program. It really was. I still think it has the potential to be if we could look at completing that loop, completing that care cycle out in the community, and keep going on that measure. It may have been better to actually use those funds for those type of programs rather than this, seemingly going to the wealthier disabled individuals, which luckily I'm part of right now, but that day could change too as well.

Thank you very much.

**The Speaker:** Hon. member, the quirk is that your speech is less than the five minutes allocated for questions and answers. Standing Order 29(2)(a) is available.

Others, then, to participate in third reading? The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Yes. I rise to speak on Bill 17 in third reading. A number of our specific concerns have been raised previously, but they warrant summary, I would suggest. Again, you know, we support this bill to the extent that it recognizes the issue, that it recognizes that there are a number of people within our community, within our province, who are caring for disabled relatives in their home and who need some type of support. To the extent that this recognizes that this is happening, that's great.

My colleagues in the opposition caucus talked about completing the circle. I would just maybe say that this is really more of a dot in the circle, so I'd almost like to see the creation of a line that might ultimately turn into a circle in terms of the overall contribution to the problem that this provides.

As I discussed before, the majority of caregivers, the majority of people in this province who are doing this job, which, as I've said before, I believe is a collective responsibility, a responsibility of all Albertans, a responsibility of the people in this Legislature to ensure occurs so that those least able to care for themselves are able to lead dignified and full lives, the majority of people that are providing that work on their own dime are primarily women. In so doing, we certainly replicate and extend the ongoing earning gap that women in Alberta are experiencing. That is a problem that will in no way be addressed by this bill. To the extent that this bill only benefits those who are able to claim the benefit of tax credits, I would suggest that it actually will most likely be less of a benefit to women than to others, so it will in fact perhaps even exacerbate the income gap ever so slightly.

The other problem, of course, is that where people are living in the home, we have a problem in this province in terms of the supports that are provided in the home to those people. Where a man or a woman have gone down to part-time or have decided to quit their job and are working from home on contract wages so that they can be there with their infirm relative, they should still be receiving other supports within the home: nursing support, nursing aide support, physiotherapy, care aides, occupational therapy, all those kinds of things. We know that that support is not being provided on a comprehensive basis in Alberta right now. Why? Because we are not paying those people who provide that work enough, particularly the care aides. Those are the ones that come in and, you know, turn people over in bed and change diapers and make meals and all that kind of stuff. Those people are not being paid enough. I might go so far as to suggest that one of the reasons they're not being paid enough is because . . .

**Ms Blakeman:** They're women.

**Ms Notley:** Well, because they're women, and they're also not unionized. They were unionized in the mid-90s until the previous

Premier decided to completely restructure the way in which we deliver social services in this province and we fractured them all and gave them all to nonprofits, but they are not now unionized. As a result, we have a fundamental crisis in this province, where the majority of the people who are providing these services within our community are being paid at one-half the rate of those few people that still provide those services within the unionized sector. So another example where unions would help address the wage gap as well as address the critical, critical service and care gap that we are experiencing in this province.

As well, there are lots of people that are at home right now being cared for by parents or relatives simply because there is a lack of space somewhere else, and I'm talking there about the group home setting. On Friday I was privileged to attend a graduation for a young man in my community who is 19 years old and graduating from high school; you know, a very witty person, a very hard-working person, someone who struggled long and hard to get himself through high school but someone who I doubt will ever be able to live independently. His parents spoke to me afterwards about how they have been on the phone for the last year trying to find a place where their son could go.

While they were on a whole bunch of waiting lists and hadn't found anything, they were encouraged by various people, social adviser types with government: "Well, at least he can still do another year of school. You can sign him up for another year of school. Even though he has graduated, we can keep him in that school for another year. He'll get some supports there, but then it's done. He's done for, and it's all up to you to give him supports, to give him learning opportunities, to create opportunities for growth for him. You may have to do it yourselves at home because it's already been a year and you still haven't been able to find an appropriate group home for him." The reason that that exists is because we have a huge crisis in terms of staffing in those agencies. As I've said, they are earning about half of what they should be, and this government's budget has no provision for correcting that problem. None. So that's the third problem.

Then the fourth problem is that we also have places where there are spaces. Well, actually, in many cases we have space shortages there, but within those places where there are beds for people, we also have some really chronic service problems because, again, those places are chronically understaffed. There I'm talking about long-term care centres: the long-term care centres that care for, you know, obviously the aged but also those who care for younger people who cannot live independently. Once again, we have a crisis in those settings. We don't have enough staff. They're short-staffed. They're dealing with two and three times as many patients as they should be. We've learned about it, and we've talked about it, and the Auditor General has talked about it. It's discussed over and over and over again. We don't have a clear plan for dealing with that except to download them onto less comprehensive agencies that won't be able to provide the type of services those people have been told by their doctors and their caregivers that they need.

That's why I say that this is really a dot in the line of the circle that needs to be completed: because we have a crisis in this province, a huge crisis. We have an opportunity. We have a surplus, one which I'm sure is significantly lower than what we will actually get. We are spending money in lots of places where, I would suggest, it needn't go, yet we have a tremendous crisis that is not reflected. There's no strategy for dealing with it in the budget. Certainly, while this is a nice step in doing a tip of the hat to those people who are working and struggling so hard to care for those in our society who need our help, in no way beyond tipping the hat does it actually address their concerns.

Thank you.

1:20

**The Speaker:** Standing Order 29(2)(a) is available.

There are no further speakers on my list. Should I call the question?

**Hon. Members:** Question.

[Motion carried; Bill 17 read a third time]

### Government Bills and Orders Committee of the Whole

[Dr. Brown in the chair]

**The Acting Chair:** I'd like to call the committee to order.

#### Bill 26 Labour Relations Amendment Act, 2008

**The Acting Chair:** The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Chairman. With the leave of colleagues in the House we heard a number of speeches earlier in second reading tonight about Bill 26 and considerable concern about a lack of time to get all their ideas on the table, and particularly one member of the opposition upbraided me for not affording her the opportunity to speak more than once on the bill. She had waited patiently for her opportunity to do so, and I thought it would be appropriate at this time to allow her that opportunity and hope that we would be able to hear the fullness of the debate that she expected to be able to have.

**Ms Notley:** Well, that's just great. I will do that. Thank you.

So where was I? Let's go back to the whole issue of the salting, concerns around why the government thinks it needs to limit the opportunity for unions to engage in salting, which, as I've said before, is an opportunity for them to organize in workplace settings which are very mobile and volatile, workplace arrangements that come and go, where the population in the workplace comes and goes very quickly.

As I said before, you know, there's a phrase that's used a lot in the industry: last hired, first fired. That is a phrase you hear a lot in the construction industry. That's basically the guy who, you know, maybe pointed out to the supervisor some safety concerns, who maybe didn't let it go, the guy who suggests that maybe he's been working a little bit too long that day and it's time to go, maybe the guy that points out that you don't have enough journeymen working around a bunch of apprentices, those kinds of guys. Those are the guys that are often on construction work sites, the ones that are identified as last hired, first hired.

It's really interesting that we've almost kind of structured this into the act to ensure that those folks last hired, first fired are the ones least able to engage in their democratic and, I would say, constitutional and, as I've said before, internationally recognized human right to organize and be part of a union.

I have to say that in my former life – well, two or three former lives, actually – before coming to work here and then also before coming to work at the nurses' union, I spent quite a bit of time working on areas of health and safety. I also had the opportunity in my very, very first days as a lawyer to work with some construction trade unions and to represent them at the Labour Relations Board and also there to work on a lot of their health and safety issues. One of the things that absolutely appalled me was the type of attitude and the statements that would be made by employers with respect to their employees.

I spent a lot of time representing injured tradespeople at the Workers' Compensation Board. As you may know, in the course of representing those injured workers at the compensation board, one would have the opportunity to review the whole WCB file, and on that file you will find many comments written by the employer about the worker, invariably suggesting, "Oh, he meant to be run over by that bulldozer" or whatever, things like that, trying to denigrate or otherwise undermine the WCB claim.

One of the favourite tools in some cases was the company doctor. You'd have situations where you'd have injured tradespeople being sent to the company doctor. They'd try to talk them out of filing the claim. Then they might finally file the claim, and then they wouldn't want the worker to experience any lost time because that would hurt the company's WCB rates. So the worker would be shipped off to a room somewhere where there were no windows, and they'd, you know, sort paper clips and things like that for days on end while at the same time they were pressured by the doctor to go back to work regardless of whether they'd ever been seen by a specialist or any doctor who wasn't actually working for the company.

In the course of that, you'd see a lot of comments, and I have to say that it was really quite striking how it was clear that these guys were viewed certainly not as individual human beings with their own lives and their own sort of view of the world or anything like that. You know, I grew up on a farm, and I've heard farmers talk about their cattle in more complimentary terms sometimes. It was really quite offensive to see the type of relationship and the way in which these guys were viewed by the employer. Part of it was, of course, because they came, they went, they came, and they went. It was not the kind of employment relationship where you had the same group of 30 guys that you build some kind of relationship with over a 10-year employment contract. Not at all. Not at all. They were disposable workers, absolutely and completely and totally disposable workers, and that's how they were treated.

One of the things that was really clear is that they desperately needed the union for the issue of safety and safety in their workplaces. As we've already discussed, Alberta has just a shameful, shameful record of workplace fatalities, and as anybody who's involved with health and safety knows, the stats are pretty typical. As the economy takes off, the number of injuries goes up. As people are asked to work harder and do more with fewer resources, the number of injuries goes up. That's happening here in Alberta, in the province that, I would say, has in most respects the most backward, vacuous, ineffective health and safety legislation and protection system in the country. We are one of the very few provinces in the country that does not have a mandated workplace health and safety committee, if you can believe that. We have the highest number of fatalities of any province, but we do not have mandated health and safety committees.

1:30

The only work sites in Alberta – there may be a few exceptions with some of those sort of progressive employers, but I would be willing to bet my mortgage that they make up no more than 10 per cent of the work sites that have health and safety committees. The rest of them are all union work sites that have health and safety committees because unions negotiate those into their collective agreements. By having health and safety committees, workers then have a place to go when they see safety hazards and safety risks at their workplace. That's how they keep themselves safe and, hopefully, go home that day.

That is a doubly critical issue in the construction industry. It's a hugely critical issue in the construction industry. That's why it's so important to have unions in those settings that can not only ensure

that those safety standards are imposed but also to the best of their ability try to avoid having the worker who asserts their right to a safe workplace becoming victim of the last hired, first fired phenomenon, which runs so rampant in so many of these places.

That is one of the issues with respect to salting: in my view, if you're a pro-union guy and you go on to work at a site and you start talking to people about the union, so be it. Folks over there would probably prefer union people not to talk about politics and maybe not be advertising for politics and maybe not engage in it. I don't know. I'm tending to think they'd rather that not be the case, but you know what? People have a right to do that.

People also have a right to speak to their colleagues in the workplace about unions, and they have a right to try and sign them up to unions. The fact that they used to work for a union or they may ultimately be hired back by a union to do some other work is irrelevant. These are rights that everybody has. They have rights to new jobs, they have rights to change jobs, and they have rights to try and organize unions.

I would suggest that the whole question of distinguishing between salting and what would otherwise be sort of a typical form of organizing efforts is a difficult one, and in so doing, then, you run up against the issue of the Charter and the issue of section 2. Again, it goes to process and process around ensuring everybody's right to be part of a union and to collectively bargain should that be what they choose to do. By so significantly limiting the rights of these people to vote for their union, to sign a card, to participate in the vote in their union, I'd frankly, as I've said before, find it really, really quite surprising if that does not end up becoming something that the courts determine is not appropriate.

The other side of that is this whole change from 10 months to three months in the time around which a work site where there's been the opportunity for a union to become certified, the period of time – the union should not have to worry about a decertification application while they're in the midst of trying to bargain a collective agreement. Typically there should be at least a 10-month period where they shouldn't have to worry about the employer out there campaigning to undercut their certification while the employer, at the same time, drags its heels on entering into a collective agreement. According to this act we're looking at basically changing that for the construction sector and reducing that period of time to three months.

**Ms Blakeman:** What section is that?

**Ms Notley:** That's my reading, actually. I'm happy for someone to tell me that I'm reading it wrong. But, you know, everyone keeps talking about this other 90-day thing, and to me this is what we're really doing here.

Where is it? It is in section 5. That's a concern to me because that is a significant – significant – window being opened for employers.

You know, there was somebody talking about the amount of work at the Labour Relations Board. The Labour Relations Board: what they deal with there is application after application after application often where there are allegations that the employer is trying to undercut the right of the union to represent its members or leading a decert drive in one shape or another. You can end up spending hours and hours and days and days and days having discussions about whether something is or is not an unfair labour practice.

Anyway, it's the kind of thing that's an invitation for more conflict, for a great deal more conflict, more applications, and more

time at the board while the employer and the union fight about whether the employer is undercutting the right of the union to represent those members at the same time that they're actually trying to negotiate a collective agreement.

You know, it's interesting because we had this horrid situation arise a year and a half ago – maybe it was almost two years ago now – at Lakeside Packers. That was a perfect example of what is so wrong about our labour relations system there, where we don't have first contract arbitration, so a union and its members struggle and sacrifice and sacrifice more in order to achieve certification. Then they sit down with the employer and try to negotiate a collective agreement, and the employer absolutely refuses to engage in good-faith bargaining for month after month after month after month until such time as it becomes possible for them to then engage in a decertification drive. Then things get crazy, and you end up with the kind of situation that you had at Lakeside Packers.

For a government that appears to be so interested in creating labour stability, I would suggest that there are certain elements of this act which, if anything, will undermine that very objective quite clearly.

For the moment that will be what I have to say on that small part of the act. I'm sure I will get many opportunities to speak more, but I will for the moment sit down and cede the floor to other colleagues who may wish to speak on the matter.

**Mr. Campbell:** Mr. Chair, I move that we adjourn debate.

[Motion to adjourn debate carried]

**The Acting Chair:** The hon. Government House Leader.

1:40

**Mr. Hancock:** Thank you, Mr. Chairman. I'd move that the committee rise and report progress.

[Motion carried]

[Dr. Brown in the chair]

**The Acting Speaker:** The hon. Member for Calgary-Egmont

**Mr. Denis:** Thank you very much, Mr. Speaker. The Committee of the Whole has had under consideration certain bills, and the committee reports progress on the following bill: Bill 26. Mr. Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

**The Acting Speaker:** Does the Assembly concur in the report?

**Hon. Members:** Concur.

**The Acting Speaker:** Opposed? So ordered.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. I would move that we adjourn until 1:30 p.m.

[Motion carried; at 1:41 a.m. on Wednesday the Assembly adjourned to 1:30 p.m.]



**Table of Contents**

**Tuesday evening, June 3, 2008**

Government Bills and Orders

Second Reading

Bill 26 Labour Relations Amendment Act, 2008 .....	1171
Division .....	1191, 1204

Third Reading

Bill 17 Alberta Personal Income Tax Amendment Act, 2008 .....	1204
---	------

Committee of the Whole

Bill 26 Labour Relations Amendment Act, 2008 .....	1207
--	------







**COMMITTEES OF THE ALBERTA LEGISLATIVE ASSEMBLY**

**Standing Committee on the Alberta Heritage Savings Trust Fund**

Chair: Mrs. Forsyth  
Deputy Chair: Mr. Elniski  
Blakeman  
DeLong

Denis  
Johnston

Kang  
Notley

Olson

**Standing Committee on Community Services**

Chair: Mr. Rodney  
Deputy Chair: Mr. Hehr  
Benito  
Bhardwaj  
Chase

Doerksen  
Johnson

Johnston  
Lukaszuk

Notley  
Sarich

**Standing Committee on the Economy**

Chair: Mr. Allred  
Deputy Chair: Mr. Taylor  
Amery  
Bhullar  
Blakeman

Campbell  
Marz

Mason  
McFarland

Weadick  
Xiao

**Select Special Ethics Commissioner Search Committee**

Chair: Mr. Campbell  
Deputy Chair: Mr. Marz  
Blakeman  
Lukaszuk

Lund  
MacDonald

Mitzel  
Notley

Webber

**Standing Committee on Health**

Chair: Mr. Horne  
Deputy Chair: Ms Pastoor  
Dallas  
Denis  
Fawcett

Notley  
Olson

Quest  
Sherman

Swann  
Vandermeer

**Standing Committee on Legislative Offices**

Chair: Mr. Mitzel  
Deputy Chair: Mr. Lund  
Bhullar  
Blakeman  
Campbell

Horne  
Lukaszuk

MacDonald  
Marz

Notley  
Webber

**Special Standing Committee on Members' Services**

Chair: Mr. Kowalski  
Deputy Chair: Mr. Oberle  
Elniski  
Hehr  
Leskiw

Mason  
Rodney

Snelgrove  
Taylor

VanderBurg  
Weadick

**Standing Committee on Private Bills**

Chair: Dr. Brown  
Deputy Chair: Ms Woo-Paw  
Allred  
Amery  
Anderson  
Benito  
Boutilier

Calahasen  
Dallas  
Doerksen  
Fawcett  
Forsyth

Jacobs  
MacDonald  
McQueen  
Olson  
Quest

Sandhu  
Sarich  
Swann  
Xiao

**Standing Committee on Privileges and Elections, Standing Orders and Printing**

Chair: Mr. Prins  
Deputy Chair: Mr. Hancock  
Amery  
Berger  
Bhardwaj  
Calahasen  
DeLong

Doerksen  
Forsyth  
Johnson  
Leskiw  
Liepert

McFarland  
Notley  
Oberle  
Pastoor  
Rogers

Sherman  
Stevens  
Taylor  
Zwozdesky

**Standing Committee on Public Accounts**

Chair: Mr. MacDonald  
Deputy Chair: Mr. Griffiths  
Benito  
Bhardwaj  
Chase  
Dallas

Denis  
Drysdale  
Fawcett  
Jacobs

Johnson  
Kang  
Mason  
Quest

Sandhu  
Vandermeer  
Woo-Paw

**Standing Committee on Public Safety and Services**

Chair: Mr. VanderBurg  
Deputy Chair: Mr. Kang  
Anderson  
Brown  
Calahasen

Cao  
Jacobs

MacDonald  
Notley

Sandhu  
Woo-Paw

**Standing Committee on Resources and Environment**

Chair: Mr. Prins  
Deputy Chair: Dr. Swann  
Berger  
Boutilier  
Drysdale

Griffiths  
Hehr

Mason  
McQueen

Oberle  
Webber

If your address is incorrect, please clip on the dotted line, make any changes, and return to the address listed below. To facilitate the update, please attach the last mailing label along with your account number.

Subscriptions  
Legislative Assembly Office  
1001 Legislature Annex  
9718 - 107 Street  
EDMONTON AB T5K 1E4

.....

Last mailing label:

Account # \_\_\_\_\_

New information:

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

.....

Subscription information:

Annual subscriptions to the paper copy of *Alberta Hansard* (including annual index) are \$127.50 including GST if mailed once a week or \$94.92 including GST if picked up at the subscription address below or if mailed through the provincial government interdepartmental mail system. Bound volumes are \$121.70 including GST if mailed. Cheques should be made payable to the Minister of Finance.

Price per issue is \$0.75 including GST.

On-line access to *Alberta Hansard* is available through the Internet at [www.assembly.ab.ca](http://www.assembly.ab.ca)

Address subscription inquiries to Subscriptions, Legislative Assembly Office, 1001 Legislature Annex, 9718 - 107 St., EDMONTON AB T5K 1E4, telephone 427-1302.

Address other inquiries to Managing Editor, *Alberta Hansard*, 1001 Legislature Annex, 9718 - 107 St., EDMONTON AB T5K 1E4, telephone 427-1875.

