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The Honourable Kenneth R. Kowalski, Speaker

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The 27th Legislature

First Session
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[Errata, if any, appear inside back cover]

Legislative Assembly of Alberta

7:30 p.m. Wednesday, June 4, 2008

Government Bills and Orders
Committee of the Whole

[Mr. Cao in the chair]

The Chair: I would like now to call the Committee of the Whole to order, so we can continue the debate from this afternoon.

Bill 26
Labour Relations Amendment Act, 2008

The Chair: Any hon. member? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you.

Mr. Liepert: Show a little enthusiasm, Harry.

Mr. Chase: Yes. Well, here we go.

Dr. Brown: The end of democracy as we know it.

Mr. Chase: Well, that's a very good theme, Member for Calgary-Nose Hill. You anticipated my opening remarks.

The historical significance of the first week of June, in particular June 6, D-Day, serves as an appropriate backdrop for our discussion of rights and freedoms, our struggle to maintain the democratic beliefs that so many of our parents or, in the case of our younger members, our grandparents fought for and for which they made the ultimate sacrifice. It is not my intention to belittle their efforts or the hardships they endured, but the underlying principles upon which those wars were fought are the same principles that are under assault tonight with Bill 26.

This bill basically says that might is right, that if you have the power, you can utilize it in any fashion you like. Yes, we're sitting in a lovely historical Chamber. The weather outside sort of in an onomatopoeia, or imitative harmony fashion, is reflecting a much quieter, subdued storm within the building. The reality is that both inside and outside, figuratively and literally, this is a black day in the history of Alberta.

Again, along the theme of might is right or bullying and arrogance, this government that claims that it was transparent and accountable, that it was moving away from the principles of secrecy towards a more transparent, accountable fashion, has pushed this bill to the last days. The minister of employment indicated that the only consultation he had with members of labour organizations was basically a dictation, dictating to members of union organizations what they could expect from this legislation, this punishment for having the sin of opposing the government in the vulnerable period of the writ. This government has the sense that because 21 per cent of Albertans voted for them, that gives them the right to chuck out any type of democratically arranged, bargained principles, particularly those involved in labour negotiations.

What concerns me tonight is the pattern that we're seeing emerge. Last spring we spent 22 hours of solid debate about affordable housing. In the fall we spent, I believe it was, 26 hours and counting on Bill 46, which basically trounced or tramped upon landowners' rights. During that debate the government put forward, I believe it was, 22 amendments, yet the opposition was not allowed to put forward a single amendment.

Last night in this House despite the assurances that were given by the deputy House leader yesterday that debate wouldn't be shortened, the House leader for the government put forward a recommendation which saw amendments cancelled and debate shortened by the calling of the question. That calling of the question was the very first word out of government members tonight, and whether it was done in jest, it's reflective of the nature of this government.

Why discuss it when you can simply dictate it? Why have a collaborative bargaining process? Why have labour rules or agreements when Bill 26 just says: "Here you go, employer. You don't have to consider having a unionized organization. We won't allow individuals to set up shop within your company. We'll do the American Wal-Mart tradition. We'll save all the Wal-Marts in Alberta from any kind of unionization or organization because we won't allow it." Bill 26 will just give them the power that they've exercised so successfully in the States in keeping any kind of democratic representation in the form of unions out.

The government believes that because they have 72 members elected in what is rapidly becoming a historically irrelevant way of electing individuals, where first past the post and the colour of your party dictate your success. And, of course, money. I'm not going to make excuses. As Liberals, as NDP we have to provide a form of insight, something that Albertans can choose to move toward.

What has happened over the last 37 years is a rather sad trend of the rate of voter participation going down. That's not by any means the fault of the government, but people over the last 37 years have basically, with very few exceptions, said: we'll vote for what we've had because we fear what could be. That will be the job of opposition parties in the next four years: to give Albertans hope, to allow the disenfranchised a voice. However, tonight Bill 26 is adding to that disenfranchisement.

As I began with the significance of this first week in June, great things began historically. I am hoping that on a yearly basis labour groups will literally down their tools on June 4 in memory of the malicious nature of Bill 26.

Mr. Mason: Are you calling for a general strike, Harry?

Mr. Chase: I am calling for a general strike on this date into history until such time as this government is deposed.

An Hon. Member: Let the blood flow through the streets.

Mr. Chase: Well, revolutions have to have a beginning point, and it might as well be tonight in the discussions on Bill 26.

For all people to prosper in an Alberta where we have such great potential, where we could leave a legacy of collaboration, of support, something that our children and grandchildren can be proud of, this further deterioration of democratic rights as brought forward by Bill 26 is a tremendous concern. Why the government is so fearful or so vengeful based on labour's daring to oppose them I cannot understand.

There is obviously a fear of the 11 opposition members, and that is why debate has been limited tonight, but we will work throughout the night and into the morning. I don't want to start sort of channelling Churchill, but it's that kind of a struggle and a fight to represent Albertans that we're standing for here tonight. It's a small group, but the intention and the people we represent throughout Alberta are in the hundreds of thousands.

7:40

Members of the labour organization attempted to influence the outcome of the vote through a series of commercials. They chose

attack ads, and that was in retrospect obviously a principle that didn't work. But instead of attacking, how about engaging? The engagement starts tonight, the reaching out to individuals, saying that your voice counts. You have a right. There is a point for you going out to the ballot box and speaking up for freedoms. It does not have to be the way it has been. There is a possibility of an opening: a more transparent, a more participatory democracy despite this government's attempts to remove that opportunity and process.

Bill 26, for example, talks about turning something into an essential service. That is a convenient way of getting around bargaining. When the teachers struck province-wide in 2001, there were rumours of legislation putting forward the idea that teachers were an essential service. I believe that teachers are essential, but using the essential job that they do as an excuse for controlling the bargaining principles, fortunately, was not put forward at that time. To the government's credit they recognized that dealing fairly with teachers was an extremely important way to go about it. Contrary to the normal circumstance the government negotiated. The government took over the unfunded liability.

It wasn't the Conservative government that began the problem; it was the Social Credit Party. But the Conservative Party continued with the problem, and by the end of this year that problem will have risen to $7 billion. However, the government in this particular case did the right thing. They negotiated. They collaborated. They didn't simply consult. I had hoped that this was a new beginning in terms of labour relations and negotiations, that fairness would become a principle such as the recognition of the weekly average and cost-of-living allowance.

However, no sooner do we see an agreement with teachers done in a transparent, collaborative, democratic fashion than we see a vengeful move to restrict labour's rights to have unions, to recruit members, to put forward, as the Member for Edmonton-Gold Bar said, a contract which would provide a lower price for the actual finished product yet maintain living wages and fair work rights for the individuals employed. Yet the government in its wisdom or lack thereof believes that that kind of an open playing field is not acceptable.

Terms such as salting, which could be called recruiting, seem to be offensive to this government. The idea of engaging in a protective, to use the labour term, brotherhood or sisterhood of workers united for a common purpose, obviously, is all right for Conservative country clubs, but for the average working man or woman somehow this isn't acceptable to this government.

We know that Alberta is the least labour-friendly province, yet Alberta, because of our nonrenewable resource-fuelled boom, the frantic pace, is dependent on the very workers this legislation works against. Why would individuals from across Canada come to Alberta when their rights to decide whether they wish to work under a unionized circumstance or in a union-free circumstance are undermined by this government's legislation?

When it came to affordable housing, the government consulted. They had a task force. Under the previous Premier we had another task force travel the province in terms of long-term care. Most recently the government had a task force on crime in communities. Now, granted, very little happened with the long-term care results, and granted that the government rejected 32 out of the 58 suggestions for improving the lot of individuals faced with evictions and basically driven to the streets. I give the government credit for at least having called the task force. In terms of the crime in communities we've yet to see to what extent the recommendations from that committee will turn into real improvements. There seems to be an alarming increase in crime, especially of the violent nature, whether it's knives or guns, but at least the government undertook to study, to consult.

Where's the consultation for Bill 26? It appears that there isn't any, yet here we sit, and we will continue to sit – or in my case stand on as many occasions as are afforded me – discussing Bill 26, discussing a regressive removal of rights. I fail to see the hurry in this particular legislation. The government realized that there were holes, for example, in its lobbyists registry bill, it's flagship bill last year, Bill 1, and they wisely sent it back to our standing policy committee to provide necessary advice.

I would suggest putting forth the notion of a more thorough review, giving both government members and opposition members a chance to talk to the people who are being affected, the victims of this particular piece of poorly thought out legislation. I don't see where the harm would be from involving people in a decision rather than making that decision for them. Unfortunately, this sort of patriarchal attitude of the government of deciding what is best and treating individuals like recalcitrant children is repeated over and over again.

Where is the transparency? Where is the accountability? Where is the democracy to which we basically swore allegiance when we became reinstated after the election in this House? Does the Mace that we wear on our jackets represent historical freedom, the struggle of individuals over the Crown? Or is the Mace simply a club with which we beat down those who oppose us? It appears that the latter is the true symbolism that the Mace represents.

Alberta is blessed. We have opportunities that people across the world literally are dying for. They're risking their lives crossing oceans, crossing borders trying to make it to Canada's shores and then to Alberta. But when they get there, what is the reception that they receive? Temporary foreign workers seem to have no rights whatsoever, and it's organizations like the Alberta Federation of Labour, whose rights are being intruded upon by Bill 26, that stood up for the temporary foreign workers. Even though those same temporary foreign workers were competing for their jobs, they said: "Somebody has to stand up for these people. They have been abused in the manner in which they were falsely attracted to Alberta." The government does nothing in terms of punishing the recruiters, who promised them . . . [Mr. Chase's speaking time expired] I'll look forward to several other opportunities tonight.

7:50

Mr. Mason: We don't get this 29(2)(a) business so that I could ask him about his general strike and his revolution?

The Chair: We don't have 29(2)(a) in committee.

Mr. Mason: He was starting to win me over there, Mr. Chairman.

I'd like to make some comments with respect to the bill, particularly with respect to some of the specific provisions. Bill 26, the Labour Relations Amendment Act, 2008, attempts to amend the act in four main areas. First of all, it wants to limit or eliminate organization drives among workers in the construction industry using salting tactics. Secondly, it changes the rules around certification votes when forming unions and bargaining units with a view to making those things very much more difficult to do, more difficult to accomplish an organization of a union, and much easier to get rid of one. Thirdly, it wants to restrict MERFing tactics for unionized contractors. Fourthly, it will change the status of ground ambulance drivers in respect to striking and bargaining rights.

Mr. Chairman, the government's attempt to procedurally negate salting and stripping tactics employed by unions to organize a workplace by restricting who can vote in the certification drive is clearly a key part of this legislation. Currently the law states that someone who has been working on a site for five days can partici-

pate in the certification vote. The government proposes to change this qualification from five days to 30 days prior to the vote and then adds a similar section stating that only people who have worked at the site for 30 days can participate in a decertification vote.

Now, given the nature of these projects and these jobs, 30 days is an extremely long time and may comprise the bulk of a worker's time on a particular job. It doesn't take much imagination to see that what the government is doing is moving the goal posts in a very significant way, making it much more difficult to get the requisite number of cards signed in order to organize a union, making it, in fact, almost impossible. They're not straightforward about this. They're not stating this clearly and up front, but it is, nevertheless, very obviously their objective.

This, in particular, will negatively impact the organizing and union rights of migrating workers or temporary foreign workers, who generally do not work on sites for more than a couple of weeks. We know, Mr. Chairman, that it is government policy to bring in large numbers of temporary foreign workers to this province in order to get the kind of construction done that meets the government's plans for pace of development, particularly in the tar sands.

The government is also attempting to negate the ability of unions to organize workplaces by placing a 90-day time frame instead of the current 60 days within which the certification vote can be challenged or overturned. That adds another month, or a 50 per cent increase, to the time after a certification vote that the employer can use to try and persuade or intimidate workers into cancelling their plans to have a union. There is no other jurisdiction in Canada, Mr. Chairman, that has such a provision.

What they have done in this bill is very clear. They've made it much harder to organize a union, and they've made it much easier for the employer to overturn the organization of a union. This is absolutely clearly an attempt to reduce the unionization rate among construction workers in our province. In that, Mr. Chairman, it is entirely consistent with the general direction of government policy with respect to labour relations in the tar sands for over a decade. They've never gone this far before, but it's very clear that this is part of a direction that is well established by this government with respect to workers in the construction industry, particularly in Fort McMurray.

This will prevent certification drives from succeeding by allowing employers three months within which to coerce, threaten, and fire employees to the point where the certification vote will be revoked. The law is designed to very directly impact the outcome of a certification vote.

I want to talk a little bit about MERFing, Mr. Chairman. MERFing is an innovative tactic through which contractors compete against non-unionized contractors. This bill will prevent unionized contractors from accessing MERFs to support union bids on tenders and contracts. The impact is that it will jeopardize the provision of benefits to union workers, depress union workers' income, and threaten the profitability of unionized contractors.

Mr. Chairman, here's the thing. When the unions organize a construction company, organize a contractor, they then negotiate certain things for their members. Higher wages are the most obvious thing, but there are many other things: benefits that need to be paid and pension benefits for those workers, which are not provided in the same way or to the same degree in the case of non-unionized contractors. All of these things add costs to the now unionized construction company, making it more difficult for them to compete on a level playing field with non-unionized contractors, that do not have these costs. So the unions have developed an innovative approach where they create a large fund which they use in order to support the bids of the more expensive unionized contractors, thereby ensuring that the benefits of unionization for those employees are not lost, that they continue to have pension benefits, that they continue to have higher wages and the medical and dental benefits that flow to them through their unionized employment.

I think the impact of this is to make those unionized contractors less competitive, thereby losing bids. They will shed unionized workers, and the construction labour force in our province will become less unionized, and people who work in the construction industry will have less benefits and generally a lower standard of life and, in fact, a lower quality of life in this province. We know that this province has the greatest growth in disparity between rich and poor of any province in the country. So to characterize the province as uniformly wealthy and prosperous is completely wrong. Unfortunately, this change will accelerate that process and that development within our society.

8:00

Mr. Chairman, the bill also proposes that all ambulance workers should not have the right to strike but have the right to collectively negotiate in line with other emergency staff. It's not correct to say that this takes away the right of ambulance workers to negotiate agreements. It takes away their right to strike, and as such they will then become dependent on arbitration to settle the difference. About half of the ambulance drivers, according to the government's own release, now in the province will lose the right to strike. We consider this unacceptable since the right to strike is a fundamental component of labour action regardless of the sector and is recognized as such by the International Labour Organization of the United Nations. In fact, the right to strike is recognized as a right, and Alberta has been identified internationally as noncompliant with that as a result of its labour legislation.

Dr. Swann: Including emergency workers?

Mr. Mason: Yes. In Sweden, for example, hon. member, the army has the right to strike. I'm not suggesting that we do that.

Mr. Anderson: That would explain a lot.

Mr. Mason: Yes. Their high standard of living and generally high cultural level and high level of education, great public health care, you know, lots of Volvos driving around and that sort of thing, and the Swedish military has been able to protect their neutrality against all comers since the Second World War.

I think, Mr. Chairman, they're kind of getting me to digress a little bit here, so I'm going to come back to ambulance workers. Now, there may be a case that can be made for limiting the right to strike or any other democratic right. The courts in Canada have held that that can be done but only if you can demonstrate clearly that the exercise of that right produces a negative result relative to society as a whole. They've also found that the limitation on someone's fundamental rights needs to be the minimum possible to accomplish the goal that is desired.

Now, the government has shown no evidence that this is necessary. They have shown no evidence that ambulance workers, in exercising a right to strike in this province, have created problems in our health care system or affected the health of individuals in this province, and they have not demonstrated that this particular action is in fact the minimum required to accomplish the goal of protecting society as a whole.

In 2007, Mr. Chairman, the Supreme Court made a ruling against the British Columbia government. The B.C. legislation argued that employees were guaranteed the right to engage in collective

bargaining as part of the right of association but there is no right to the outcome of a collective agreement. The court struck down provisions of the bill on two grounds: first, that there was substantial interference by the government on the processes important to the activity of association. Intent is not necessary, but the effect is necessary to show that the government action interferes with the associational action. Second, the changes were brought about in violation of good faith in negotiations.

Mr. Chairman, given the context of the argument, it could be argued that the 30-day rule on certification voting prevents workers from fully and duly engaging in legitimate associational activity. Increasing the time limit effectively excludes certain classes of tradesmen who work on each site for a relatively short period of time. This is highly problematic in terms of the procedure of accessing the necessary associational activity on the work site, considering that the salting tack is considered to be fairly minor in its application, but the legislation would be fairly disruptive for a wide range of other workers. In other words, Mr. Chairman, there's relatively little salting going on as part of organizational activity, but there is organizational activity among construction workers in the province.

But there are different types of workers who are in the workforce for different periods of time. There are differences in trades, there are also differences between journeymen and apprentices, there are also differences between Canadian workers and temporary foreign workers, and in each case there may be differences in the period of time that they are engaged at a particular site. So creating the 30-day rule before someone can vote on certification virtually guarantees that there won't be enough workers who meet that criterion at one time in order to actually get a certification. If they do get the certification, then the employer has 90 days in which to persuade enough workers to decertify the union or to prevent the certification from going forward. So the government is engaged in one-sided legislation, favouring employers who do not want unionization and preventing the legitimate aspirations of workers, including temporary foreign workers who may wish to unionize their work site.

The law is designed to significantly impede the process of collective bargaining, Mr. Chairman, similar to what happened in British Columbia. There was little to no consultation between the government and unions that would be negatively affected by this bill. At no point were there discussions regarding alternative measures that could have been implemented so that the associational rights of migrating workers could have been protected. The last set of labour consultations that happened on the issue of salting happened over five years ago, but there has been little communication or dialogue since.

In addition, the 90-day period is without precedent in Canada and is specifically designed to weaken and destroy certification processes and unions that have already been established. It can be assumed that any collective agreement reached through a certification vote is done in good faith. Extending the waiting period by another month erodes the notion of good-faith negotiations and in practical terms allows employers to engage in coercive measures to overturn the vote. There are no similar processes in place for unions to engage when dealing with a decertification vote.

Therefore, Mr. Chairman, it could be argued that the government acted in bad faith in introducing the proposed changes. Combined with the impact on associational processes, certain provisions within the bill seem to be unconstitutional. Given that some level of consultation did take place a number of years ago and that collective right outcomes are not Charter protected, their argument is weakened. However, this is not a legal opinion. Final analysis should be reserved for legal counsel, and final judgment will always rest with the court. The government acted against the spirit of the law if not against the letter of the law.

I just want to give a quote from the Supreme Court of Canada with respect to the B.C. ruling.

> To constitute substantial interference with freedom of association, the intent or effect must seriously undercut or undermine the activity of workers joining together to pursue the common goals of negotiating workplace conditions and terms of employment with their employer . . . Moreover, failure to comply with the duty to consult and bargain in good faith should not be lightly found, and should be clearly supported on the record.

Mr. Chairman, just to conclude, we don't know exactly how many workers will be affected by this bill, but we know that it will have a significant impact both in the ambulance field and in the construction sector. We don't know how many migrant workers or temporary foreign workers will have their rights reduced even further by this bill. We also don't know, because the government hasn't said, how many incidents of salting and stripping have happened in the last few years. The allegation is there from organizations like Merit Contractors, which is a notorious anti-union organization of contractors, but we don't actually know because the government probably doesn't know, and if it does, it's not telling us.

8:10

Mr. Chairman, the fact of the matter is that the government has not put forward a cogent case for the passage of this bill or any of the specific clauses that are there. They have attempted to hide not only from the public but, I think, from members of this Legislature the fact that this bill is designed to weaken the ability of building trade unions to organize in this province.

The Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. The hon. Member for Edmonton-Highlands-Norwood spoke figuratively of moving the goalposts out of reach. I would ask: what is the point of even having goalposts when the playing field is so tilted that the possibility of scoring is restricted to the government team? It is based on that theme, Mr. Chair, that I would like to introduce an amendment. Should I bring it forward or have the pages? I thought I would wait until the amendment was circulated before speaking. I want to make sure that all members are on the same playing field as I am. At least they could rise to the occasion, shall we say.

The Chair: The hon. Member for Calgary-Varsity has introduced an amendment called A1.

Mr. Chase: Thank you very much, Mr. Chair. Speaking to the amendment, I am moving forward amendment A1 on behalf of my hon. colleague the Member for Edmonton-Gold Bar. What this amendment is calling for is striking out section 3. Section 3, as I'm sure you're all aware, is the section that defines the time period and who can participate in a union vote.

What the amendment is basically doing is adding a clause after section 34, Inquiry into Certification Application, which outlines requirements for who is allowed to vote to select a trade union as their bargaining agent. Before an application can be granted to a trade union for certification as a bargaining unit, the Labour Relations Board may inquire or investigate to ensure that certain requirements have been met. The amendments being proposed for section 34 involve the requirements that employees vote to select the trade union in question as their bargaining unit.

Prior to this amendment there were no specifications as to which employees are able to vote. The amendments proposed in this bill

will see a clause added after section 34 with specifications, actually limitations, for which employees may vote to select a trade union as their bargaining unit. These specifications are that the person must be an employee of the trade union for at least 30 days before the application for the certification, the person cannot have quit or left their position between the date the trade union applied for the application and the date of the vote, and the person must meet any requirements outlined in section 15(4)(a), which gives the Labour Relations Board the authority to make rules on the manner in which votes are cast, procedures before and after the vote, date and time of the vote, the manner in which the voters' list is prepared, and the disposal of the ballots.

The hon. Member for Edmonton-Highlands-Norwood pointed out previously the restrictions of the 30 days and the 90 days. Basically, what amendment A1 is calling for is a return to the previous historical reference that did not define, limit, or restrict the number of days an organization had in which to form a union. It's absolutely important that individuals' rights and in union jargon I guess you'd say their collective bargaining rights are maintained. What Bill 26, section 3, does is restrict the opportunity for individuals to democratically decide in their workplace to form a union for the advancement of their membership, and therefore by removing that section 3, we revert to the more historic, democratic approach.

It is extremely important in Alberta that democracy prevails through all the organizations, whether it is the obvious electoral process, which unfortunately has to a large extent been manipulated by the government by choosing the electoral officers. We don't want to see that same heavy-handedness being applied as Bill 26, section 3, dictates and restricts. We want to have an open bargaining potential and the right for individuals to choose whether they wish to be represented in the form of a union or in a non-union circumstance.

It is for this reason that I put forward amendment A1, and I look forward to the discussion which will follow on the amendment. Thank you, Mr. Chair.

The Chair: The hon. Leader of the Official Opposition.

Dr. Taft: Thank you, Mr. Chairman. It's a pleasure to rise to speak to this proposed amendment to Bill 26. As the Member for Calgary-Varsity has explained, this amendment, which is presented on behalf of the Member for Edmonton-Gold Bar, essentially says: striking out section 3 of Bill 26.

Now, this is an interesting section, and I think it's worth reading it into the record so that everybody is clear on what we debate here. Section 3 of Bill 26 reads that the following is added after section 34, certification representation vote in construction industry:

> 34.1 A person is not eligible to vote in a representation vote referred to in section 34(1)(d) in respect of the certification of a trade union as bargaining agent with respect to employees and their employer who are engaged in work in the construction industry unless all of the following apply:
>
> (a) the person was an employee of that employer for at least the 30-day period immediately preceding the date of the application for certification;
>
> (b) the person has not quit or abandoned the person's employment between the date of the application for certification and the date of the vote;
>
> (c) the person meets any requirements with respect to eligibility to vote established in rules made by the Board pursuant to section 15(4)(a).

This is a narrowing of scope. It makes things more specific. In some regard this section is probably common sense. Section (b) of this section says: "The person has not quit or abandoned the person's employment between the date of the application for certification and the date of the vote." I probably could live with that. I don't think there's a huge issue there. I mean, we don't want people voting on labour unionization if they're no longer employed. So I can understand that, and I suppose I could understand (c).

But what's most interesting here is (a): if a person "was an employee of that employer for at least the 30-day period immediately preceding the date of the application for certification." Now, Mr. Chairman, that's something that could go both ways, and I think it's probably best to remove it, and that's why I'll support this amendment. Obviously, given the spirit of this piece of legislation, this is aimed at reducing a union's capacity to bring in new employees to a work site and have them vote before they've been there for 30 days. In other words, it's a procedural stretching out of how a unionization drive might occur.

8:20

The flip side of that, of course, Mr. Chair, is that an employer who may want to have recent employees they've hired vote for or against unionization couldn't do that either. It's not difficult to imagine a union drive occurring, application for the vote occurring, and then that 30-day time period following in which the employer may want to be hiring new people who have a right to vote, and now those people lose their right as well. So it's not just curtailing the rights of a union organizing drive. It will also be curtailing the rights of an employer hiring their own, perhaps non-union, employees. I think this is an unnecessary curtailment of people's basic rights.

To be honest, I have not had a single case that I can think of in the eight years I've been an MLA where anybody I know of has complained about this. I've not had a businessperson come to me and say, "Gosh, you know, my work site was stacked with all kinds of people at the last minute, and I had a union drive occur that I didn't want," and I've got many businesspeople in my constituency, Mr. Chair. I haven't heard concerns about this from the labour side either. It just seems like an unnecessary curtailment of people's rights and freedoms, addressing a problem that probably extremely rarely exists and undoubtedly can be dealt with in lots of other ways.

I would urge all members of the Assembly to make Bill 26 a little bit more palatable by supporting this amendment, moved by the Member for Calgary-Varsity on behalf of the Member for Edmonton-Gold Bar. I think it's a sensible amendment.

Thank you, Mr. Chair.

The Chair: On the amendment the hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Well, thank you, Mr. Chairman. It's my pleasure to rise and speak to this amendment this evening. With all due respect to the hon. member that moved this amendment, the hon. Member for Edmonton-Gold Bar, albeit moved on his behalf by the Member for Calgary-Varsity, first of all I want to make it clear that I fully support the right of individuals who so choose to associate and be a part of a union. I think labour unions have played a very important role in our industrial society, and I fully support the right of any individual or group of individuals who want to form a union.

But the amendment that this member is proposing, Mr. Chairman, with all due respect, guts the intent of what we are trying to do with this bill. What we're trying to say is that we're looking for a level playing field, a level playing field that respects the right of individuals who choose to associate and be part of a union but also recognizes the right of the employer that these individuals be, first of all, people who want to actually work for this employer, who are very

serious about the opportunity for employment in this particular workplace, whatever it may be, people who are serious about the environment that they want to work in.

If these people are truly serious about forming an association, at least they demonstrate – and 30 days. Mr. Chairman, it's a month. It's not a long period of time. To suggest that an individual would have to spend 30 days in the employ of a particular employer, with a group of people, to decide whether or not he or she and this group of people would want to come together to form an association for their mutual benefit and maybe to enhance the workplace and ultimately maybe even for the benefit of the employer, to suggest that people can show up on a job site with a particular employer for a few days, start the process specifically to monkey with the process – I'm looking for the right word, an appropriate word that we can use in the Legislature. I can think of some others, but they're probably not appropriate for this place that we are in, that we respect so much.

Mr. Chairman, I think that with the essence of what this bill is trying to do, to level the playing field on behalf of employees and employers, if we support this amendment by the hon. members opposite, I think we might as well not have started this debate.

With all due respect to the hon. members and speaking as someone that truly respects the right of individuals to come together, to unionize, I believe that this is the wrong amendment for what we're trying to do, and I can't support it. I would urge the rest of my colleagues and members opposite to vote against this amendment.

Thank you very much, Mr. Chairman.

The Chair: The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Chairman. Well, I'm not very convinced by the member opposite's contention that this would level the playing field. If we're interested in democracy, what is the fear here of someone going in to, as he says, monkey with the process? Are these not adults we're talking about? Are these not people who have free will? Do they not have minds that are independent? Are they not, in fact, in a position of vulnerability with respect to their job where they can't necessarily lobby individually for their own fair working conditions or rights or benefits? In fact, from the very first day it strikes me as insufficient to say that anyone shouldn't be beginning to organize a particular activity that will benefit workers.

I will certainly be standing in support of this amendment. We are in an atmosphere, in Alberta particularly, where unions have clearly been discouraged and undermined and at the point now where they're less than 30 per cent of workforces. One has to assume that there's a reason for that. Were they pushed or did they jump out of unions over the past 30 years?

The conditions of unity which a union presents, the arguments for safe and healthy workplaces, the benefits package that goes along with union work: these are historic rights, Mr. Chairman. I just don't understand why we should be pitting one against the other or that in some way, as this hon. Member for Leduc-Beaumont-Devon suggests, we're dealing with children here who will be monkeyed with just because it's within 30 days of someone joining a workforce. This simply doesn't hold water.

I don't understand the fear here around people organizing as they wish at whatever point, whether it's three days or three months or three years after one enters a workplace. The question is: are people encouraged and educated and provided with information to make an intelligent decision or not? If they're not, then there's something wrong with the process, but we don't stifle the process in order to serve one side or the other. The process among adults should be free and fair.

I certainly will be supporting this. I have great difficulty with this argument of monkeying with a process just because it happens within a few days of joining a workplace.

The Chair: The hon. leader of the third party.

Mr. Mason: Thank you very much, Mr. Chairman. Well, I also want to rise and speak in support of this amendment striking out section 3. Now, for all the talk we've had about the salting and MERFing and so on with this bill, perhaps the most egregious section of this bill is the one that we're dealing with by means of this amendment.

8:30

The hon. member opposite talks about his support of unions in principle. I would ask him to take a look at what this actually does and from that divine its intent. As we've said before in this House, it's the nature of the work in the construction business that different trades come and go and do different jobs, and those jobs are not necessarily all of a great length of time. It's not like you're working in a factory, working there for years and building up a pension and so on. These are jobs that might be a couple of weeks, a couple of months I think would be the order. The trades come and go at different times as the construction company needs them. I'm not particularly sure of the order but, you know, the plumbers and the pipefitters come and the electricians come and the carpenters come when their jobs are necessary, and so on.

In order to organize a job, you need to have an opportunity to interact with the workers and find out the issues that they are faced with in their job and explain to them and convince them how a union might assist them: it might give them better wages, it might protect them from an arbitrary boss, it might give them medical or dental benefits that they don't otherwise enjoy. So it takes time.

The question is why the government wants to eliminate workers from being able to vote on a certification vote simply because they've only been there for a week, and I don't think we've got the answer to that question. I know that the government is trying to imply that this will reduce the capacity of unions to put salts into a workforce. You know, if you put a salt in there and then they have to stay there a whole 30 days, the chances are reduced that they're going to be able to stick it out that long. It'll make it more difficult to do salting. I don't think that's really the intent here. I think the intent is to make it so difficult under the actual circumstances under which people are employed in the construction industry to actually organize a union.

If the hon. member supports unions and thinks that they've made a contribution and thinks that they can continue to make a contribution, then I would ask him why he would support a limitation of 30 days. Right now – I talked about it in my last comments – I think it's 10 days, and they're taking it up to 30. By that time many people who would have been employed in the job have come and gone, so you can't organize them. Then on the other side you're allowing more time for decertification. You're extending that to 90 days, which is the most of any labour code in the country that I'm aware of and, certainly, more than other types of unionized workers in this province.

It's not that the workers sort of sit around among themselves at the water cooler or are getting a cup of coffee on their coffee break and talk about: "Well, maybe we made a mistake in bringing the union in. Maybe, you know, we should change our minds and decertify." That's not really what happens at all. What really happens is that the employer, who doesn't want the union there for any number of reasons from their point of view, attempts to persuade the workers

to change their mind. Once he's learned that enough cards have been signed and that a union has been certified and that he's going to now have to negotiate a collective agreement, that is going to cost him money, he begins to use various tactics. These are all well documented. You would just have to go for, you know, a few days and sit in at Labour Relations Board hearings or just look at their minutes a little bit to begin to get a grasp of how real that is.

I wouldn't ever consider it acceptable, but I see the rationale from the interest of the employer in trying to find ways to persuade his or her workers that they shouldn't belong to a union. They do, and they use a variety of tactics: coercion, intimidation, and they fire people that they think might be involved in organizing the union. We've seen that. I am personally familiar. Friends of mine throughout my life who may have been involved in trying to organize a union have been fired. I think anybody that's familiar with someone, you know, in a working environment that may have been involved in a union drive knows that there is a high level of risk for those employees. If the employer can get rid of them, they certainly will.

This clause provides additional time for the employer to engage in those kinds of tactics, and that's why I think, Mr. Chairman, that the clause has to go. It may gut the bill and the hon. member's intention, but then that raises the question of what the bill is for in the first place. We've dealt with that, I think, and probably will later tonight.

In particular, now I want to just speak on the amendment which relates to section 3 of the bill, which I think is probably the most egregious, most damaging section of the entire bill because it is designed to prevent the unionization of construction workers in this province and is probably motivated by a desire to not do anything that might interfere with the very rapid industrial development that's taking place in this province. I think that that's a misguided approach and entirely unnecessary and will have serious consequences down the line as we find that workers with the unions are generally more productive and provide more stable workforces. I think that's a lesson that I'm not even going to start to try and talk about tonight.

I think that the intent here is to reduce the unionization level in the construction industry in the province. That may be part of the policy of the government, but to say that this in anyway represents a position supportive of unions is I think misguided at the very best.

Thank you, Mr. Chairman.

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. There seem to be two areas that I'd like to address with respect to the amendment. One, the hon. Member for Edmonton-Highlands-Norwood has just indicated one view of the world, and I don't think that view of the world would be universally accepted, but therein lies the crux of the issue. The hon. member suggests that it's big, bad employers who are doing evil deeds. On the other side employers are saying that it's big bad unions that are doing evil deeds. The truth of the matter is, as always, somewhere in the middle. [interjection] It's really the opposition that's doing all the big bad deeds. Is that what you were saying?

The fact of the matter is that, as always, there is some middle ground, and I would suggest that what the section that the amendment is trying to remove does is try to find that middle ground.

First of all, it would be an unfair labour practice – and the hon. member knows it – for an employer to interfere with the union process in a shop. If he hasn't been involved long enough with unions to know that that's an unfair labour practice, then he ought to know that. The reality is that there are places where salting occurs, and it is salting that's the problem. Salting by definition is exactly this: it's where people go in to take a job with a company that's a non-union company for the sole purpose of organizing the union, with no intention to be employed there, and then leave. So they leave a union for the people who didn't really intend to do it in the first place. [interjection] The hon. member opposite, the other member who just spoke, said: well what's wrong with association?

8:40

Well, in other jurisdictions the analogy would be stuffing a ballot box; that's what it's doing. It's signing up ineligible electors and having the election and then have them all change their residences. Move in, have a residence, vote, and then change your residence back. That's what it is. That's the process you're talking about. That's what salting is, and that's what this bill is trying to stop. It's not trying to stop anybody from legitimately organizing a union.

In fact, I find it really quite ironic. The hon. Member for Edmonton-Highlands-Norwood, who, as I say, should be among all of us the most familiar with unions because I think he was a member of the transit union and probably still is, talks about the problem that unions are going to have helping people who need their help because they don't stay on the job long enough. Well, I ask you: what protection does a person need from an arbitrary boss if they're only going to work there for five days? What does it matter? If you're going to be gone in five days, having a union deal with your arbitrary boss, which is the example you used, makes no difference whatsoever.

The reality is that the big construction sites are either union or non-union, and this bill isn't going to have one whit to do with that. This is going to have to do with the small employers that unions want to sign up. Fair ball if they can. I agree with my friend from Leduc-Beaumont-Devon that unions have a place and a time, and when people are in situations where they need representation and where things are happening in an unfair manner, they need to be able to work together to resolve that. I don't have any problem with that at all.

But I have seen situations with small shops with a small number of employees who are consistently employed. What happens is that a member will come in and start talking union. The two or three people that have been there don't want a union. In fact, I've had some of them, employees, come to me when I used to practise law and say: what do we do about this? In fact, do you know what I told them? I said: "I can't talk to you about it. I act for your employer. It's an unfair labour practice for me to be talking to you because I act for your employer." That's the way it should have been handled in any of those circumstances that the hon. member was talking about.

I think the analogy is a good one, and I would ask, if you don't believe it, that you tell me where I'm wrong on this analogy. The analogy is a person who moves into a riding, establishes a residence so that they can vote, and then leaves the next day: are they an eligible voter? I say no. This bill says no. This amendment would make them eligible voters, and that's not right.

The Chair: The hon. leader of the third party.

Mr. Mason: Thank you very much, Mr. Chairman. Well, the hon. Minister of Education asked for someone to correct him if his analogy was wrong. I think his analogy is wrong because his understanding of salting is wrong. First of all, the idea that the targets are little small jobs and that they flood them with enough workers who sign on with that employer in order to get a majority to bring in the union and then leave, with a handful of workers left who

didn't want the union, is completely misrepresenting what actually happens.

Salting has been used, and it's actually used less and less. It is directed against large employers. These unions don't have the time and the money to organize lots of small companies. They focus on large construction companies. When these salts go in, their job is not to stack the ballot for the certification. Their job is to organize the workers. Their job is to go in there, work alongside the workers, and sign them up and get them involved with the union.

Now, that may horrify some hon. members over there. That may not be something that people across the way are particularly comfortable with, but I believe that that's a legitimate way of organizing. They're in there to try and help their fellow workers. They're in there to try and bring them benefits, and they do have benefits. I see the look of utter – I don't know what it is on the face of the Education minister just shaking his head at me, but in fact unions bring benefits, and they wouldn't exist if they did not. They bring higher wages, they bring additional benefits, and they bring job security. All of those things are important to working people, and that's why unions are important.

So when someone goes in and takes a job in a construction company with a view to trying to organize a union on that job site, they are in fact there to help their fellow workers and to improve their lot in life and to create a better life for them and their families. That's why I think it's a legitimate thing to do, but I believe that the government is entirely misrepresenting how salting actually occurs.

These are not attempts to flood a workplace and then stack the ballot box because, if you think about it, if they did that and the workers that were remaining didn't really want the union, it wouldn't really last very long. So it's not an interest for the union in doing that because they're not building a solid membership base and a solid financial base. I just think, you know, that not many of the government members have a lot of day-to-day experience with the unions. But they shouldn't get their stories from the Merit shop or the Progressive Contractors Association about what really goes on. They should talk to some real working people who have been involved in this circumstance, because I have.

Mr. Hancock: Well, Mr. Chairman, if I could just respond to that. The hon. member says that members should talk to real working people. Well, I practised law for 18 years. I can't say that I practised labour law, but I got close enough to it in a number of circumstances to know what happened for some of the companies, the small businesses that I represented.

I've talked to many constituents since I got to this House, and I can tell you that not every job is a huge construction site in Fort McMurray or the oil sands. There are many construction jobs which are not, and there are many contractors who are not huge contractors. There are many electrical contractors, for example, who have a very stable base of employees that work for them. Yes, that can fluctuate a little bit as jobs go up or jobs go down, but they tend to want to keep the good quality workers that they have working for them, so they tend to keep them employed, one of the benefits which, by the way, isn't provided by a union shop. They tend to keep those employees employed, as they can, because they want the same quality people to do the same quality job for them, and they want to know what kind of work they're going to do.

To use an example, an electrical contractor may not have a lot of employees but then might hire a few extra employees on a swing, so if you get a larger job, if you get a few more contracts, you bring in some additional employees on the swing. Then if the union wants to engage those contractors, what the hon. member failed to say is that there isn't a union contract for every contractor. There is one large contract that all union contractors are a part of, so once they're signed on, there's actually no getting out – there's no getting out – because in order to disestablish a union in one of those shops, you actually have to take a revocation vote within a certain period of time of the expiry of the contract. But the contract isn't between the employer and the employees of that shop, the owner of that shop; the contract is the overarching electrical contract. So what they want to do is sign up members because once they're signed up, once they're in, there's not an out, and once that small contractor is in, there's no opting out.

Now, I would repeat: I have absolutely no problem with people who want to join together legitimately and be part of a union. I have had family members who've been members of the union their whole working life, and they're fine with that and they want to do that and that's not a problem. I would agree that unions over the course of history and through the course of industrialization have brought benefits to workers, have created better work sites, better working conditions, have done a lot of things, and there has been a value to that.

8:50

For this hon. member to portray salting as though it was a mechanism that was only used in large construction sites, where people came typically into a union hall type process where they'd come in for a short period of time and leave, isn't the reality that I know and understand from the people that I've talked to, the employers and the contractors that I've talked to, who basically run very good small operations. They're doing good work, they're bidding on jobs, they're employing people, they're building houses or commercial construction, they're engaged in the area, and then they look over their shoulder, and there's somebody who has brought a union certification vote into their operation.

Again, if the employees they had on an ongoing basis wanted to do that, it wouldn't be a problem. Where it is a problem is if somebody has changed their residency solely for the purpose of doing it and has no intention of being part of that company on an ongoing basis, no intention to be a loyal employee of the operation, no intention to build the business, to work as a legitimate employee of the company, just comes in for the purpose of organizing the vote, gets the vote, and leaves. That's all this refers to.

The Chair: The hon. Leader of the Official Opposition.

Dr. Taft: Thank you, Mr. Chair. The Member for Edmonton-Beverly-Clareview is very excited to have me stand. I can tell from the sound effects.

Listen, I have to engage the Minister of Education on some of his comments, at least, and I do appreciate the fact that we're actually having a debate in this Assembly, which doesn't happen often enough.

He used the phrase that he has no problem with employees joining together legitimately to organize a union. That left me wondering: well, how would people join together illegitimately? I mean, I don't see the point here. I don't see that there's a risk of workers somehow being coerced, forced – I don't know – threatened into joining together illegitimately. All that workers would have to do if they don't want to unionize is vote no; we don't want to unionize.

I think of a different analogy for salting. There are many different ways of looking at this, obviously, and we're feeling and discussing some of those ways here. Surely, a different way to look at salting is that the person doing the salting is there to the build the labour

interests of the workers there. They're there to improve worker conditions. They're there to see that salaries or wages are improved. They're there to see that job security and worker safety is improved.

The Minister of Education said that the best analogy he could think of was stuffing ballot boxes and having voters come into constituencies illegitimately and leaving right away. I think there are other much more constructive ways to look at that, you know, and there are lots of other models. You can look at an approach of raising social consciousness. Somebody that comes to my mind, a theoretician on that, is Paulo Freire, who perhaps – perhaps – the Minister of Education has heard of. The whole thrust there is that you work with people to raise their consciousness and to make them aware, first of all, of what their situation is and then, secondly, of how to improve that situation. That would be a different way to look at salting.

Or you could even look at it as a form of evangelization, as a form of missionary work. I mean, my grandfather was a missionary. He came to the wilds of the Canadian prairies a hundred years ago as a missionary. Do you know what he did? He moved constantly. The church deliberately had him moving constantly. Well, that's the same idea, really, as salting, isn't it? I mean, you go in, you have a mission, you have a message, you convert people, you help people see the light, and then you move on and do it again and again and again. That would be a different way of understanding salting.

Or a much more common way of understanding salting in today's consumer society is simply: it's sales and promotion. Isn't it? I mean, drug companies do this in doctors' offices all the time. They go in, they spend time with the doctor, they might offer benefits, a free trip to a conference in the Bahamas or a new watch, or whatever. That's sales. It's promotion.

An Hon. Member: What about political organizers?

Dr. Taft: Yeah. Sure. You know, politically you see Tory organizers coming in. There are Tory organizers in my constituency right now. They come in and undoubtedly they worked there for a while during the campaign and then they left. There are lots of different ways of understanding salting, and characterizing it in the entirely negative manner of stuffing ballot boxes I think betrays the real spirit of this government.

My second key point on this is – and I'm going to return to this over and over and over – where is the evidence? We hear an anecdote from the minister reflecting on his law practice of goodness knows how many years ago, because he's been a politician for an awfully long time. One anecdote. Where is the evidence that salting is a problem? Where is the report? Where are the, you know, 47 different cases in 2007? I haven't seen any of it. I can tell you that I'd be much more impressed with this piece of legislation if there was some evidence, if there was something to suggest that this was a real problem.

Now, here's a piece of evidence that I think goes completely against the government, and that is the continuous decline in the number of tradespeople who are unionized in Alberta. You can go back 25 years; it was 80 per cent. Today it's 20 per cent. Now, there's a piece of evidence. You can measure it. You can go out, you can confirm it, and what it shows is a consistent decline in the percentage of construction workers in this province who are unionized. So why are we doing something to accelerate that process?

I hear the Minister of Education, I hear the Member for Leduc-Beaumont-Devon, maybe some others here, say how wonderful unions are. Well, if they're so wonderful, why do we seem to be lubricating their slide to extinction in this province? Why aren't we, in fact, doing something to reverse the trend? The fact of the matter is that there is no evidence to support the position of this government. The evidence, in fact, is contrary to the position of this government, and this legislation is about further weakening a union movement that is already suffering under a very long oppression from this government. That, Mr. Chairman, is why this amendment is important, and that's why we will be debating this bill until all hours of the night.

Thank you.

The Chair: The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Chairman. When I spoke earlier, I guess, with my choice of words I was certainly ridiculed by the members opposite for my term "monkeying with the process." But, you know, I would say to the members opposite that if the union message and the union process works so well, what are we afraid of? The whole idea that we would introduce a process that would level the playing field, that would introduce fairness. Thirty days, folks. That's a month. Where is the level of commitment, the idea that you would be committed to a union and all of the good things that a union means, the idea of the association working together for a cause? Where is the commitment of working together, working with that employer for 30 days, folks?

Most of the new members that have been elected to this House have been here for some 90 days or so now since they were elected. We're talking 30 days folks – 30 days – a requirement that people show a commitment to a particular employer for 30 days before they would move on to being a part of a process that talks about another association commitment. If you as an individual believe in commitment to a cause, shouldn't you have some commitment to the employer, to the place that you're earning your living, that you're receiving your remuneration to support your family, to do all the things that you do in this world? What is so appalling, as the members opposite would suggest, about a process that would say that an individual should show 30 days – 30 days, folks – of commitment to an employer before that individual is eligible to be part of another process of commitment? It's all about commitment.

9:00

If these individuals believe in commitment and believe in belonging, just like you would belong to the union, why would you not show some belonging to the place of your employment, the place that is feeding you, rather than to people that would show up for 10 or 15 days for this specific purpose with no commitment whatsoever to the people around them and to the survival of this particular business and what it's trying to do to be a viable business to continue to provide employment for the people that are there already and other individuals that may want to come and be a part of this establishment, to these individuals that would come in for the specific purpose of furthering the goals of some organization, whatever union it might be.

I don't think it's too much to ask that people that believe in the value of a union, of an association, would also have some belief in the value of the place that they work and give 30 days of commitment before they can go on and then try to improve that particular place where they're working for the long term, not just to show up for 15 days, create a situation, whatever it might be, and move on to the next place to sprinkle salt in another workplace.

I think what this bill is about is fairness for everyone concerned. Again, I would encourage all my colleague to defeat this amendment. It's taking away from what we on this side of the House

believe is something that's going to add good value to the very individuals that you claim to be trying to represent and protect.

Thank you, Mr. Chairman.

The Chair: The hon. leader of the third party.

Mr. Mason: Thank you very much. Well, you know, I want to respond to a couple of things that have been said by a couple of members. First of all, the hon. Member for Leduc-Beaumont-Devon because I don't think he's heard what we've been saying. He talks about commitment, and do you have a commitment to the union for 30 days? What he hasn't been hearing is that, in fact, 30 days is often longer than some of these jobs actually last, so it's physically impossible in a lot of cases in these jobs to do that. So it's not about commitment. That is a complete red herring. What the government is doing is making it more difficult to organize. The Labour Relations Board has stated a number of times that construction work is properly characterized as short term, fluid, and mobile. What the hon. member just talked about gives no recognition to the reality that actually exists. That's number one.

I also want to come back to the Minister of Education, who stated that in his experience small and stable electrical firms have been subject to salting. I just have to ask the question: how is it that if you have a small and stable workforce, suddenly a bunch of new people who are all salts are going to be able to move in on that job, be hired, force the people to be unionized, and then walk away from it? If it's stable, then they don't hire a whole bunch of people. I just want to be clear. The hon. minister talked about stable workforces in small shops, so it would be extremely difficult to bring in a majority of new workers into a small, stable workforce and vote to put in a union. I just don't think that that makes any sense at all.

The Chair: The hon. Member for Strathcona.

Mr. Quest: Thank you, Mr. Chairman. Just to follow up on what the hon. Member for Leduc-Beaumont-Devon was saying, 30 days is very minor commitment, really, in the big picture. I don't care if it's construction or what it is.

There have been a few things. Also, the hon. Leader of the Opposition comparing it to missionary worker promotion: I don't think this activity is really promotion. I would call it more like deception because what's happening here is that this new employee is being hired, and they are making a commitment to an employer that they have no intention of fulfilling.

And when we talk about there not being any impact, if it's a small contractor or builder that's committed on, say, a housing project or something of that nature and the worker that has joined the company under false pretenses, or whatever you want to call it, now leaves or a group of workers leave, that contractor can no longer meet their commitment. What if it is a housing project and they can no longer complete that project on time? Now there are families that need to move into that project that are suddenly without a home to go to. Absolutely, there is an impact all the way down the line. It's a domino effect, I think, in construction. Absolutely, there is a very quantifiable impact in these situations.

I would go back and say that 30 days is hardly a major commitment, and I think there are absolutely impacts on many others when people do this and, again, don't meet the commitment that they've made and now others can no longer meet their commitment. So I would, again, ask all of the members to consider defeating this amendment.

Thank you.

Mr. Chase: In opposing this amendment, what the hon. government members are basically trying to do is turn back the clock. It's a very reactionary proposal. In terms of the construction site, I've had a lot of experience while going to university of working on a variety of construction sites, most of which were non-unionized, and the lack of protection and the bullying and the intimidation because there was no union were very obvious. I can very much remember a zealous foreman coming in and demonstrating his power at the end of a spade for possibly three minutes. Then he would go off and wheeze somewhere around the corner, maybe have a smoke.

The idea that people are potentially going to be on that job site for 30 days is a very fallacious one. Going back in history, this makes me think in terms of the migrant workers that Steinbeck spoke of in *The Grapes of Wrath*, the people who had very momentary employment and suffered great hardships and were so hard up in terms of finding a job that they literally suffered abuse so that they could at least attempt to feed their families.

I mentioned in the second reading of the bill yesterday about the workplace accident that occurred when a glass brick blew up in my face. Well, being a very proud individual, I didn't want to go onto WCB, so when I was released from the hospital, I went right back into a labouring position because it was important to me. But it wasn't easy to get a job at that time, so I went to what was called at that point the slave market.

It's a spot on 11th Avenue opposite the Mustard Seed, where very much like the Steinbeck novel, a construction outfit who needs some temporary employees comes along with a truck. He says, "I'll take you, you, and you," and you go, and you work extremely hard. In my case, I ended up wheeling wheelbarrows of cement for 14 hours to build the extension of the Carriage House, but it was better that I work in a non-unionized circumstance; at least I got a paycheque at the end of it. What this government is trying to do in its opposition to amendment A1 is to roll back the clock.

9:10

Now, the Member for Leduc-Beaumont-Devon talked about the historical rights of unions. The rights of unions and their evolution were also referenced by the Member for Edmonton-Whitemud. He said that they have a right to exist, but both individuals seem to want to manipulate that right, and that's what Bill 26 is all about: let's have a person who wants to join a union; let's tie one hand behind their back, let's hobble their legs, let's blindfold them, and let's see whether they still want to join the union.

The Member for Edmonton-Whitemud also talked about his experience, limited as it might have been, as he admitted, with labour law. I would be interested to know, within his labour law experience, where he admitted that he primarily represented employers, if he ever was involved in cases where employers were facing the salting that this government is so worried about and anxious to remove. It seems that this government wants to go back in terms of history.

Now, speaking of history, when the Member for Leduc-Beaumont-Devon talked about monkeying with the process and then the Member for Edmonton-Whitemud talked about divergent viewpoints, I couldn't help but think of another southern state story, and that's the Scopes monkey trial, where two different versions of history were presented: the idea of creationism versus evolutionism. [interjection] Thank you. Clarence Darrrow, was it?

What this government has taken is the creationism side of the argument. They do not believe that the evolution of the labour laws and practice is an acceptable direction. With a creationistic viewpoint, where the government is playing the role of the Supreme Being, in the government's omnipotence, its omniscience, and its

omnipresence, in their limitless wisdom they are proposing that we turn back the clock: let's limit the abilities of labour representatives to form unions because it's not in the employers' best interests.

Well, some of the most successful companies actually are non-unionized because of the benevolence of the company. They involve their employees by giving them decent working conditions. They allow them and encourage them with rewards of shares in the company. They provide all the advantages that a benevolent – and I'm not saying benevolent dictator; I'm not going back there in history – employer would provide. Instead of paternalistic or patriarchal, some individuals can create a working atmosphere where there would be no fear of the government's concern over salting, this invasive prospect that the government seeks to intervene to prevent.

Again, I would ask any member opposite who has worked either as an employee or an employer in a trade or in construction or in a large project to give me examples of salting that tremendously interfered with the workplace process or prevented a job from being completed on time. If examples exist, then please bring them forward because that would at least provide some legitimate background for this very reactionary, regressive Bill 26. Unless you can come up with examples which you are trying to defend against, then turning back the clock makes absolutely no sense.

The Chair: The hon. Leader of the Official Opposition, followed by the hon. Member for St. Albert.

Dr. Taft: Thank you. I have three words for the Member for Leduc-Beaumont-Devon in response to his comments, and frankly they apply to the whole debate. They are: where's the evidence? Where is the evidence that these salting practices are causing so much trouble? Where is the evidence? Give us the cases, bring them out to us. Not just little anecdotes, but give us a sense, a detailed description of when and where and how they happened, and then we would be able to respond perhaps differently. It's quite possible that we're bringing through legislation that's trying to solve a sort of mythical problem, and if that's the case, then let's not do it. If you have the evidence, if there is even a handful of examples where this is a big problem, let us know, and that might rearrange this whole debate. But right now this feels like it's entirely driven by ideology. It's poor law. We should not be passing it.

The Chair: The hon. Member for St. Albert, followed by the hon. Member for Peace River.

Mr. Allred: Thank you, Mr. Chair. I'd just like to make a few comments. Firstly, with reference to the comments made by the hon. Member for Edmonton-Highlands-Norwood, where he was referring to jobs that only last 30 days. I guess I would ask: why should someone be able to come in and disrupt the tried and true practice of an employer who has years of experience in building a successful business and who has bid on a job based on that experience and on the cost estimates that he has made based on that experience? Why should somebody come in to work on the job for only 30 days and be able to disrupt all that? Why would an employee even accept a position for only 30 days if he or she was not satisfied with the conditions and the salary being paid? If they're not happy, why would they even accept the job in the first place? Why should those salts be able to come in and upset the apple cart for the other more permanent employees who are employed on the job and are perfectly satisfied? Is that fair to either the employer or to those other employees? I would suggest it's not.

Just another comment I would like to make with regard to the comments recently made by the hon. Member for Calgary-Varsity. He suggested that there are many successful companies that are non-union that are out there, very successful construction companies, and I can think of quite a few of them. I guess that's exactly the point: why should a group of salts be able to come in and disrupt those successful companies and unionize them when they're only there for 30 days or so?

So I ask those questions. I really think this whole issue is about fairness, fairness to everyone.

Mr. Oberle: Mr. Chairman, I've got to respond to the Member for Calgary-Varsity's comments earlier. I'll tell you; I struggle with searching for words that fall within the parliamentary language guidelines, but I'm going to go with "a bucket of hooey" for right now.

Mr. Chairman, those parties who stand here and profess to protect the rights of workers are the same parties that planned to shut the oil sands down just two short months ago, when we went through an election campaign. It's a ridiculous argument, and I believe the unionized men and women of this province see through that bucket of hooey in a heartbeat.

Mr. Chairman, maybe they're right. Maybe 30 days is too long. What about a week? What about a day? In fact, why would you have to work at the shop at all? Why don't we put out a banner? "Union vote on. Free coffee and donuts. All comers vote." Some requirement to work at a place and have some connection to the place, have some understanding of whether or not unionization is even necessary in the workplace: surely they would concede that something like that would be necessary. We've proposed 30 days, and we're going with it, Mr. Chairman.

9:20

The Chair: The hon. Member for Calgary-Mountain View, followed by the hon. Member for Edmonton-Strathcona.

Dr. Swann: Well, thank you, Mr. Chairman. I'm so encouraged to hear that the commitment of this caucus on the other side is to fairness. Well, where is the fairness for farm workers? These workers have been denied the capacity to unionize by legislation. They've been denied health and safety in the workplace. They've been denied the basic human rights that we have affirmed to all other workers in this province. If there was any serious commitment to fairness and if their real bias was towards fairness, wouldn't we hear some legislation coming forward from this government to say: we demand that managers and corporations extend full, fair conditions for work to all workers? Well, there's complete discrimination – complete discrimination – against farm workers here, and they talk about a commitment to fairness.

There is a clear bias against unionization, and there is a clear discouragement for people to form unions in this province. They've gone from 80 per cent to 20 per cent. Why is that? Did they jump, or were they pushed? Well, conditions in this province, clearly, are not favourable to unionization. They are not favourable to work conditions that are sustainable, healthy, safe. Yet this government continues to talk about fairness. What is the agenda here?

The Chair: Hon. member, we're talking about amendment A1.

Dr. Swann: Absolutely. This amendment. If this is about fairness, let's be consistent. If that's really the agenda here, let's show some demonstration of commitment to workers' health and safety.

Thank you.

The Chair: The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you, Mr. Chairman. I rise to speak in favour of the amendment on the floor right now with respect to eliminating section 3 of this bill.

Mr. Oberle: Somebody's going to speak to the amendment.

Ms Notley: Yeah, well, it'll certainly be different from the stuff that we're hearing from the other side.

I want to start by saying that as much as the previous speaker was talking about looking for consistency, I'll say that there is consistency on the part of this government. The consistency is this: anything and everything that can be done to negate or undermine the rights of workers in the province will be done. This act is just another attempt on their part to undermine the rights of workers to unionize.

Mr. Mason: At least they're consistent.

Ms Notley: They're consistent. They're truly consistent.

You know, whatever enhances the interests of big business and employers is, in fact, exactly what these folks will do. This is not a big surprise. In this particular case we're talking about limiting the rights of workers to engage in organization activities and doing so on the basis of their status as temporary workers.

Now, I've worked in the labour movement for a long time, and I've got to say that in a hospital you could have just been hired by the Capital health authority the day on which a vote occurs with respect to your collective agreement. Having just been hired that day as a casual employee, a casual employee who might show up for one day and then not come back for another six months, I will tell you that you get a chance to vote. Why? Because that's fairness. You're an employee there. You work there.

The employment process is not some process involving – I don't know – some weird sort of initiation process like in some frat thing where you have to go through 30 days of six tests and nine drinking games and whatever else to pass whatever magical tests to make you an employee. No, no, no. It's a contract. You sign the contract, and you're an employee. It can happen very quickly. It's amazing that way. We have about – I don't know – 400 or 500 years of jurisprudence on how quickly a contract can be established, and that contract is established simply by virtue of the employer doing what they want to do: hire you. The end.

It seems that we want in this Assembly to discriminate against people in a certain sector and say: if you work in the construction industry, you don't get to exercise your rights to organize unless you pass the magical test, however many different initiations, including having been an employee for 30 days. You will be treated differently than an employee in any other sector, in any other workplace because your employer, the Merit Contractors Association, has an especially close relationship with this government. That's the only reason why that will happen.

Going back to the discussion that involved the Minister of Education, I just want to point out again the lack of logic that underlay those comments. I know it's shocking to imagine that there would be any inconsistency in logic there, but I'm sorry; it just jumps out at me. On one hand, we have these poor, put upon victims, these employers in construction who may have, apparently, 25 stable employees at any given time, and that happy, stable little family of employees marches through their workday hand in hand, day in, day out. Then for some strange reason, completely out of character, one day it's necessary for that employer to hire 25 more employees.

Mr. Mason: And they're all salts.

Ms Notley: And they're all salts. Excuse me, not 25. It's 26 because those 26 employees are what's necessary to somehow bind this happy little employer family to this evil, imposing, intimidating, business-killing collective agreement, that also happens to protect their rights, but anyway. So the happy little 25 employee-employer family is suddenly overwhelmed one day by 26 salt employees.

Now, of course, according to the Minister of Education the industry is, in essence, stable and never changing and one big happy family. That's the nature of the business, and those of us who claim that there is, in fact, high mobility and new people coming in and going out every day are wrong because, no, it's actually this very, very stable little sector that we have here. Apparently the unions have spies because it's so rare that the employer doubles its workforce over 100 per cent on any given day that the union would not know to put salts in there. So the union apparently has spies in every single happy, little, stable 25 employee-employer situation in the province.

Now, I would suggest that if the union knows to put their 26 salts into that particular work site, they probably do because that particular work site hires 26 salts as a matter of frequency and as a matter of regularity and as a matter of course. In fact, the defining characteristic of that business is that invariably they double their workforce and then they cut it in half, and they double their workforce and they cut it in half. That's how they do business, and that happens all the time. What I'm asking, then: if that's how they do business, is the decision of this Assembly that it should just be accepted that half of their employees never get the right to join a union? It's one or the other.

We're not, by the way, talking about someone having to have been an employee for just one month. No, no, no. When you put it together with section 2, what it means is that you have to have been an employee for four months because the two together is what is required to both get yourself voting for a certification and then be able to be part of voting against the decert that the employer would run. Basically, we are discriminating against any employees who work for less than four months. That's the plan of this government.

Now, I have mentioned a number of times the Supreme Court of Canada decision. I am shocked, really, at the irresponsibility with which this government is pursuing this legislation notwithstanding the significance of that decision and the numerous impacts that it could have. Nonetheless, I'd like to quote just very briefly from that decision, where they say:

> To constitute substantial interference with freedom of association,

that which is covered by section 2, which I keep saying is going to be what undermines this legislation,

> the intent or effect must . . . undercut or undermine the activity of workers joining together to pursue the common goals of negotiating workplace conditions and terms of employment with their employer that we call collective bargaining.

9:30

So my question, really, is to the government. I wonder if they've done the real work. I mean, we've heard all of these little anecdotes. I would really love to find out what percentage of employees in the construction industry are at a work site for under four months at any given time within that sector. I would suggest to you that if the number is even 10 per cent, which I actually suspect is much closer to about 30 or 40 or 50 per cent, then what we're seeing here is a significant aggressive attack on the ability of the majority of employees in that sector to engage in the act of union organizing and collective bargaining.

I think that unless this government can provide statistical evidence to show that within that sector we're really talking about the smallest, smallest number of employees who work at any one site for

less than four months at a time, unless they can provide us with that information, they're absolutely going to run afoul of the Charter with this one. I think that a significant number and perhaps a majority of the workers in that sector do have terms of employment that last less than four months, and in so doing, a significant portion of the workforce in this sector is now prohibited from participating in their constitutionally protected right to organize.

For that reason, I would suggest that this whole concept of the 30-day initiation rite, that I'm calling it, should be abandoned and that workers who work in this sector should be treated like the casual nurse who works at the Royal Alex hospital, should be treated like the meat packer who, I'm hoping, is still working at Lakeside Packers and like any one of the – I won't say many because this government has been so effective at attacking unions – several other sectors that are still lucky enough to enjoy the protection of unions. Workers in this sector should be accorded the same rights as those workers. As I say, in any other sector you just have to be employed that day.

We have a number of other amendments to discuss as well tonight, many, many amendments. I'm not convinced that we'll get through them in the short period of time that has been allowed by this government. But I would suggest that if we have that opportunity, we address this amendment and move on to the next one.

Thank you.

The Chair: The hon. Member for Lethbridge-West, followed by the hon. Member for Calgary-Varsity.

Mr. Weadick: Well, thank you, Mr. Chairman. I'm pleased to rise and speak for just a few moments about this amendment. I'm assuming that if anybody was listening at home, they may have thought that some of us had lost our mind because it has been all over the place. However, it's pretty clear from listening that there are a lot of people on the other side of the House that have never worked on a construction site of any sort, or at least not recently, or for any companies involved in the construction trades because it simply doesn't work that way. There are very, very few people hired for one or two or three days. Yes, there's the odd day labour or week labour that's hired. But this simply doesn't happen.

In the construction industry there are companies that deliver services, be it electrical, be it plumbing or mechanical, be it HVAC, whatever they're doing, and they deliver on a number of different sites, maybe even on the same day. The same employees work for that company. They work for that company on this school site for three weeks, and then when they have to, they move over to this project for a month and a half. But they work for the same company. They continue to work for that company. They'll work for it for 10 or 20 or 30 years. I have employees working for me right now that have been with me for 25 years, and I'm very pleased to have them working in the construction trades. This is how it's done. It's not a bunch of people coming and going, day in and day out.

A 30-day requirement for a major decision to be made, for a company to change fundamentally how they do business is a very, very small thing to ask. A 30-day requirement in the life of a worker to make the choice to move a whole company from one way of delivering business to another is a huge decision to make, and you can't expect people to make it overnight.

We heard the Member for Edmonton-Strathcona try to describe some fellow with 25 electricians hiring 26 salts, and then all of a sudden the shop is voted into unionhood. That's just not how it happens. Typically how it will happen is two or three people will have an idea that they might like to unionize, and they'll talk about the issue. What they need to do is allow that business and those 25 employees to decide how they're going to go about unionizing if they choose to.

All this bill says is: this is for the people that are committed to the company, that work for that company, that have made at least a 30-day commitment to that company to be the ones that choose the long-term future direction of the company, not the ones that got hired yesterday, as you said, or the day before. So I don't see a whole lot of victims here, and I don't see why we're standing here for a very long period of time over a 30-day requirement that people have a commitment to their company.

I hope that everyone that comes to my door and asks for a job has at least a commitment that they'd like to stay with me for 30 days or more. I'm hoping they're not coming with the idea of trying to fundamentally change how I do my business, how I do my books, who I do business with and then get out three days or a week or two later. I'm hoping that isn't why people are coming to work for me. But it sounds like that is done, or at least the potential is there for it to be done, and I don't believe that's fair. I don't believe that we should ever allow for the potential that a very few short-term employees could fundamentally change the direction of a company, the ownership of the company, and the people that work there. I just don't believe that this is a limiting factor.

We heard the members say that this government does not support the rights of workers; however, we also heard the same member say that 80 per cent of workers in Alberta are not unionized. So for us to stand here and try to protect the rights of that 80 per cent to at least stay that way if they want to I believe is defending the rights of those workers. You can stand and try to defend the rights of a small group or another group, but we believe that we have to create a fair playing field for all of those workers to work in. If – if – a group of those workers choose to unionize, good for them.

I spent a number of years, as did a number of other members in the House here, at the municipal level. Everyone we dealt with was unionized, or almost everyone. They had to be, and it made sense. It worked extremely well. These were people that needed to be represented. It would have been very difficult to negotiate with thousands of employees on all of the issues that they have. So the unions were an extremely valuable tool when there were grievances, when there were problems. It served the purpose.

We're not talking about the value of unions. What we're talking about is a fair and honest opportunity for the people in a company that have committed to that company to make the determination if they want to be unionized or not. We're not talking about the value of unions. We all agree with that. We agree that it has a place. We agree that it helps the employer and the employee to come to fair solutions and to get the best possible things for all of the workers. I have no problem with that. In fact, we negotiated many, many times with many unions and come to very positive agreements, but we must set a playing field so that at least it's fair.

I don't have an example of salting. I don't even know where salting would come from or how often it happens, but I hope it never happens. I hope the opportunity for it doesn't ever happen in this province because the people that work for that company should be the ones that decide, and I will always support those workers having the opportunity to decide. If they choose to be unionized, so be it, but I don't believe that the opportunity for salting should ever occur. Further, the law will at least protect all of our employees and employers to give them a fair opportunity to unionize if they choose on a basic flat, level playing field and then go forward.

Mr. Chairman, I think this is an amendment that we should not support, and then move on with the bill. Thank you.

The Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, and I'll bring debate to a close shortly.

The other side of salting, which no member of this government has been able to give a specific historical example for, is called freedom of association. In 2001 after the province-wide teachers' strike one of the government's requirements was that it was illegal for teachers gathered together to discuss strike action. Their democratic right of freedom of speech was interfered with. Teachers were threatened with prosecution for assembly and discussion of strike. That was 2001.

9:40

Here we are in 2008 trying to turn back the clock even farther. I can't help but think that this salting, because of the government's failure to give an example, is a red herring issue, a strawman, a figment of the government's imagination because they've yet to produce a single example that it has happened.

All this discussion tonight of union busting, of discriminatory labour practices again brings me back to the history of the south. When I was door-knocking in Calgary-Varsity I happened across a doorbell chime that played the *Battle Hymn of the Republic*. Lo and behold, as I checked the electoral list – and the individual would be humming it across the way if he were here tonight – the Member for Foothills-Rocky View, his door chime. Let's look at the first words of that hymn: oh, I wish I was in the land of cotton. You can be darned sure it wasn't a slave or sharecropper who penned those words.

With that, I bring this debate and call for the question.

Mr. Blackett: Hon. members, I sat here the last 24 hours, and I listened to the diatribe from the other side. I can't believe that the hon. member would actually use the words of slavery, would refer to the fights of cotton pickers or whatever. This has nothing to do with that.

Just to be able to put that in that context, I remember that when I was 19 years old, I was a contract employee for the federal government, and I had to pay my union dues because I didn't have a choice. The union wouldn't represent me. I had to pay my dues, and that was fine. Everybody else had the moral indignation to say: that's too bad; that's just the way it is.

Well, here we are. We're standing up for the rights of all Albertans. Eighty per cent, as the hon. Member for Lethbridge-West said, don't choose to be a part of a union. We're respecting all the rights of all those people. You guys can take every different group, whatever you want – you have no idea what those people are talking about. It's the average person. We have the right to choose what we want to do. If you want to join a union, that's fine. The majority of the people choose not to. It's 30 days for sober second thought or it's 30 days because they have the right as an employer or a person to be able to make that determination. If you can't stand the sniff test, then you shouldn't be in the business.

The Member for Calgary-Mountain View talked about discrimination and human rights. Discrimination and human rights based on what ground? Do you know what the human rights legislation is? You guys throw all this out like you have the sole propriety to be able to talk about those things because you're on the other side. Well, remember, you represent all Albertans, if that's what you do. Obviously, you don't. We on this side of the House choose to represent 3.5 million people from Alberta. This government represents 3.5 million people from Alberta. That's why we're here. That's why we have this bill. If you don't understand that, then you should go home.

The Chair: The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Speaker. That was a very passionate outburst from someone who says he respects human rights and equality, an interesting set of comments about the rights of workers and how, in fact, this government stands up for all people. Democracy is supposed to protect minorities. Farm workers happen to be a minority. They often happen to be transient. They often happen to be without power. They have to take what jobs they can get. You've accepted the status quo: that they will be treated with disrespect, they will get no compensation for injury, they will have no guarantee of a safe workplace, and they will not have any guarantee of even the labour code being followed. You're willing to accept that as someone who represents fairness and justice. Clearly, there's a disconnect here. Democracy is not only for the rights of the majority; democracy is to protect the rights of the minorities.

Mr. Hancock: Mr. Chairman, just a very few points. First of all, we are trying to stand up for the rights of all people. Whether they wish to join or not join a union should entirely be in the hands of the individual worker. There are a number of circumstances under which workers don't have that right because it's been decided before them by people who were there a long time ago and haven't been there for a long time, but they made it a union shop. That's fine because that's the way the system works. That's not a problem.

Dr. Swann: Why is that fine? Why is it fine?

Mr. Hancock: Well, because once a shop is unionized, it's very hard to bring a revocation vote, particularly in those areas where there's an overarching contract in the union. You have to actually take a look at the contract and when it expires, and then there's a specific period of time after the expiry of the overarching contract in which you can bring the revocation vote. The average person who joins a union shop has to be a member of the union. They don't have a choice. That's fine because they choose to do that.

What we're talking about in this bill is something different. That is a place that hasn't been unionized, and there becomes an organized effort to unionize the shop not by the people who've been working there consistently but by people who are being brought in. So that's the point that's being made, that, yes, we do represent all the workers: those who want to be unionized and those who don't want to be unionized.

Now, what I really wanted, though, to get into in the debate was the rather bad form of the Member for Calgary-Varsity when he talked about ringing a doorbell. In his comments I think he intended to cast aspersions on the Member for Calgary-Foothills, and I think he should withdraw the remark because he then went on to talk about picking cotton. He talked about – what was the song you talked about?

Mr. Chase: I wish I were in the land of cotton.

Mr. Hancock: No, but what was the song you referred to?

An Hon. Member: The *Battle Hymn of the Republic*.

Mr. Hancock: The *Battle Hymn of the Republic*, which is "Mine eyes have seen the glory of the coming of the Lord."

The Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. I apologize for getting my southern melodies mixed up.

If 80 per cent of the employees, as the member from Lethbridge suggests, aren't unionized, why do we need the hammer of Bill 26 to restrict the rights of the remaining 20 per cent? Union membership is by choice. If you're a member of a union, you pay dues to the union. But the government wants to go after this small group of holdout individuals who still believe that unionization and the rights of assembly are possible.

I would like, if at all possible, Mr. Chair, to call for a vote on this amendment so that we can get on with other concerns. This A1 was referring to section 3, which I believe is at the heart of the rights of assembly and association, but there are other parts of Bill 26 that deserve discussion and debate. We need time to address those concerns, so I call the question.

[Motion on amendment A1 lost]

9:50

The Chair: Now we are going back to the bill.

Mr. Mason: Mr. Chairman, well, if we can't strike the whole section, I know that the hon. members want to find a fair compromise on this bill, and I'm sure they're willing to meet us halfway. Surely in the interests of fairness and a spirit of liberalism they're willing to split the difference. With that in mind, I'd like to propose yet another amendment, which I will distribute now to the pages, and once you give me the signal, I will make the motion and speak to it.

The Chair: All right. This amendment will be known as A2.

Mr. Mason: It's A2, Mr. Chairman? Okay. We'll call this A2.

Mr. Chairman, on behalf of the hon. Member for Edmonton-Strathcona, I would like to move an amendment to Bill 26, the Labour Relations Amendment Act, 2008, that the act be amended in section 3 in the proposed section 34.1(a) by striking out "30-day" and substituting "24-hour." I think this is a reasonable compromise that should satisfy all members of the House.

I just want to say that I listened with interest to the logic of the hon. Member for Leduc-Beaumont-Devon about 30 days if you have real commitment to the union, and 30 days is not too long to expect, and if you can't wait 30 days even if your job's over, then, you know, you obviously don't really need the union. I'd like to just suggest that if the employer is so great that the employees are not absolutely convinced within 24 hours that they've just won the lottery by getting hired by that company, then 24 hours is not too short a time to do it, and we should pass this amendment.

Mr. Chairman, I do want to say that this motion has a very serious intent. What we are trying to do with this motion is make the point that the 30-day waiting period that's currently in this act is discriminatory. It creates a class of workers who in the opinion of the government just haven't been there long enough to be legitimate and to have their opinion taken into account.

I also want to indicate that if you read the act carefully, you'll find that it's more than 30 days because if you combine it with sections 2 and 5, you'll find that it actually is four months. It's four months. You've got a category of worker that is discriminated against in this case: the worker that is a new worker. And the assumption on the part of the government is that every new worker is going to be a salt. Well, I just don't think that that's the case. I think that, in fact, workers who have been employed by a company are workers of that company and need to be treated exactly the same as every other employee of that company and that the government is arbitrarily attempting to discriminate against employees not on any rational basis but, in fact, because they want to make it more difficult for the unionization to take place. But in doing so, they are discriminating against workers who have exactly the same characteristics as other people.

The basis of unionizing is that you are an employee of a particular employer, and every employee of that employer doing similar jobs is entitled to the same rights. Now, the government is creating arbitrary division between worthy workers who've proven themselves – and we've heard some of this language tonight, that they've proven their commitment. Mr. Chairman, the government has no right to impose those kinds of values on workers to determine whether or not they can exercise their right to belong to a union.

Workers don't have to satisfy the government that they have a commitment to the employer before they're entitled to the rights of unionization. They are human beings who have rights to fair compensation, to collective bargaining, to a reasonable quality of work life, and the protection from arbitrary decisions by the employer. They have a right to safety. All workers who work for a particular employer have the same characteristics. The government is creating an artificial division between workers, between those that have been there for four months or more, who are worthy of making this decision, and those that have been there for four months or less, who are unworthy of making the decision about whether or not they belong to a union.

I believe quite strongly that this particular section of the act will not survive a Charter challenge because it arbitrarily creates a basis for discrimination among workers. Our motion is attempting to correct that because we're saying that if you're an employee and you've been the employee for 24 hours, you know, then you have the same rights as every other worker in that workplace, and I think that's what the courts and the Charter and international labour conventions say.

I think that the government is on very, very thin ice in creating this artificial discriminatory distinction between workers, so it would be my view that the government should just forget it. You know, just forget it. You can pass it here. You've got your big fat majority, and you can pass it, and you can ram it through, but I don't believe that it will stand up because it is creating discrimination without a reasonable basis, without a justifiable basis for that discrimination, just based on some bogeyman stories about salting from unions, which you can read in Tory-fractured fairytales, but which really don't exist.

Mr. Chairman, I urge hon. members to put the fantasies aside that they've heard from the Merit shop contractors and get real about human rights. You know, I think that this government has a long history of dragging its feet on human rights and dragging its knuckles when it comes to labour law. I think that we on this side of the House seem to be the only ones that are willing to stand up for the rights of working people and to try and drag this government kicking and screaming into the 21st century.

Thank you, Mr. Chairman.

The Chair: The hon. Leader of the Official Opposition on the amendment.

Dr. Taft: Thank you. Yes, on the amendment. I think it's important, just so that the record is clear, to read into *Hansard* the change that this amendment would bring about. With this proposed amendment, then, section 3 would read as follows:

> 34.1 A person is not eligible to vote in a representation vote referred to in section 34(1)(d) in respect of the certification of a trade union

as bargaining agent with respect to employees and their employer who are engaged in work in the construction industry unless all of the following apply:

(a) the person was an employee of that employer for at least the 24-hour period immediately preceding the date of the application for certification.

That's just getting on the record how I understand the amendment would work. I think this is obviously put forward in the same spirit as the preceding amendment, and perhaps it's a little bit more palatable to the government. I'm not highly optimistic that it will be, but you never know.

10:00

Clearly, many of the same arguments are going to apply. We don't need to revisit all of them, I guess, but I do think it is important to think these kinds of acts, these kinds of bills, and these kinds of amendments through. For example, let's say that a construction worker is newly hired at a job site and has a lot of experience working in a union shop and a lot of experience working in a non-union shop and prefers to be in a union shop and happens to be hired just at a time when a vote to unionize is coming up. They don't have to be a salt agent. They can be simply a worker. In fact, odds are very high that that's exactly who they will be.

This amendment would basically grant them close to equal rights, much closer than what the bill is providing for. In other words, they would only have had to be there for 24 hours before they had the right to vote whether they wanted to be in a union or not. They may not be – in fact, odds are that they won't be – a salt agent, but they may well want to vote for the union because if they've come from another union shop, odds are that they'll prefer the benefits of working in a union shop.

Mr. Chairman, it just seems to me that from an issue of fairness, of respecting everybody's rights, this amendment is clearly a step in the right direction. It would improve this bill. From listening to the various sides in terms of constitutional issues, we may well find that this is a little bit of a vaccination for this bill when it does get challenged constitutionally, because I expect it will. Given the track record of this government on a number of constitutional challenges, it doesn't succeed all that often. There's no point in passing yet another bill that's just going to get shot down in the courts.

Why not accept this amendment? It improves fairness, and it may well improve the legal standing of this bill. I would like to see this amendment supported.

Thank you.

The Chair: The hon. Member for Calgary-Varsity on the amendment.

Mr. Chase: Thank you. Yes, on amendment A2, which states: that Bill 26, Labour Relations Amendment Act, 2008, be amended in section 3 in the proposed section 34.1(a) by striking out "30-day" and substituting "24-hour." I'm very pleased that the Member for Edmonton-Highlands-Norwood explained his position and reason for this amendment, and I am also very appreciative of the hon. Member for Edmonton-Riverview providing further clarification.

Right now we're in a very highly inflated economy. We're in a boom circumstance. It's extremely hard for employers to find employees. Therefore, I cannot imagine an employer wanting to limit the rights of a newly hired employee. If this individual comes on the day of a preorganized vote, as the Member for Edmonton-Riverview has pointed out, they're obviously not a salt individual. The decision to go towards a union has already been decided. But if that person who arrives on that day, whether or not they've had previous union experience, decides that they like the direction that's being proposed, then their rights to choose, their rights to participate should not be denied because they were hired on that particular day.

I'm sure that at the large projects there are a number of people who are hired on a regular basis, depending on where the project is at. There is an awful lot of labour intensity as the more skilled trades are required in projects, so the notion of limiting an individual's right of choice because they hadn't been on that job site 30 days previous takes away, basically, their rights of participation. A right of citizenship gives us the right of choice, and therefore this amendment is completely in order because it deals with another part of the labour code, which has allowed people to date, from an historical viewpoint, to participate in union votes even if that's the first day on the job.

The Chair: The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you. I rise to speak in favour of this amendment. You know, it's funny. In some ways I think: why should we put this amendment in? Because there is a slim chance that this could save this particular clause from what would otherwise be its sure and certain disposal by any judicial body that ever takes a look at this act. Nonetheless, in the spirit of, you know, thinking about the greater good and not wanting to be too embarrassed by having a piece of legislation that comes through this Assembly so quickly dispatched by the courts, we're attempting to perhaps try and fix it.

You know, I just want to go back. I mentioned it a lot as we've had discussions about sort of impending legal challenges, and I'm sure it's getting really boring, but I have to say it. I look at this act, and the more I look at it, the more shocked and appalled I am – I've just got to use that phrase because I haven't used it enough at all in this session – at just how legally wrong this proposed bill is. What we're talking about doing here is saying that a certain group of employees are not allowed to vote or participate in an organizing drive, and organizing is the fundamental cornerstone on which union membership and the subsequent process of collective bargaining is premised.

Any rights analysis of labour relations starts with the notion that workers should have the right, free from any kind of state intervention or prosecution, to organize should they choose. What this act does is it says that there are a whole bunch of workers out there who simply don't get to do that, and the workers who don't get to do that are the workers who haven't worked for the employer for 30 days.

An Hon. Member: You've just about got me convinced.

Ms Notley: I'm sure. Well, I'll keep talking, then. Send over some more chocolate while I'm doing that.

We've heard, you know, the reason for this violation. Let's be clear: it is a violation. There is no court in the land that will look at section 3 and not at the outset say that without question on the face of it this is a violation of section 2 of the Charter of Rights and Freedoms. It is no question; it simply is. We are saying that these workers cannot participate in their right to freely organize.

Then the question becomes: well, why? Is it a justifiable infringement on their Charter right? The answer that will come back from those poor lawyers who are asked to defend the position of this government and defend this bill – and I feel so sorry for the staff of the Attorney General when they have to go in and do that – is that they're going to say: "Well, no, no. This is a justifiable breach of the rights of these workers because, Your Honour, there is a scourge out there, there is a crisis out there, and we need to breach these rights in order to balance it against the greater public good, and the greater public good is this plague of salting which is taking down our economy as we know it."

This, I say, is where this is going to fail because, as other members have already pointed out, we've been provided no quantitative, verifiable evidence of the crisis which is salting. We've heard a few anecdotal stories, that so-and-so said such and such on the doorstep; you know, right up there with sort of the "When I was hunting as a young boy, I ran into a contractor who was concerned about salting" stories. This is the nature of the justification that we're getting here.

10:10

At the end of the day we have this fundamental violation of the rights of a significant portion of the workforce. We're saying that they cannot freely organize. This is such a fundamental breach of their human rights. And it is a breach of their human rights. To anybody over there who thinks it's not, it is.

Nonetheless, it's a breach, and the answer back is going to be: well, we're trying to stop those evil salters. Then the court will say: well, how does the government distinguish between the evil salting temporary employee and the temporary employee who's not an evil salter? How do we distinguish between the evil salting temporary employee and the temporary employee who happens to most likely, probably, be younger because those who are not long-term, permanent employees tend to be younger? It starts to look like there's a group that maybe by virtue of their age is inadvertently being singled out by this act.

Or how about this: how about the temporary foreign workers? How many of those are going to be workers who haven't worked for 30 days? Maybe a few of them. Maybe a larger portion of those people in the workforce who haven't worked for 30 days are actually temporary foreign workers. It sounds to me like we've got another potential ground. Maybe it's inadvertent but nonetheless another ground of discrimination.

At the end of the day what we have here is a fundamental removal from all workers who have worked for a particular employer for less than 30 days. We have removed from them the right to participate in free organization of their workplace unrestricted by the government. I have to say that the more I look at this, I am overwhelmed by the draconian nature of this. I don't know that I've ever seen another piece of legislation that has suggested that workers, simply by virtue of them being new employees, cannot engage in collective bargaining, in the process. It's utterly draconian.

We have other exceptions from the Labour Relations Code. We do, as other members have said, for instance, exempt farm workers from the Labour Relations Code, and that particular exemption, by the way, has been identified by international human rights groups and the International Labour Organization as a fundamental breach of the United Nations convention on freedom of association. So, yeah, we're going to get to have yet another black mark on the record of this province when this one gets in front of the United Nations' International Labour Organization. We can start competing with a lot of Third World military dictatorships in terms of how many black marks we can earn in the United Nations hearings.

Nonetheless, the point of this amendment is to limit the damage that would be done to the reputation of this government and potentially give those poor Crown attorneys who have to defend this thing when it goes to court something to argue, and that is by limiting the time over which people have had to be employees to simply 24 hours. Essentially, what we're saying is that all employees can vote. We would ensure, you know, that they have had 24 hours to get to know their fabulous new employer, not to mention, of course, that they chose to work there in the first place and that they must love that employer.

They would make the same kind of choice that any other worker would make in that situation and decide whether the union was the right way to go or not to go. At the end of the day that is a democratic right, the right to vote for or against a union. To not accept this amendment would be, as I said, to carry through with a remarkably draconian and, I would say, challengeable piece of legislation that ultimately will get this government into a great deal of trouble.

At a later date I'll get into a bit more detail on this, but just to sort of put it out there, the reason I'm concerned is because we know that the B.C. government is currently trying to juggle the extensive liability that has accrued to them as a result of bringing in legislation which impacted the bargaining rights of a huge number of employees and impacted them negatively. In fact, the court in issuing their decision said to the government: "Well, we're going to wait a year before we talk about remedy. We're going to give you guys a year to figure out how to negotiate the remedy, and if you don't, then we'll come back, and we'll come up with the remedy," the remedy being, of course, for those that lost at the hands of that particular government's decision to legislate laws which were in breach of the Canadian Charter of Rights and Freedoms. You know, we're about a month and a half away, and there may be some huge liability accruing there. I would suggest that the same exists here.

In an effort to ensure that this government doesn't throw any more money off the back of the truck than they're already planning to, the idea behind this amendment would be to protect this particular part of the bill from what is otherwise, on the face of it, a vulnerability that will result in a very quick, I would argue, disposition by any court.

I urge members to consider supporting this amendment and to remove this bill and, hence, this Assembly from the ranks of much less progressive and regressive governments out there who would seek to limit the rights of their citizens to engage in the right to organize freely and unrestrained by government authority.

Thank you.

The Chair: The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Thanks, Mr. Chair. I needed to stretch my legs a little bit, so I thought I'd stand up. [interjection] Just clear it just a little bit, you know, and hear myself talk for a little bit. It sounded like a good idea.

The amendment by the hon. member seems to concede – I think this is a good start – that we do need to have some time for a new employee, just some time, 24 hours. That's what the amendment says: 24 hours. We need some time for a new employee to come into the workplace and to at least prove – maybe it's not to prove. I don't know what the 24-hour period is. Maybe you could explain that next time. But there's 24 hours that the worker needs to be in the workplace before he or she can vote on whether or not to unionize. I think that's a good start. We've come a long way tonight. Of course, the government legislation is proposing 30 days, so I guess we're trying to come to a balance here.

Now, I guess the question I would ask is: at what point is it fair for a new worker to be able to vote in a union or non-union election? I was trying to think: okay, voting in a union. What's that like? What's a comparable right that we enjoy in our society to joining and voting in a union election? I thought, you know, maybe voting in a general election. Voting in a general election is obviously a very important right. It's a right that I take very seriously as does everyone in this Assembly. We know how important that is.

This is pretty much uniform throughout the country, but we in Alberta say: come to Alberta; come here and bring your families. That's great. But if there happens to be an election in the first six months, we think that just so you can't meddle in the process, so you can't just come in for the purposes of helping your friend across the

border win an election, we're going to have a six-month period where you can't vote. That's it. That's all we ask: just six months. We know you have the democratic right to vote. We understand that, but there's going to be a six-month period that you're going to have to wait before you vote.

10:20

We know the Supreme Court of Canada thinks that that's a justified time amount. Case law is very clear on that. I guess my question would be: if six months is reasonable for virtually the ultimate right, the right to vote – really, that's probably the most fundamental right of a democracy, the right to vote for your leadership in a general election – if we allow a six-month period there, why on earth is it unreasonable to expect a 30-day window for new workers voting in a union vote? That just seems to me a no-brainer. It just seems very reasonable to me. So I would put that question to the hon. member about this amendment.

I'm glad that the hon. member is passionate about democracy. I would love to hear how she feels about our federal Senate, for example. I hope she could let us know a little bit more about that. I know she probably passionately wants to see that we have an equal, effective, elected Senate because that would seem to be a democratic thing that would benefit us all. There are all kinds of things, so I hope that when we talk about democracy and your passion for democracy, you can kind of segue into some of these other things that might benefit democracy as a whole rather than this.

Anyway, those would be my comments. I guess the gist of it is: could you please explain to me why it is reasonable that we ask people to wait six months to vote in a general election, but we can't wait 30 days to vote in a union election?

The Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Yes. The Charter of Rights, like a number of charters, is based on a sort of historical validity. One of the Charter rights is the right of citizenship. Now, a child isn't restricted from citizenship for a 30-day period or a six-month period. By the fact that they're born in this country, they automatically have those rights. Historically speaking, the legislation that has preceded Bill 26 has worked since the province's conception in 1905. Why the government feels the need to tinker with historically established rights – I believe the Member for Edmonton-Strathcona is correct in indicating that this is a fundamental right.

It will be interesting, should this legislation, Bill 26, proceed unamended, whether it's through A2 or other amendments that we'll bring forward tonight, whether it will withstand a court challenge. I very much appreciate the efforts of the Member for Edmonton-Strathcona in not taking up the court's time by having them have this particular legislation challenged in terms of what are our inalienable rights, beginning with the Charter of Rights, which is the primary document that determines how other rights fit in.

I look forward to further discussions. I don't want to take away from the hon. Member for Edmonton-Strathcona's time. I'm sure she'll have an answer for the Member for Airdrie-Chestermere, who rose to stretch not only his legs but the situation.

The Chair: The hon. Member for Edmonton-Meadowlark.

Dr. Sherman: Thank you, Mr. Chairman. Being as I was head of a union and I still have my card from the International Woodworkers of America and my father was a union member, I feel compelled to talk on this amendment. I'm speaking against the amendment. I think that first we have to recognize that unions are very important. They're very important to this province. They're very important to the employers, and they're very important to this government. When you have a union, it's easier for the employer and everybody to collectively negotiate with one group of people because unions are a collective voice of the people who actually do the work on the front lines. The original bill, in fact, speaks to strengthen the unions, strengthen the commitment of the workers, of the unions. The unions are only as strong as the commitment of the workers in that union.

Now, having said that, the reason I'm speaking against the amendment is that arguments have been put forward that this is unconstitutional. To say that 30 days is unconstitutional and 24 hours is constitutional is to say that the current laws that we've had have been unconstitutional all along. And if they've been unconstitutional, then why wouldn't it be one second, the instant an employee is hired? Twenty-four hours would be unconstitutional. That argument fails.

I believe that it's in the best interests of the employees when you have committed employees. Where we worked in the lumber mill, those employees were committed. They worked there for years, for decades. It's in the best interest of the employees that are going to be there for a long time versus somebody who just shows up and the next day they want to change all the rules and then they're gone the day after that and everybody else has to live with the consequences of the decision.

We had an issue with a bunch of emergency doctors in one province. A whole bunch of people showed up, took over, and all the work that was done was undone, and the problems still exist.

I believe that the bill put forward, Bill 26, will actually strengthen the unions. It will strengthen the commitment of the workers in that union. I believe that's to the benefit of Albertans. It's to the benefit of employers. It's going to benefit the workers.

For me this salting and MERFing and Smurfing: these are all new terms. I'm not in these labour unions, but this is all new. People showing up one day and the next day they want to change the world and running off again the next day: this is all really silly stuff. There are people who are truly committed union workers. They want someone who's going to work beside them not for a couple of days, not for a couple of weeks; they want them in the trenches doing that hard work every day, every month, every year.

Unions are important. We are where we are in Alberta, where this province is the biggest employer in this country, the best employer in this country – why? – because we have worked co-operatively and very positively with good, strong unions. The unions help keep the non-unionized employees competitive and vice versa. It's competition that has made us into the province that we are. It's that competition that has made us productive. We compete in a global marketplace. We have to look outside of Alberta, outside of Canada. This is a global world. We compete in a global marketplace. In order to be productive, we have to do what is best for the worker, what is best for the employer, and we have to come to reasonable compromises.

Any argument made talking about discrimination and this being unconstitutional: with all due respect to my friends and colleagues across the way I would have to respectfully disagree. The amendment in itself is discriminatory if you use that argument. It's for these reasons that I must speak against this amendment to change this to 24 hours. I believe that this government and the recommendations made will strengthen the unions, and they will be good for the workers, especially for the workers that are committed to their workplace, to their families, to this province.

Mr. Chairman, I thank you for giving me this opportunity to speak.

10:30

Ms Notley: I just really need to respond to those two points, so it'll be brief. Maybe. We'll see how I feel. In response to the Member for Airdrie-Chestermere, who tried to make the analogy to citizenship and voting rights, here is my response. The reason in Alberta that there is a requirement that one live in Alberta before you cast your ballot for six months is because there is a residency requirement. What's required to vote is residency. Residency is something that is established, and the criteria for that has been determined by a number of different objective measures to consist of being able to prove that you've been here for six months.

You see, here's the thing. Seeking the right to be part of a union: what it requires is employment status. That's what it requires. It is a right that accrues to employees, and your employment status is not attached to how long you've lived somewhere. It simply is whether you are an employee. You've been to law school. You took contract law 101. There is a series of criteria that apply to whether or not there is or is not an employment contract in place. None of those criteria involve 30 days of this or 30 days of that or this initiation or that secret handshake. It involves certain criteria to establish whether you are or are not an employee, and once you are an employee, you have a constitutionally guaranteed right to pursue the right to organize and become part of a union without fear of intervention from the government. That's why I would say that the six months is irrelevant and that the analogy does not apply.

In terms of the point made by the Member for Edmonton-Meadowlark, you are quite right that the 24 hours in and of itself may be a problem because, in fact, what you're dealing with is: is the person an employee, or are they not an employee? The criteria for whether someone is or is not an employee: although there may be some overlap with the 24 hour status, it may well be the case that there's not. You can prove yourself to be an employee without having been there for 24 hours. However, I would go on to say this: the analysis is that if it is established that this act breaches the Charter, one then looks at whether the breach is proportionate to the objective that's trying to be achieved.

Now, I understand from the members here that the objective that's trying to be achieved is to stop salting, where someone shows up one day, votes, and then leaves the next day, to use your own phraseology. So the 24 hours is the least restrictive strategy available to deal with the person that shows up one day, votes, and leaves the next day. That's the 24-hour period.

When you talk about 30 days, though, within an industry like the one we're talking about, we are no longer using the least restrictive breach of the Charter of Rights. We are now using a breach that, in fact, sweeps into it a whole bunch of other people who are not the object of what it is that this legislation is trying to prevent. It sweeps in a huge number of employees who just happen to have employment contracts that are under 30 days, and in this industry there are a lot of those employees. So that is not the least restrictive measure possible.

The reason we put forward the 24 hours was because we thought that that's probably the least restrictive measure possible to get at the alleged problem – the alleged problem – that has been identified by the government. So that's the answer to your question there. On the face of it it's very possible that the 24 hours would also be discriminatory, but it might be slightly more justifiable in terms of being in proportion.

Those are my responses to the two points made by each of the members. I'd be happy to move on and have the Assembly at this point consider the amendment, and I'd urge everyone to consider supporting it for the reasons I've noted.

The Chair: The hon. Member for Edmonton-Calder.

Mr. Elniski: Thank you, Mr. Chairman. We've had a considerable amount of constitutional fearmongering occur tonight, and I think that it's by and large quite unnecessary. I'd like to just offer a small comment to my respected colleague from Edmonton-Meadowlark. That IWA membership card you had is a museum piece because they were taken over by the steelworkers about 12 years ago. Sorry about that.

I've heard a lot of conversations tonight about 30 days, so what I'd like to do now, Mr. Chairman, with your pleasure, is that I'd like to read a brief excerpt from a letter of understanding between the International Union of Operating Engineers local 115 and Selkirk Paving, which is a division of Interoute Construction. This is a letter of understanding with regard to a road-building collective agreement. It took effect September 1, 2005, through to March 31, 2009. Clause 3 refers to probationary period. This is the probationary period of a new employee that has just been hired by the company.

> When a new employee is hired outside of the Union hiring hall, it is agreed that he shall serve a one time probation for 30 calendar days. It is agreed that the Company has the right to determine the suitability of the probationary employee for continued employment.

Got that? Next quote.

> After the 30 day probationary period . . .

That constitutional boogie boogie we're talking about.

> . . . is completed the employee shall be required . . .

Get this part. You'll love this part.

> . . . to make application to the International Union of Operating Engineers Local 115 and shall receive all rights, privileges and benefits as set out in this letter of understanding and the Road Building Industry Standard Agreement . . . in accordance with their classification.

An Hon. Member: Read it again.

Mr. Elniski: You want me to read it again?

> After the 30-day probationary period is completed the employee shall be required to make application to the International Union of Operating Engineers Local 115 and shall receive all rights, privileges and benefits as set out in this letter of understanding and the Road Building Industry Standard Agreement (Paving) agreement in accordance with their classification.

Ergo, no constitutional nothing.

Thank you very much.

The Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. Some organizations such as the Alberta Teachers' Association use the term "association" as opposed to "union." I would be interested to hear from the Member for Edmonton-Meadowlark as to what expectations there are on physicians in terms of becoming members of the Royal College of Physicians and Surgeons or the Alberta physicians and surgeons or the Alberta Medical Association. Is there a time period between graduation and actual membership? Can you provide us with a little bit of background on how quickly or how long it takes to be a member of the association?

The Chair: This is not a question-and-answer period. I would like to recognize another member before he can answer your question. Is that okay?

The next member is Calgary-Nose Hill. [interjections] On my speakers list are Calgary-Nose Hill and Calgary-Airdrie-Chestermere.

Mr. Anderson: Thank you. My constituency has been renamed today to Calgary-Airdrie-Chestermere, but that's okay. It's about the third or fourth time. You know, it's got a reasonable ring to it, I guess.

An Hon. Member: Annexation. They're taking over Calgary.

Mr. Anderson: Well, Airdrie is going to take over Calgary one of these days. It's just a matter of time.

10:40

I just wanted to again make the analogy to the Member for Edmonton-Strathcona. I didn't quite understand her analogy, so I'm going to try to do this again. We have citizens' rights, okay? We have a batch of rights as citizens in this country. We have a batch of rights as employees in this country. Probably the most paramount right of a citizen is the right to vote. I think we can agree with that. It's one of the great rights, anyway, if not the greatest. Then, of course, we go to the employee rights. One of the fundamental rights of an employee is the right to pursue a union or to join a union, to unionize, however you want to put that. Okay? We're agreed, right? There are fundamental rights of employees, fundamental rights of citizens.

Now, there's an exception, though, on those fundamental rights for citizenship. Even though the right still exists, the right to vote still exists – no one took it away – there is an exception, the residency requirement. You've got to be in a province six months before you can vote in a general election for that province. That's the caveat. That's the one exception to the citizens' rights: the rights of citizenship, the right to vote.

All we're asking here is the exact same thing with regard to employee rights. We're not taking away the right to join a union or to be unionized or to pursue a union. None of that. There's just a little bit of time to make sure that the system is not abused. That's 30 days. You're arguing for 24. I would say 30 is more reasonable than 24.

So we're not talking about taking away anybody's rights to associate or any kind of rights. The right still exists. There's just a small caveat to make sure that there are no false pretenses that are being used to vote in an election.

With that, I would ask the hon. member if she could clarify her understanding if it's different than mine.

The Chair: On my speakers list here the next one is the hon. Member for Calgary-Nose Hill.

Dr. Brown: Thank you, Mr. Chairman. Some of the hon. members had asked for an example of this salting practice, and I just want to refer to what is a public document, which is a decision of the Alberta Labour Relations Board, 1995, at page 560, where it talks about the International Brotherhood of Electrical Workers local 424. This is a decision that involved a number of individuals who were salts. I just want to read something from the decision. It indicates that in 1994 and 1995 members were sent to TNL, which was the employer, as well as those the union later learned were working there. They were asked to first complete the salt training program and then sign a salt clearance agreement. Mr. Graham said that all the complainants signed the salt clearance agreement. Until July 1995 the union did not advise TNL that its members applying for work at TNL were salt members.

The salt clearance agreement reads, and I want to quote from it: I, blank, am prepared to seek employment with nonsignatory contractors for the purpose of organizing the unorganized in compliance with the salting resolution adopted by union local 424, IBEW. I acknowledge and agree, one, to promptly and diligently carry out the organizing assignments and leave the employer or job immediately upon notification of the business manager or its agents – the practice of stripping is specifically sanctioned in this salt clearance agreement – two, to attend COMET courses, salt courses, and any other course related to organizing functions as may be required; three, to pursue employment with selected, targeted nonsignatory contractors; four, that on a daily basis to fill out and maintain a daily log; five, to maintain current working dues status with the local union while salting; six, that maintaining my registration number on the out-of-work list is continued to fulfill organizing obligation.

So not only is this practice specifically sanctioned by the union, but there is specific provision in there that allows them to strip those employees off the job when they're done their due diligence. They've been there for their 24 hours. They've done the application. In fact, in the Stuart Olson case, which is also a Labour Relations Board case, the board specifically allowed people that had left the employment a short time after the application was made to come back and vote later, when the actual certification vote was happening.

So there are some examples of salting.

The Chair: I don't have the list of members here, but I would allow for members to answer the questions of the members opposite now. If you want to answer the questions, this is an opportunity for you to stand up and answer.

Dr. Sherman: Mr. Chair, can I get the hon. member just to repeat that question, please?

Mr. Chase: Yes. I'd be glad to. With regard to the Alberta Teachers' Association there's sort of a prerequisite that in order to teach in Alberta, you have to be a part of that association either as an associate member or a full-time member. I'm wondering if for the Alberta Medical Association there is a time period whereby you have to go through some sort of apprenticeship or eligibility that is along the 30 days. What are the expectations before you're allowed to practise in the province of Alberta with regard to the Medical Association?

The Chair: Hon. member, we are strictly talking about the question of clarification on amendment A2.

Dr. Sherman: Thank you, Mr. Chair. In responding to the question, I do have to correct myself. I was the representative of one section of the association. To practise medicine in Alberta, you need a medical licence from the College of Physicians and Surgeons. That is what allows you to practise medicine in the province. The association is a voluntary commitment. It gets you the benefits of the association, benefits such as pay for conferences and disability insurance. To be a member of the Alberta Medical Association is not a mandatory requirement to practise medicine in Alberta.

The Chair: Hon. member, the question has been posed and answered.

Mr. Chase: No, no. Actually, it was the College of Physicians and Surgeons that I asked about, so the question has not been answered.

The Chair: Again, this is amendment A2, and I have taken the liberty of moving in that direction.

Now I want to call on the Member for Edmonton-Strathcona to continue the debate on amendment A2.

Ms Notley: Thank you. I just wanted to have an opportunity to respond very quickly to the Member for Calgary-Nose Hill, I believe, regarding his reference to the decision around salting and to point out that between 1988 and I believe it was 2003 there were 1,365 certification applications at the Labour Relations Board, that 4,300 unfair labour practice complaints were filed in the same period, and in those the issue of salting was raised five times. So we have a total of – I don't know what that works out to – 5,600 actions or hearings at the Alberta Labour Relations Board within which salting might have been raised, and it was raised five times. I would suggest that it's maybe not quite the crisis we're being led to believe.

The Chair: On amendment A2 the hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Chairman. I also rise to speak in favour of the amendment. The amendment is about the use of salting by unions. In the opinion of the unions, this is a very small aspect of the unionization process. There is no evidence to suggest that salting is used to any great degree in attempting to organize an unorganized business. There have been only a few cases of this practice before the Labour Relations Board since 1988. I don't know why we are trying to push through this section 34.1(a) of Bill 26. I don't think we really need to go there because it's not a rampant practice.

10:50

By striking out "30-day" and substituting "24-hour," I think it will be not only good in the body of the amendment, but it will be good in the spirit as well because it will give all the employees a chance to vote for the certification of their union as a bargaining agent. If we have this 30-day period, it is going to restrict the rights of employees who haven't been employed for 30 days, so substituting 24 hours instead of 30 days will make more sense and protect the rights of almost all employees and will less likely be open to a court challenge under the Charter.

When the hon. Member for Edmonton-Meadowlark was speaking on the benefits of the unions, I think he was on the right track until he got a little bit off track. I think unions are a necessity for the workers to protect their rights and to protect their benefits, especially when the downturn comes and the economy is slow. That's where the workers mostly get exploited.

For the reasons above I will support the amendment. I don't think we need to go there with this bill, but if we are desperate to go there, then we should substitute 24 hours for 30 days. Thank you, Mr. Chair.

The Chair: Seeing no other member to speak on amendment A2, the chair shall now call the question.

[Motion on amendment A2 lost]

The Chair: Now we go back to our bill. The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. It's with interest that I rise to participate again in the debate on Bill 26. I'm still puzzled by how this government operates and treats the interests of working people in this province. I would like to remind, when I make that point in the debate this evening, of an initiative that was first started in this Legislative Assembly to help working people by reducing the income tax that they would pay.

Now, when a private member's bill is passed by this Legislative Assembly, like this specific bill was, the Personal Income Tax (Tools Deduction) Amendment Act, 2001, one would think that the government would proclaim this law, Mr. Chairman, and initiate this tax reduction. This is going back a number of years. We have to be cognizant of the fact that this was eight years ago. The Legislative Assembly dealt with this private member's bill, but unfortunately the private member's bill was never passed. Many tradesmen and tradeswomen in this province were initially very supportive of this private member's bill, very hopeful that it would be passed.

Corporate tax rates have gone down. Corporations in this province are enjoying a very profitable time, with very good profits. They're getting a good return on their investment. This legislative initiative was put forward by this Assembly. It was voted for by hon. members from I think every side of the House, but it was never proclaimed into law. Many people thought it was, just like many people think that this government has the interests of union organizations and union members first and foremost, but, Mr. Chairman, with Bill 26 we know that not to be true.

Some companies put on the employee bulletin board information regarding this personal income tax tools deduction act. If you're a mechanic or working in a trade of that nature, in some cases you're buying a lot of your own tools. Some of them are very expensive, and people were very interested in getting a tax deduction for the purchase of these tools. If we're interested in attracting apprentices into some of these trades, offering a tax credit is a great idea so that they can get a tax credit when they initially have to stock up on some very expensive tools which they need to practise their trade.

Now, even the Speaker of this Assembly was of the opinion that this bill had been passed into law and that it would allow tradesmen and tradeswomen to deduct costs of $500 or more from their Alberta provincial income tax, but we found out, of course, that because this law had not been proclaimed and given a date to take effect, no tradespeople, regardless of which trade they were involved in, could take advantage of this. It still hasn't been proclaimed, and that is just one example of how we have ignored the best interests of working people.

Now, the finance minister at the time, the government, was still evaluating the legislative proposal, that private member's bill that had been passed, but it had never been proclaimed. Many people, including members on this side of the House, asked the government, the Progressive Conservatives, why a bill approved by the Legislature was not yet in force and why tradespersons can't take advantage of this tools deduction. Mr. Chairman, that is yet another example of this government's treatment of individuals who work in this province as tradespersons. They forget about them. They do not want those individuals to forget about them at the election, but between elections it's a different matter.

Now, whenever we look at Bill 26, we look at the fear that the salting procedure has on this government, the fear that the MERFing funds have on this government, the fact that ambulance workers are going to become an essential service with compulsory binding arbitration. This bill is a bill that will further restrict and limit unions and their members in this province, and there's no valid reason for this. I'm not going to get back into the argument about the MERFs and the minister's rationale yesterday in the Assembly.

11:00

What I would like to talk about specifically now, Mr. Chairman, is section 6. I'm going to read this.

> A person is not eligible to vote in a representation vote referred to in section 53(1)(b) in respect of the revocation of the bargaining rights of a trade union with respect to employees and their employer who are engaged in work in the construction industry unless all of the following apply.

An Hon. Member: Just construction workers.

Mr. MacDonald: Just construction workers. Exactly. Why we would select and remove and pick on construction workers is beyond me, hon. member. Whether that will violate the Charter is another question, and only time will answer that question.

But "all of the following apply," and there's an (a), (b), and (c).

> (a) The person was an employee of that employer for at least the 30-day period immediately preceding the date of the application for revocation.

I know what the hon. Member for Edmonton-Strathcona was trying to do in the last amendment, which was listed as A2. I can understand where the hon. member was coming from.

> (b) The person has not quit or abandoned the person's employment between the date of the application for revocation and the date of the vote;
> (c) The person meets any requirements with respect to eligibility to vote established in rules made by the Board pursuant to section 15(4)(a).

Now, when we look at the Labour Relations Code, we've got to be mindful, Mr. Chairman, that part 3 deals specifically with construction industry labour relations. That may offer some comfort to the hon. Member for Calgary-Nose Hill. But we do identify the construction industry and the construction industry's members or workers in a distinct way in this bill. There's no doubt about that.

If we look at a following section of this bill, Mr. Chairman, we will see that not all requirements listed are necessary for the act to work. Now, that is section 5, where there is essentially a list of conditions but "at any time before the earliest of the following." But here in this section, section 6, "all of the following apply." That's the difference.

I think at this time it would be necessary to try to repair this bill. I have an amendment that I would like to propose to the Assembly, but first we need to have it circulated. It's signed by Parliamentary Counsel. I will provide the original to you, Mr. Chairman, and I will wait until it's distributed.

Thank you.

The Chair: This amendment is now known as A3.

The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much. Amendment A3 to Bill 26 is needed at this time for a number of reasons. This is the section of the bill that, in my view, will be the perfect Charter challenge. By striking it out entirely, I think we eliminate that possible legal confrontation.

We talked about this earlier. If this bill removes any union or any contractor from using MERFs to access work on the odd occasion, then perhaps the unions will take the money that they were originally allocating for MERFs and contribute to a significant pool of money which will be used to protect their legal rights in the courts of this country. I can't blame unions if they would go that route after how they are being treated by this government. Not only has this legislation been rammed through this Legislative Assembly in a matter of hours before anyone can even voice an opinion or have time to seek a legal opinion on this legislation, but the unions themselves have never been consulted.

I think this gives the government an opportunity to see their mistake and correct it. In section 6 of this bill, I'm going to call it paragraph (a), "the person was an employee of that employer for at least the 30-day period immediately preceding the date of the application for revocation." If we just look at that, has the government, when they drafted this bill, considered how large or how small a group of employees may be or may not be in regard to this application? In that 30-day period how large could the workforce be or how small could the workforce be that makes the application for revocation? Would it be 200 employees or would it be two that file the certification?

In paragraph (b) "the person has not quit or abandoned the person's employment between the date of the application for revocation and the date of the vote." What happens between those two dates if people are terminated, terminated for no just cause or maybe terminated because they support the vote? They didn't quit. The person didn't abandon the job. They were, as they say in the construction industry, skidded, skidded for no reason. What happens? That's another reason, Mr. Chairman, why this amendment A3 should be supported at this time.

Now, I understand that only people or workers or employees listed can make application. With this section many workers who were hired later cannot participate in the vote. If they were hired a week or two before the 30-day period, they're out of luck. They can't vote. I don't understand why we would want to restrict or limit that.

Those are some of the reasons I have, Mr. Chairman, for bringing this amendment forward. In conclusion, this amendment reads that the Labour Relations Amendment Act, 2008, be amended by striking out section 6.

Thank you, Mr. Chairman.

11:10

The Chair: The hon. Member for Calgary-Varsity on amendment A3.

Mr. Chase: Thank you. Yes. Speaking to the amendment, terms like fairness, level playing field, individual rights, collective rights: these are all topics that have been discussed tonight. But the right of the employee to participate in a vote can be circuitously removed, as the hon. Member for Edmonton-Gold Bar pointed out, by the process of skidding. In other words, just prior to the vote the employer looks around and has a sense of who was potentially promoting this idea of membership and terminates the individuals and therefore ensures that there wouldn't be individuals who were applying for union status within that job site and therefore can control the vote in a very unfair labour practice.

If we're going to be fair, there should be a right for an employee not to be terminated unless there is just cause, that could be upheld in an arbitration court, at least, to determine whether or not that employee deserved to be fired or whether it was just a political move to interfere with the vote on unionization. It has to work both ways. If you're going to protect the rights of the employer, you also have to protect the rights of the employee. This is the reverse of the salting process, where instead of a union member trying to encourage other people to join, an anti-union employer through the reverse process of skidding individuals could prevent a suitable number of people being around on the day of that vote taking place.

By removing section 6 as amendment A3 suggests, we attempt to again level the playing field such that an employee has the right to participate in a vote. The government has disagreed with the 30-day time period previously, but in the search for fairness hopefully the government members realize that an employee should have the right to participate in the vote. This clause basically denies them that right if an employer interferes with the process and fires them as the

days tick off towards that vote. If you're talking fairness, let's have fairness on both sides. If the field is going to be level, let's make sure that employees' rights to a vote are protected. We've already, as I said, done away with the idea of the 30 days being unacceptable. The government believes strongly in 30 days. Then the individual should have the right to remain employed long enough to have the right to vote.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Chairman. I'm pleased to rise and support my colleague on this amendment A3, which is attempting to strike out section 6, which is the section that is now setting out the new rules that the government would like to see in place around their revocation of these votes. Now, this has been an interesting process just watching. I don't know if it's a deliberate misunderstanding of what unions bring to our society, to our workplace, but truly I do view some of what has been put into this bill as punitive, really, trying to restrict what workers are doing, how they can arrange their own business.

You know, the Member for Calgary-Nose Hill was really quite in a high dudgeon about the salting practices. As I listened to him go on with some energy quoting from, I think, the Labour Relations Board ruling, I thought to myself: "So what? What's wrong with that?" Really, what is wrong with it? So they send somebody to a work site to try and convince other people to join a union. Happens all the time.

Mr. MacDonald: Tories go to neighbourhoods to convince people to vote for them.

Ms Blakeman: Well, yes. That's true. How different is that than having members of the government go into a particular area.

You know, they do it all the time with me. I represent downtown Edmonton. I turn around and the Premier is launching something at one of my schools, and blah, blah, blah, blah, blah. You think: okay; well, you know, what's that about, really? It's exactly the same thing. They've come into my community and positioned themselves in it to try and convince a bunch of people to support them, to switch over to a different side, to vote a certain way. It's exactly the same thing. What's good for the goose should be good for the gander here, guys.

I'm looking at something from the government's review of the labour relations. Yes. This famous unbiased report to which the signatories were three Conservative MLAs, someone from an anti-union association, Merit Contractors, and one poor soul trying to represent the Alberta Building Trades Council. Boy, that must have been an unpleasant series of meetings.

You know, this whole idea that for some reason salting is a terrible thing: frankly, I just don't understand why. It's not as though they've gone in there and put a gun to the head of the workers on the work site and said: boy, we're going to hurt you if you don't join this. There's still an opportunity for that whole process to come into play that allows them to set up a union. So the fact that they've just said: where we would usually prohibit your going to work on a non-union site or in an open shop, we will say it's okay for you to do that. I'm sorry. How is that worse than anybody trying to recruit someone to their particular point of view, to their particular political party? [interjections] I'm sorry. The Minister of Education is going to get in on this debate when I can actually hear him on the microphone at some point. Not only my eyes are failing; so are my ears.

I think that what the Member for Edmonton-Gold Bar is trying to do in removing this new restriction that has been put in place, adding after section 53 in the original bill, appearing as the new section 6 in this amending act, is perfectly appropriate.

You know, even now I have these looks of horror from my colleagues on the government side about: "Oh no. Why would you possibly wonder what was wrong with salting?" Well, frankly, none of you guys have said anything that would convince me differently. What's wrong with it? I mean, honestly, they're not going and taking people hostage. They're not hurting them. They're not threatening them. They're not asking them to do anything illegal. They're just saying: okay; the union will allow a worker to go onto the site to work. It's not as though they're sitting around on their butts eating bonbons while they're on the site. They're actually working. They're getting paid to work there. They're doing the work they're being paid for, and they're talking to people on their coffee breaks and their lunch breaks and before and after work and saying: "Why don't you consider joining a union? You might want to do that." [interjections] I can see that my colleague really wants to get up and speak to this again, from the amount of coaching I'm getting from the sidelines here.

11:20

Once again, I have heard nothing to convince me that there's anything wrong with this practice. What I do see is private-sector construction companies that are for some reason fearful of unions, not wanting them on their site, going to their friends in government and saying, "Please pass laws so I don't even have to deal with these guys, so I don't even have to be bothered chasing them off my site or trying to figure out what's going on so that I can fire them. You help me to just prevent them from getting on my job site in the first place." Underlying all of this seems to be an assumption on behalf of my hon. government colleagues that unions are somehow a bad thing. Again, I don't see any compelling evidence to convince me of that.

What I see when I go on the sites for the various unions are the wages and benefits packages that are available. You know, my brothers are union members – I've talked about that – my uncle, my cousins. They've always made good money. Frankly, these guys are ironworkers. They work outside every day of the year, including when it's 30 and 40 below. By the time you're 55, that's it; your body can't handle that work anymore. So, yeah, they made more money per hour when they were younger, but that's about all they're going to be able to make. When you hit a certain age, you just can't work outside any longer. They're going to end up retiring out of that area. How is that any different than, say, firefighters or police officers, who also, it's recognized, have fairly short careers? They tend to be paid more per hour or a higher salary, knowing that their time working in that sector is shortened.

There's the idea that the unions collectively come together to try to negotiate a better deal, a better pay packet for the people that belong to them. Again, I say: what's wrong with that? It seems to me to be a good idea. The construction companies, on the other hand, in this case, or other private contractors are free to negotiate back. Nobody has got a gun at their head. Nobody has passed a law saying that you can't do this. Nobody has curtailed their freedom of speech or their ability to negotiate that in good faith. Go for it, guys. If you can drive a better deal, good for you.

One of the other things that I found really interesting was – I thought: well, you know, really, are these unions such terrible people? What do they do? I went on the website for the Alberta Building Trades Council. What do I see? "Here are the scholarships that we give." Oh, I thought, that's actually a pretty good thing to see a group that's looking after its members, that's offering scholar-

ships to try and advance their education. That's actually pretty good. There's information being offered here for temporary foreign workers in Alberta, and then a number of scholarships, Alberta Building Trades Council scholarships and Construction Labour Relations, An Alberta Association scholarships and then a number of memorial scholarships specific to certain areas: operating engineers, boilermakers, and ironworkers. Well, that's a nice thing to be doing. That's a very constructive thing for a union to be doing. Then I look: charitable foundation. Oh, yeah. Okay. That's an excellent thing to be contributing to our society.

Again, this whole idea that somehow unions are bad for our society: no, they're not. They do a good job of what they're there to do, plus they do additional things, like scholarships, like charitable foundations. When we talk about an amendment like the member has brought forward, where we're trying to take out a section that is unnecessarily restricting what union members are able to do, I challenge that underlying assumption about why we need to restrict or prohibit what these members are doing.

Again, let me look at the charitable foundation. Well, they talk about donations over $100,000. That's nice. That's very good, actually. There are lots of times in this Assembly when I've seen members get up and go on for a two-minute statement or better about how great a particular individual or association is for having given a donation or raised money. There was a group this morning that was just terrific. A school raised $11,000. Very impressive. Here we have a charitable foundation from the Alberta Building Trades Council donating over $100,000 to a number of groups, including STARS air ambulance, Northern Lights hospital, DRIFCan diabetes research. For that they've actually donated a total of $1.25 million.

Mr. MacDonald: Are they the ones that give money for diabetes research, millions of dollars?

Ms Blakeman: Yeah, millions of dollars.

So, you know, why are the government members so concerned that they have to bring forward an amending act like Bill 26 that has sections in it like section 6? Again, we're trying to say that a person is not eligible to vote in a representation vote in respect of the revocation of bargaining rights of a trade union with respect to employees and employers unless all of the following conditions are met or apply: that the person was an employee for at least 30 days immediately preceding, that they haven't quit or abandoned the person's employment, and that they meet any requirements with respect to eligibility to vote established in rules made by the board. Well, why do we have to put those kinds of restrictions on people?

I haven't heard any argument about why it's necessary to do this. I would argue that there are lots of reasons why you don't need to do it. What is everybody so afraid of here? Unions have managed. They do their best to negotiate. They represent 20 per cent of the activity in this sector. If you don't like it, you can go work for the 80 per cent that's not involved in this sector. What is the need to control that last 20 per cent and prohibit and narrowly focus what they're allowed to do?

Having said that, I'm definitely in favour of the amendment that moves to strike out section 6 and, therefore, remove those restrictions that are being contemplated in that section. Thank you very much, Mr. Chairman.

The Chair: As there is no other member who wishes to speak on this amendment, the chair shall now call the question.

[Motion on amendment A3 lost]

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much. We will proceed with further discussion at committee on Bill 26 at this time. I would like to bring section 10 to the attention of the House if you don't mind, to all hon. members: "Section 161(a) is amended by striking out '$10 000' and substituting '$100 000'." When we look at the explanatory note on the proposed section 10, we will see that it reads:

> Subject to sections 159 and 160, a person, employee, employer, employers' organization or trade union that contravenes or fails to comply with any provision of this Act or of any decision, order, directive, declaration or ruling made by the Board under this Act is guilty of an offence and liable
> (a) in the case of a corporation, employers' organization or trade union, to a fine not exceeding $10 000, or
> (b) in the case of an individual, to a fine not exceeding $5000.

Well, we are substituting with this proposed section 10 $100,000 for $10,000, so we're increasing the fine significantly. But what this bill fails to note and what is so important and is even more important after we take it into consideration is that the minister, when this bill was being drafted, consulted with no one in the labour community that represents workers.

11:30

Now, we have to go a little deeper with this. If we have a good look at the act, section 162 is very important to this, and it has not been noted in the bill. Section 162 reads under Prosecutions: "No prosecution for an offence under this Division shall be commenced without the consent in writing of the Minister." So the minister has the final say in this, and I would say, after how this bill has come forward in this Assembly and is proceeding so quickly through the Assembly, that this is a form of intimidation. This is a threat, a hammer, a big hammer held by the minister. I'm sorry, hon. minister of health?

Mr. Liepert: Draconian.

Mr. MacDonald: Draconian. I would agree with you. For one of the first times this evening I would agree. This is certainly a draconian measure. It is unneeded, it is unnecessary, but unfortunately it is here.

The minister will have the final say, the consent in writing. The people that will be affected by this are the citizens that I have listed earlier and that are listed in this act as it currently reads in sections 159 and 160. So why is it necessary if the minister has the final say on whether a prosecution is to occur or not and the consequences from that are to go from 10 grand to $100,000?

Now, I'm sure the hon. Member for Edmonton-Strathcona knows full well what happened to some of the members of the United Nurses of Alberta and the money that they were issued in fines. There are other cases of fines involving the AUPE, but in this particular case with this division, with construction workers here in part 3 of the Labour Relations Code, this is how it will work.

I have a way, again, of fixing this problem: by restricting and limiting the power of the minister, in this case the Minister of Employment and Immigration, with this amendment. If I could now ask for it to be distributed by the pages, I would be very grateful. The signed copy will go to you, Mr. Chairman. I believe it is in order.

The Chair: The hon. Member for Edmonton-Gold Bar on amendment A4.

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. I would urge all hon. members to vote in favour of amendment A4. We would like to remove section 10, strike it out entirely. Section 10, of course, reads that section 161(a) is amended by striking out "$10 000" and substituting "$100 000." In light of part 3 of the Labour Relations Code, which deals specifically with the construction industry and its workers, what we're doing here is giving the minister significant power to commence a prosecution, and the minister gives his consent in writing before this activity would commence; that is, the prosecution.

In light of the behaviour of the minister here – I mean that there was no consultation with the labour union groups that will be affected by this – I don't see any reason in the world why we should increase the fines from $10,000 to $100,000 and leave this at the discretion of the minister. The minister doesn't have, in light of the information that has become public, a very strong track record with consultations. He certainly is not off to a good start. Whenever we consider that MERFing is to be outlawed and that MERFing was one of the very few ways we could reduce labour costs in the construction sector in this province and that this government through the minister sees fit to eliminate that, if that's not one issue, then certainly the failure to consult in any manner with the groups that are affected by this is.

Dr. Taft: I'm shocked and appalled.

Mr. MacDonald: It is shocking, and it is appalling as well, hon. Member for Edmonton-Riverview.

When we think that this government is so anxious to increase the fine here from $10,000 to $100,000, why is it so reluctant to increase the fines even further for violations of the Employment Standards Code and enforce those laws?

An Hon. Member: It's one-sided.

Mr. MacDonald: I think it's very one-sided, hon. member. You don't want to protect the health and safety of the workers, but you want to restrict and limit the unions that are very anxious to represent their interests.

There's a double standard here, Mr. Chairman. I know the government made an effort some time ago to try to enforce the occupational health and safety code. However, whenever we look at the OH and S laws and we look at the pattern of injuries and deaths in the workplace, unfortunately some weeks there can be up to three Albertans losing their lives as a result of their occupation.

Now, we have a lot of different ways of fining people under occupational health and safety. Some of them are unique. There was a commitment a number of years ago after an underaged construction worker fell through an elevator shaft or fell off a condominium project to his death, unfortunately. I believe it was a considerable distance, at least six storeys. There was an effort at that time by the government to try to enforce our occupational health and safety laws, and they have backed off. That's my opinion, Mr. Chairman. So when we think of what's going on with the Occupational Health and Safety Act and this measure, that's one more reason why we should vote for amendment A4.

11:40

Again, in conclusion, I'm going to read in its entirety – and it won't take long, Mr. Chairman – section 162 of the Labour Relations Code. We can look at the general offences and the penalties under section 161 and also in sections 159 and 160. We have to be very careful because what we were not told in this bill was that in section 162 under Prosecutions "no prosecution for an offence under this Division shall be commenced without the consent in writing of the Minister."

When we look at section 161 as it is amended – and we're changing this from $10,000 to $100,000 – that would also, Mr. Chairman, apply to section 159, in my opinion. Section 159 reads:

> Penalties re prohibited lockouts
>
> 159(1) An employer or employers' organization that commences or causes a lockout contrary to this Act is guilty of an offence and liable to a fine not exceeding $1000 for each day that the lockout continues.
>
> (2) A person not referred to in subsection (1) who commences, causes or consents to a lockout contrary to this Act is guilty of an offence and liable to a fine not exceeding $10 000.

Now, can anyone on the other side of the House confirm to me that 159(2) is not applicable to the new section 161 as proposed in Bill 26?

Thank you.

The Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. This increase from $10,000 to $100,000 is the equivalent of using a bazooka to kill a bug. It's overkill, and it's funny the direction the government is using with regard to the overkill.

I recall debating in this House what I considered to be appropriate fines and punishments, and I remember supporting the former Member for Calgary-Nose Hill on Bill 39, the Traffic Safety Amendment Act, 2005. One of the controversial parts of that bill was the size of the fine that would be levied against a person who was driving without insurance and the liability associated with that person should there be an accident which they caused. The former Member for Calgary-Nose Hill was very adamant about not punishing an individual unduly.

My feeling was that if the cost of the fine didn't exceed the cost of the insurance, then the motivation for people to drive without insurance would continue. If the fine was simply a thousand dollars, you'd pay a fine and you'd continue driving without insurance. However, with this particular fine going from $10,000 to $100,000, it seems absolutely ridiculous.

Another point that the Member for Edmonton-Gold Bar brought out was the amount of discretion the minister had with regard to applying the fine. Ministerial discretion, regulation as opposed to legislation, is always a concern of mine. I go back again to Bill 40, advanced education, where the right to discuss tuition increases in this House, to debate it, to have students provide input, was taken away. Bill 40 simply said that it's under the discretion of the minister whether or not he or she decides to increase tuition.

This whole business, when you look at it cumulatively, is that the government has tossed out motions with regard to changing 30 days to 24 hours. It has referred to salting, but the only example that was provided was the equivalent of a person from one denomination going into a different person's church and suggesting, maybe, that if they were Presbyterian, they might like to try out Anglican for a while. That's hardly a threat.

The Member for Edmonton-Gold Bar also brought out the selective enforcement and the lack of fining of employers when employees' lives and health and safety have been compromised, yet they're all set to hammer somebody with a $100,000 fine for questionable contravention of a labour act. You know, we've talked tonight about level playing fields and collective rights of companies versus individual rights of the employees of those companies, and we seem to not be able to come to any kind of a middle ground. What amendment A4 was trying to point out was, looking at matters

again from a historical perspective: where is the need to drive into the ground through monetary fines of a tenfold increase, from $10,000 to $100,000, a contravention of the labour code?

The current hon. Member for Calgary-Nose Hill, who has a legal background, brought an example of salting and read thoroughly the process that he found offensive. The Member for Edmonton-Centre questioned how spreading the gospel of unionism could be considered a sin. I would love to have an example from anyone in this House of a union member breaking the labour code to the point where a $100,000 fine to that individual as opposed to the organization needed to be assessed.

You know, in the spirit of debate the government has put forward a tenfold increase on the fining. They want to hammer those few people, that portion of the 20 per cent, who are still fortunate enough to have union representation. What little they have left they want to take away, and they want to do it through intimidation and unabashed fining to the point where the individual is not only beaten but beaten to the submission point. It's intimidation.

If there's a member from the government side who can quote from the Alberta labour employment legislation, they might want to refer to 159(2). They might want to talk about 163(1), application. But give us examples. Justify this increase in your fine, the tenfold increase. I look forward to that discussion, the examples that the government members feel have contravened safe labour practices and therefore require this enormous $100,000 fine. Please provide me with those examples.

11:50

The Chair: The hon. Leader of the Official Opposition.

Dr. Taft: Well, thank you, Mr. Chairman. I'd just like to briefly comment on why I would support this amendment. This amendment would prevent this bill from increasing the fines, and it seems to me this is an issue of legitimacy.

This bill will be multiplying tenfold the fines imposed on labour unions, yet labour unions were not consulted whatsoever. It's a basic principle of representative government, of democracy, that you have a voice as citizens in the laws of the land. Clearly, the people affected by this penalty have had no voice whatsoever. For this government, through this bill, to bring forward a tenfold increase in the fines, a tenfold increase in the financial penalties, when they haven't even had the courtesy to consult with the people who will be affected is illegitimate. I think it shines a very poor light on this government's approach to this entire issue to do what this government is proposing.

This amendment would correct this illegitimacy, and that's why I think it should pass. What's proposed in the bill here is simply wrong.

The Chair: The hon. leader of the third party.

Mr. Mason: Thanks very much, Mr. Chairman. Yeah, I'm happy to add my two cents' worth to this amendment. The amendment, I think, rightly challenges or suggests removing this massive increase in the fines.

Now, you know, we see that the government has the hammer in lots of areas, including for pollution, polluters, fines for all sorts of things. Minimal fines are levied against corporations by this government, but they want to put a little extra power behind this anti-union bill and make sure that they can frighten the unions into making sure that they comply, notwithstanding the fact that we believe that this bill may be entirely illegal.

These large fines really raise a major question mark with me, and I certainly think that they should raise a question mark with other people. We haven't had a justification here from the government with respect to this increase in fines. Why is it necessary, and why wasn't it necessary before in terms of the labour code? What is it about this bill and its provisions that requires the additional attempts on the part of the government or additional leverage, I guess, in enforcement that would require this major, major increase?

Do members of this Assembly feel that it's okay to make a significant change in the penalties under an act without the slightest justification being provided by the minister or responsible officials of the government? Maybe they do. Maybe they do. But I don't think that was what their voters had in mind when they elected them to represent them in this place. I think their voters elected them expecting that they would ask the tough questions, that they would challenge the government, that they would make sure that all the i's were dotted and all the t's were crossed and all the appropriate questions were not only asked but fully answered. But we haven't seen that.

Quite frankly, I think we can't possibly let this big increase in fines go ahead until we get some of those answers. I'm sure that I have broad support for that assertion on both sides of the House, so I'll look forward to a positive vote, then, on the amendment.

Thanks very much, Mr. Chairman.

The Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. I just wanted to point out to all those present that if I use the government's inflationary fining math, the hon. Member for Edmonton-Highland-Norwood's 2 cents would now be 20 cents, and if he were to rise again, it would be raised to $2. So your wisdom and values, the comments you've made, if looked at through the scope of the government, which has a tenfold increase in valuing, just continue to be more and more worthwhile. I look forward throughout the night to hearing those worthwhile comments, that obviously increase in value as the night proceeds if we use the government's mathematics.

Now, the Member for Edmonton-Highlands-Norwood and myself, the Member for Calgary-Varsity, have asked the government members to provide examples to demonstrate that increasing the fine tenfold, from $10,000 to $100,000, is justifiable. Throughout the night we've asked members to give examples where salting undermined the collective bargaining process, but the government to date has failed to provide examples justifying increasing fines by such a tremendous amount. They've yet to provide examples where salting has interfered with the day-to-day business of organizations in this province.

I see we have had some fresh blood come in and possibly that fresh blood that has recently arrived will have the examples that we as opposition members have been calling for. Possibly the Member for Red Deer-North would be able to provide examples, or some of the recently arrived members from Calgary could provide examples where inflationary fines are necessary in order to punish union members.

I'm wondering in this particular section 10 if the government is suggesting that we move up the fine from $10,000 to $100,000, in the section where it deals with individuals, it's currently suggesting $5,000; therefore, should we multiply that by 10 and every individual union representative who transgresses be fined $50,000? Surely, that would drive out anybody that might want to be a member of a union for fear of transgressing.

Again, I look to the members opposite, the members of the government beside me, those who are still awake, to give me examples that justify hammering either companies or unions or

individuals with fines to this extent: $100,000 for organizations, applying that logic, and $50,000 for individuals. Where is the precedent? Please explain.

The Chair: Hon. Member for Calgary-McCall, do you wish to speak on amendment A4?

Mr. Kang: Well, I'd like to put my two bits in here, too, Mr. Chair. Thank you.

Mr. Chase: Two bits is now $2.50.

Mr. Kang: Two dollars and fifty cents. Oh my God, if this keeps up, then I think we will have topped the fines here maybe up to $200,000 for any violations.

I think it all started from salting and MERFing, and we have been going around and around and around on this bill. I don't see any reason why we are bringing this bill in the first place. The only conclusion we come to on this bill is that it's just union-busting and taking the rights away from the workers not to organize or not to fight for their rights for better wages, for better benefits.

12:00

This certainly is a draconian measure, and it may be called union-busting. We know what happened with the United Nurses of Alberta. If we have these kind of fines in place, that could drive the unions right down to the sea, probably. There was no consultation done with the stakeholders, and there are no reasons given for raising these fines. Everything has been working hunky-dory, and there have been no strikes or lockouts since 1986.

The Chair: Please keep the level of noise down.

Mr. Kang: I think the minister thinks that money grows on trees. They don't want the health and safety of workers protected.

The Chair: Hon. members, please pay attention here. Keep the noise level down. If you have conversations, please go outside of the Chamber.

Continue on, hon. Member for Calgary-McCall.

Mr. Kang: Yes. If these fines are used to secure the safety of the workers and protect their rights, then I think it would be better for the workers, but this is going the other way around. I think the minister should take a serious look at this and with this amendment just strike out section 10 from this bill. I think that will solve all the problems. We've just been going around and around in circles and circles and circles, coming back to the same conclusion, that this bill is not needed because everything has been working.

So I'll support this amendment A4, and for those reasons I think we should strike out section 10. Thank you, Mr. Chairman.

The Chair: Seeing no other member wishing to speak on amendment A4, the chair shall now call the question.

[Motion on amendment A4 lost]

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Chairman. Now, when we look at this . . .

The Chair: Sorry to interrupt you. There's a bit of noise and conversation inside the Chamber. Please go to the Confederation Room.

Carry on, hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Chairman. I don't want to be pointing fingers, but I think that the Minister of Transportation over there, he's the ringleader in all of that. [interjection] Yes, hon. minister. Yes. Absolutely.

Now, when we look at this bill, we must look at whose interests are being served here, Mr. Chairman. I would like to draw the attention of hon. members to a submission that the Merit Contractors Association made to the standing committee on financial planning, and this wasn't yesterday. It wasn't last week. It wasn't last year. It was over 10 years ago. It was November 10, 1997. I heard on the radio on the way in here this evening a newscast, and the hon. Member from Edmonton-Whitemud was speaking. He said that this had been a plan and that MERFing and salting were not new news, but it was something the government had planned for some time.

Now, let's look at some of the recommended public policy actions that the Merit Contractors were after in 1997 and they're finally getting with this legislation. This was one of the recommended public policy actions at that time: "give construction companies who have union bargaining relationships the right to control their own destiny in resolving/negotiating collective agreements." Well, Bill 26 certainly does that. They're also advocating that we should "free workers from unreasonable union discipline when choosing employment relationships not sanctioned by their union." I don't think that was ever an issue. "Provide parallel rights for workers in both forming union relationships and in ending or changing such relationships."

If we look at the Merit philosophy and we look at Merit programs and services, if we look at the construction workforce and the Merit member firms, independent unions, building trade unions, other non-union firms and we go through all of this, there have been a lot of changes. There have been significant economic changes. We have gone into a construction sector where there is anticipated not $10 billion or $20 billion worth of projects but well over $100 billion worth of projects on the books and being developed by the engineers and the draftspeople on their tables. There's a lot going on.

But the Merit contractors and other unions of convenience seem to have the ear of the government. The traditional unions or the building trades unions and their affiliates don't. This is the other shoe that's dropping through TILMA: the Merit contractors are getting their way as well by reducing the number of compulsory construction trades. I think that's wrong as well.

Worker choice is a big issue with the Merit contractors. It was 10 years ago, when they appeared before the standing committee. Employer choice is also an issue. The Merit Contractors Association sums this up at the end of their presentation with this, Mr. Chairman: "Merit has other suggested changes to the Labour Code of a more technical nature that have been directed to the Minister of Labour." Again, not only is there this appearance before the standing policy committee on financial planning, but the door to the office of the minister of labour is apparently open to this group. I'm so disappointed that it was closed to various labour organizations whenever there was to be a period of consultation regarding the drafting of this legislation.

I certainly know the minister of labour means well, but this bill at this time is not the right direction to take. I would like now, Mr. Chairman, to cede the floor to another hon. member of this House to discuss Bill 26 further at committee.

Thank you.

The Chair: The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you, Mr. Chairman. I would like to turn the attention of the House with respect to this bill for just a short time to that part of the bill that addresses the circumstances of the ambulance drivers. We haven't had a chance to talk too, too much about them yet, and we're coming close to the end of our time to do that.

12:10

There are different sections of the bill that address their issue. Of course, the bill as a whole and the primary objective, certainly in the way the bill was described to us, is to ensure that those ambulance drivers become subjected to, I believe, division 16 of the Labour Relations Code such that they would no longer have the right to strike and would be designated as an essential service.

There has been a lot of discussion in the second reading around essential service legislation and whether these folks are properly within that area. Just to be on the record, our caucus is very concerned any time any worker loses the right to strike. In particular, in Alberta, this government has a history of defining the concept of essential service just a touch too broadly, such that we find that people who really have absolutely no impact on life-and-death situations are covered by that broad scope and have their right to strike significantly limited.

Nonetheless, before getting into that part of it, I'd like to focus the attention of this Assembly on section 4, which, to my reading, talks about basically the bargaining units that ambulance workers can be a part of. I have an amendment here with respect to section 4, and I'm wondering if I could have that amendment distributed. Then I would speak to it for a few moments.

The Chair: The amendment we have here is now known as amendment A5.

Hon. Member for Edmonton-Strathcona, please continue.

Ms Notley: Thank you. Amendment A5 proposes to strike out section 4 of the bill as it reads right now. Section 4 essentially sets out that

> notwithstanding any [current] certificate to the contrary, a bargaining unit that includes ambulance attendants as defined in the Ambulance Services Act who are represented by a bargaining agent shall not include any other employees other than employees to whom Division 16 applies.

What this section basically does is purport to make decisions for the ambulance workers about their bargaining unit and their bargaining agent by extension. In essence, what it's doing is suggesting that ambulance workers cannot choose to be represented by a bargaining agent that would include them in a bargaining unit that includes people that are not described as providing essential services. You know, there is some debate on the labour side, frankly, about the strategic merits of whether you should have employees included in bargaining units who are both essential service employees and nonessential service employees, but ultimately, all discussions of strategy aside, in my view, it again comes down to that issue of the fundamental right of employees to choose their bargaining agent and to choose their bargaining unit as much as possible.

The fact of the matter is that in many other jurisdictions in this country essential services are not dealt with in the sledgehammerlike way with which they are dealt in Alberta, where, for instance, you have essential services that are defined but you don't actually label every worker who works in that sector as an essential service. What you do is you define the services. Then you say that certain numbers of these employees cannot go on strike, and others of them can go on strike so that disruption can still occur, but the primary essential service is still provided.

For example, in British Columbia nurses can strike, but before they do that, they go through a process of defining the number of nurses that have to be left in any given health care site in order to ensure that the health care site can still provide for the safety and security of patients. So the employer, which is in that case the people of the province and also the government of Alberta, is disrupted – you know, if people are going to be able to exercise their bargaining power, they need to be able to create some disruption – but the disruption is controlled through a process of essential service designation. For instance, in that arrangement you will have people who are both essential service employees and those who are not essential service employees.

That arrangement can occur and does occur in other jurisdictions. Once again, it allows for maximum choice on the part of employees, and once again it gets away from the strategy that is clearly being adopted by the drafters of this legislation, which is to negate fundamental rights to belong to and participate in collective bargaining, both the process and the agreement. Instead of doing it the way we do here, which is that we maximize the amount of the breach and the derogation of the right, in other jurisdictions they've been able to fine-tune it to meet the objectives of the people of the province or the employer or whatever while at the same time maximizing the rights of the employees whose rights are being limited by the particular legislation in question.

My view is that the way this section reads right now, it's unnecessary. It's superfluous. You can still identify ambulance workers as an essential service if you so choose – and that's a different issue that needs to be discussed – but there's no reason why those ambulance workers cannot still remain part of a bargaining unit or be represented by a bargaining agent that may also represent workers who are not essential services. Those groups can bargain together even though one is an essential service and one is not. I know that I sound like a bit of a broken record on this issue, but when I start talking about, again, the Constitution and that recent decision of June of 2007, it's not just that I have nothing else to talk about; it is probably one of the most important decisions issued by the Supreme Court of Canada in relation to labour relations law in the country in the last 50 or 60 years.

Ms Blakeman: So it was.

Ms Notley: Pardon me? It's the health services association decision of the Supreme Court of Canada, which said that section 2(d), the right to freedom of association set out in the Charter, protects the rights of individuals to belong to and participate in unions. As I've said a number of times, I think that this legislation runs counter to a lot of the elements of that decision.

12:20

One example of how that decision has been interpreted is found in Quebec more recently where the courts considered the consequences of the Quebec government's decision to tell I believe it was health care workers what bargaining agent they could use and what bargaining unit they could be in, which is exactly what section 4 in this legislation does. In that decision – of course, I had it on my computer, and I now have to reboot the whole darn thing – which I believe was issued in about the last three or four months, the court determined that the legislation brought into effect by the Quebec government ran into trouble with section 2 of the Charter, that in purporting to tell employees what bargaining unit and what bargaining agent they could choose, they had significantly impacted on their freedom of association.

I would suggest that section 4 of this act does that very thing and

that it's not necessary to achieve the objective of declaring ambulance workers an essential service and that it's not necessary in order to facilitate the reorganization of health care set out by the government because there are other ways in which that reorganization can occur without stomping vociferously, repeatedly, over and over again on the rights of workers in this province to choose to be part of the union and the bargaining unit that they choose to associate with.

It's with those thoughts in mind that I will ask members of this Assembly to consider – here we go. It was November 2007, the decision in Quebec. I haven't quite found the name of it, so I might have to get up again after I've found it. Anyway, it was a Quebec decision in November of 2007 which struck down Quebec legislation. It was one of the first decisions to consider the consequences of the health services and support facilities subsector bargaining association decision from June 2007.

I would argue that this section 4 is problematic because it breaches, again, the freedom of association, and I would urge members of this Assembly to consider my proposal. I will stop there.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chairman. I'm rising in support of this amendment A5 to strike out completely section 4 in the amending bill, which is amending section 35 in the original bill.

What we're seeing here in Alberta is that there appears to be a correlation in the mind of government that "essential workers" means no right to strike and no ability to talk about that or the issues that are affecting them.

What's at issue here is that this particular section is describing who those ambulance workers can associate with, who else is in the same bargaining unit, rather than allowing the definitions of what they're trying to organize in their workforce to be done by what they do or how they do it or the hours that they work or the location of where they're working, which would naturally be the kinds of items that would bring people together that are interested in moving in the same direction, for example, on bargaining. No, we're not talking about what brings people together, what commonalities they have; we're basing this on restrictions. We're saying: no, only the people that are restricted from striking will all have to be together over here. That doesn't make sense. I mean, you could have all kinds of people that actually don't do the same thing or have any overlapping concerns now lumped together here. So it's not what affects you in the performance of the job but what you're restricted from doing, and that's what I object to in this particular section.

The Member for Edmonton-Strathcona has noted that the B.C. legislation has a process to mitigate that problem and still allow those basic rights of freedom of association. That's what's at the bottom of this, and I think that's why that Supreme Court ruling was so important: because it did uphold that right to choose who you are going to associate with, particularly, in this case, around who you're going to associate with for the purposes of your workplace and to improve your workplace, make it safe, make it better, work on the hours, et cetera, et cetera.

I think that what's quintessentially wrong here is that it's grouping unlike groups of people together. The defining feature there is what they're not allowed to do, rather than looking at the similarities of workplaces and of particular jobs that allow them to improve their particular situation in life.

So I support this amendment, and I encourage everyone else in the Assembly to do the same.

The Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. Speaking to amendment A5, this particular section 4 is unnecessarily complicated. As members have previously pointed out, the bargaining agent designation provides an unnecessary complication. Part of the problem with the essential service notation or requirement for paramedics is the different way that different municipalities, MDs, rural areas provide that ambulance paramedic service. For example, in Calgary – and again this has to do with the bargaining agent and the interconnectedness – the paramedics may be stationed in a particular police district, or the paramedics may be connected to a fire hall, or they may have their own particular site from which they're dispatched. But regardless of which site they're dispatched from, it's the same dispatch used by the Calgary Police Service, used by the Calgary fire service. Part of the problem with the centralization of services is the cost associated with trying to pull any one of these services out and then duplicating the work. That causes a terrific amount of confusion.

For example, in Lethbridge the paramedics and the firemen or firewomen are one and the same. It's an integrated service, and they do both jobs. In the rural areas there are a number of volunteers who are volunteer firemen, volunteer paramedics. Although they're volunteers, are they considered an essential service? In other words, does their volunteerism all of a sudden now through this designation mean that they're essential and they're expected to volunteer on top of the work that they do on a daily basis? So section 4 is rather muddy, to say the least.

Now, I had the rather unique experience of being part of a 15-hour shift in Calgary in January, where the temperature dropped to below 30 degrees. I believe that what the paramedics did that night was absolutely essential. When we weren't being directed to a hospital, we were out driving along the riverside looking for individuals who were in stress, and because station 3 was a centrally located station, there was a lot of business.

12:30

We drove by the drop-in centre. We were very close to the Mustard Seed. We went into Alpha House. In fact, we brought an inebriated individual whom we had found lying face down in the snow to Alpha House, and there was a bed provided for them. I would suggest that if the paramedics had not been out on patrol, that woman could have suffered extreme frostbite. Her life could have been complicated had the paramedics not sought her out and rescued her.

However, if you're going to designate something essential, it's essential that you recognize the work that the individuals do, and that has to include compensation. Now, Calgary paramedics I don't think are necessarily different. I talked to paramedics here in Edmonton at the University hospital about the amount of time that they're on call, and in both Calgary and Edmonton the amount of overtime that is required of paramedics because of a lack of numbers . . .

The Chair: I hesitate to interrupt the hon. Member for Calgary-Varsity, but pursuant to Government Motion 18, agreed to on June 4, 2008, which states that after seven hours of debate all questions must be decided to conclude the debate in Committee of the Whole for Bill 26, Labour Relations Amendment Act, 2008, I must now put the questions to conclude the debate.

[Motion on amendment A5 lost]

[The clauses of Bill 26 agreed to]

[The voice vote indicated that the title and preamble were agreed to]

[Several members rose calling for a division. The division bell was rung at 12:33 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Cao in the chair]

For:		
Ady	Fritz	Marz
Allred	Goudreau	Mitzel
Amery	Hancock	Oberle
Benito	Hayden	Ouellette
Bhardwaj	Horner	Rodney
Bhullar	Jablonski	Sarich
DeLong	Johnson	VanderBurg
Denis	Klimchuk	Weadick
Doerksen	Lukaszuk	Xiao
Drysdale	Lund	
Against:		
Blakeman	MacDonald	Pastoor
Chase	Mason	Swann
Kang	Notley	Taft
Totals:	For – 29	Against – 9

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? Carried.
The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chair. I'd move that the committee rise and report Bill 26.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: I would like to call on the hon. Member for Cypress-Medicine Hat.

Mr. Mitzel: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 26. I wish to table copies of all amendments considered by the Committee of the Whole on this day for the official records of the Assembly.

The Deputy Speaker: Does the Assembly concur in the report?

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.
The leader of the third party.

Mr. Mason: Thank you very much, Mr. Speaker. Well, it being 10 minutes to 1 o'clock in the morning, I would move that the Assembly adjourn until 1:30 this afternoon.

[Motion lost]

Private Bills
Third Reading

Bill Pr. 1
Young Men's Christian Association of Edmonton Statutes Amendment Act, 2008

The Deputy Speaker: The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you, Mr. Speaker. I would like to take this opportunity . . .

Privilege
Length of Evening Sitting

Mr. Mason: Mr. Speaker, the hour is very late. Members are tired, and it is increasingly difficult for the Assembly to conduct its business given the late hour. I would respectfully request that you accept my point of privilege that this state of affairs is interfering with members' ability to do their job, and therefore it constitutes a breach of privilege.

12:50

Mr. Hancock: Mr. Speaker, this is not the first time the House has sat past 12 o'clock or even, indeed, past 1 o'clock. In fact, in the 10 years that I've been in the House, we have sat into the evening and into the night on many occasions, and we've done that with large and small caucuses. No question of privilege has ever been raised on this before. We have a good attendance of people who are obviously very alert, and there's no interference with the ability of members to do their job.

The Deputy Speaker: The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Well, thank you, Mr. Speaker. I would like to echo the words of our Government House Leader. I was just about to rise and introduce third reading of a very important bill. I'm full of energy and vigour and ready to speak to that bill, and I can see a whole bunch of wide-eyed and bushy-tailed members over here ready to work. I don't think that any one of us is tired, and I don't think anybody's ability to perform is impeded. Let's carry on.

The Deputy Speaker: The hon. leader of the third party.

Mr. Mason: Thank you very much, Mr. Speaker. Well, the government is attempting to legislate by exhaustion. There is absolutely no reason why we cannot convene tomorrow and if necessary Monday evening and all day Tuesday to finish the work of this Assembly. What the government is doing is seriously impeding the ability of at least some members to be able to conduct the very important business of this House, which is the important business of the people of Alberta. I would ask that this practice stop and that you would rule that the government's actions in this matter are a breach of the privileges of members of this House.

The Deputy Speaker: Well, having heard the motion and then the expression from the other members, the chair rules that this is hardly a question of privilege. The House voted against the adjournment motion, and the Assembly determines when it will sit.
So we'll proceed with the business.

Debate Continued

Mr. Lukaszuk: Thank you, Mr. Speaker. I'll take this second opportunity to rise and to move third reading of Bill Pr. 1, otherwise

known as the Young Men's Christian Association of Edmonton Statutes Amendment Act, 2008.

Mr. Speaker, it is well known to all members of this Assembly that the Young Men's Christian Association, YMCA, is doing fabulous work in our community. They are not only providing sports services and fitness and health services to our community, but they also are vital members of our neighbourhoods, providing such programs as swimming classes for children and other very valuable initiatives. What's very important at the YMCA and what makes the YMCA stand out from many other sports institutions is that they are accessible, and they're accessible to everybody. Nobody gets turned away from the YMCA regardless of their income status, and that makes them a very valuable member.

[The Speaker in the chair]

Mr. Speaker, this particular legislation changes the status of the YMCAs in Edmonton and aligns it with the status of YMCAs already in place in Calgary, making the system more consistent. I would ask that all members support the third reading of this bill and pass this and support this very valuable institution in Alberta.

Thank you.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm really delighted to get a chance to speak in third reading and support this Bill Pr. 1. This is important to me on a couple of levels. One, because it allows the YMCA to continue to allow services for a reasonable cost that are fitness services, yes, but also additional services to the community, in some cases subsidized child care and before and after school care, venues, meeting spaces for community groups to meet in the particular building. There are some counselling services in some cases that go along with it. There's a very wide range of services that are offered by the YMCW in Edmonton.

Dr. Taft: YMCA.

Ms Blakeman: I'm sorry. YMCA.

This request to be of assistance with their property tax status is certainly supported by the city council of Edmonton. It would bring it into line with the rest of that city of Edmonton property tax status for not-for-profits, and it helps to keep those services being offered at a reasonable rate.

I am really privileged to have the new Don Wheaton Family YMCA open in my constituency of Edmonton-Centre. Right away I noticed a few things. There was a community association called DECA. It's actually DECL now, which is the downtown Edmonton community league. They had been cast a bit adrift when they lost some of their funding. They used to have an office space where they could meet and where people that lived in the downtown area could drop in and find out about what was available. They couldn't keep the office; they lost it. So now they didn't have a centralized place where people could find them. Even worse, they were drifting about, you know, from sort of people's living rooms to try and have their meetings. The YMCA has stepped up and offered them a place to meet.

I think there has been some sort of arrangement about a place to get information for people that live in the downtown area that's offered on a more permanent basis. So this centre is very important to us downtown. The fitness facilities are important for people that work downtown and for people that live downtown. We have more and more people that are actually living downtown and can take advantage of this.

There was some controversy at the beginning about where this new facility would be located. There was some desire on behalf of some nearby communities to have it located closer to them so that some of the kids that are less able to take advantage of that, that are further away and that are coming from very low-income families, perhaps wouldn't be able to access it as successfully. But I have to say that the Y has worked really hard to make sure that that's not the case. It's a beautiful facility. They've worked hard to make it a welcoming space so that nobody feels, you know, that they shouldn't be there. It's open to everybody, and they've worked hard on that. I really support that.

In the past we've had a number of health ministers and, indeed, I think there's currently a private member's bill from Calgary-Lougheed suggesting that there be some sort of a personal income tax credit on memberships to fitness clubs. I have always countered that proposal by saying that, well, for the most part that particularly is an advantage to private clubs, Gold's Gym or Spa Lady or whatever those commercial operations are, and that if we really wanted to get better health and better fitness for our population, all we needed to be doing was assisting those organizations that are offering that service and more services to the community at large.

What I'm seeing being contemplated here in Pr. 1 is exactly what I'm talking about. If we can assist those organizations to operate at a better cost, they can offer their services at a better cost to everybody, and we do get enhanced access to health and fitness and a wide range of other health and wellness programs, which is certainly what the Y has become very good at offering as well as the support for families and a healthy spirit as well. They really do work to be able to offer the whole package there.

As I say, this is a new location in downtown Edmonton. It just opened. I was at the opening. I've actually taken advantage of their special pass to be able to go and try the facility, which, again, is a very generous offer. You can try everything in the whole facility for a two-week period. I've been very impressed with what I'm seeing there: the community groups that they have actively reached out to and made connections with and have brought into that building and are working with. I'm very happy to support this bill because it supports the YMCA, and that's an important institution in this city. It's certainly an important institution downtown for all of the work that they do on many different levels.

Thank you very much for the opportunity to speak in support of this bill in third reading, and I encourage everyone else to support the passage of this bill.

1:00

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

Mr. MacDonald: Yes. Thank you and good morning, Mr. Speaker. I rise to participate in the debate at third reading on Bill Pr. 1 as proposed by the hon. Member for Edmonton-Castle Downs. As a member of the Private Bills Committee I certainly heard and listened with a great deal of interest to the submission that was made by the delegation from the Y. They were certainly accompanied by legal representatives and taxation experts from the city of Edmonton as well as individuals from the Ministry of Municipal Affairs. They adequately answered all the questions from the committee.

I would like to remind the House at this time that the bill at third reading has been amended in Committee of the Whole. It's been amended in two places, Mr. Speaker. Those amendments were agreed to by all members of the Private Bills Committee, and of course they were passed by the entire Legislative Assembly in committee.

I think it is a very good and worthwhile piece of legislation. It's

certainly going to make a financial difference to the Y in Edmonton, and it just brings the Edmonton operation of the Y in line with what goes on in Calgary as far as exemption from property tax.

Again, I would like to thank the Assembly, thank the hon. Member for Edmonton-Castle Downs for his work on this. It's a good idea, and I would again urge the Assembly to give this bill speedy passage through third reading.

Thank you.

The Speaker: Hon. members, I do believe that Standing Order 29(2)(a) is available.

Additional speakers? Hon. Member for Calgary-Varsity, on the 29(2)(a) provision or to participate?

Mr. Chase: To participate, sir.

The Speaker: Proceed.

Mr. Chase: Thank you very much. I also speak in favour of Pr. 1. I realize that this affects the YMCA in Edmonton centre, but I would like to reflect also on the important job that both the YMCA and YWCA provide in terms of extended programs for children in preschool and after school. It's unfortunate that in Calgary the YMCA and YWCA have been forced to cut back programs. They haven't received the subsidies and the support necessary.

I also want to note, Mr. Speaker, that for those Albertans time outside of this House has progressed. It's 1:05 on Thursday morning. For those of us here in the House time has stood still. The date hasn't changed. It's still Wednesday. Due to the government's poor planning, significant legislation has been turned into just another item on a list of unfinished business without the discussion due its importance. Lumping a variety of legislative bills together creates a mishmash, an unsavoury stew unworthy of Albertans' consumption.

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

Are there additional speakers?

Shall I call on the hon. Member for Edmonton-Castle Downs to close the debate, or call the question?

Hon. Members: Question.

[Motion carried; Bill Pr. 1 read a third time]

Government Bills and Orders
Third Reading

Bill 26
Labour Relations Amendment Act, 2008

The Speaker: The hon. Minister of Employment and Immigration.

Mr. Goudreau: Thank you, Mr. Speaker. I truly appreciated the wide range of comments from all of our colleagues in the Legislature on Bill 26. To recap this act, it will protect public safety by prohibiting strikes or lockouts and by introducing compulsory arbitration for ambulance operators and their employees. This act will also restrict the disruptive practices of salting and market enhancement recovery funds in the construction industry.

Mr. Speaker, I move third reading of Bill 26, the Labour Relations Amendment Act, 2008.

Thank you.

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

Dr. Taft: Thank you, Mr. Speaker. I appreciate the chance one last time to rise on this debate. I regret that it's occurring after 1 in the morning. In fact, I regret the entire process here by which we've handled the Labour Relations Amendment Act, 2008. This process, through which the most controversial bills of a session are introduced in the last few days, has become a habit of this government, and it's a habit that I hope they break. We finished the last sitting in November – was it? – with Bill 46, concerning the EUB. Tremendous controversy around that, and it was rammed through. Last spring there was a similar kind of pattern. This year we see it again.

Mr. Speaker, this is no way for an Assembly to make laws. This is no way for democracy to function. My first comment concerning this bill is that I think it has been handled very badly by this government. It didn't need to be done this way. There's no mad rush. There's no crisis. There's no emergency. Unfortunately, we're taking steps that will curtail people's rights in significant ways, and this government has chosen to do it by introducing a bill on Monday and turning it into law, you know, early Thursday morning. In legislative terms I think it's still Wednesday, in fact. It's a poor process. It's a bad day for democracy in this province. I think this government should reconsider – I'll put it constructively – how it approaches controversial bills and legislation and figure out how to manage its business better.

I haven't had a chance until now to address one of the crucial aspects of this legislation, which is that concerning eliminating the right of ambulance workers to strike. This is a tough issue. You know, if people were to choose a service that was an essential service, ambulances would be awfully close to the top of the list, and frankly I can fully understand that. I think that it's tough to argue that an ambulance is not an essential service. At the same time, the system has worked, and the system up until now has not made ambulance services an essential service. There have been some strained and difficult negotiations that have resulted in near strikes, but in fact everything has always been worked out in the end.

I can see both sides of this. I am reluctant to take away the rights of people. I'm also prepared to admit that ambulances are an essential service. So this is one in which I find myself torn, and I'm going to be candid on the record here by making those comments now. I can understand this part of this bill. It just seems, I guess, in the end unnecessary. If we had it to do again, I don't see the reason that this has to be in the bill, but I at least am not going to fight hard to oppose that change.

1:10

However, I can't help commenting on the sort of picking and choosing aspect of this legislation. We have ambulances folded in with construction workers. We want to pick on those two groups. There's a huge absence. I mean, if we were to pick groups of workers to fit into a piece of legislation, it's too bad that we didn't do something to strengthen the rights of agricultural workers because they are victimized by this government. We've raised that issue here. I see the Minister of Transportation shaking his head, but this issue will not go away. We will continue to revisit it. However, that wasn't in the bill, so we won't dwell on that.

The effect of this bill, Mr. Speaker, I believe is going to be to continue to drive down union participation rates in Alberta. The trends in union participation rates, particularly in the construction sector in Alberta, are very clear. They've been marching downward decade by decade for three decades now. They have gone from 80 per cent in the 1980s to 20 per cent today, and I believe that the effect of this bill is going to be to accelerate and continue that process. We've heard protestations from members of the government about how important they feel labour unions are and how much

the union movement has contributed to the quality of life and how much various members here like unions and how well some of them have worked with unions, but in the end actions speak louder than words. These actions here will be to continue to weaken the union movement in Alberta, particularly in the construction sector.

We've talked here about the effect of that, whether it's on worker safety, whether it's on pension security, whether it's on pay or benefits or job security or all kinds of other aspects. I think what we need to be aware of is that a parallel trend in society is occurring and that it's occurring in lockstep with the decline of union participation, and that is a growing income disparity. I think that a second effect of this bill, Mr. Speaker, will be to increase income disparity in this province. As union participation declines, you have fewer workers earning union wages, and you have greater disparity between the rich and the poor.

I was at a presentation in Calgary last Friday morning by an esteemed researcher with the Canadian Institute for Advanced Research, one of the world's largest networks of Nobel laureates, I was surprised to discover. One of the key points made in that presentation was that over the last 25 years, I believe it was, for 90 per cent of Canadian incomes have either declined or stayed the same. Only 10 per cent of Canadians have seen their real incomes increase. We are seeing that disparity, actually, played out most dramatically in Alberta, and you see various groups raising flags around this.

One of them is the TD bank. It published a major report a couple of years ago. One of the biggest concerns they flagged about Alberta society is that disparity between the rich and the poor. They pointed out that while Calgary has the largest percentage of high-income people of any major city in Canada, Calgary also has the highest percentage of low-income people of any major city in Canada. You can see that when you spend time in Calgary. The same thing, of course, is playing out throughout the province. I think one effect of this bill is going to be to continue to see that disparity grow when, in fact, I would like to see the government take action to begin narrowing the gap between the very rich and the very poor.

I also think that another effect of this bill, Mr. Speaker, will be to sow bitterness in labour relations in the construction sector. Not only the content of the bill but the process of the bill will fuel bitterness. As construction contracts come up for negotiation, I think we are going to find in Alberta that there's more hostility, there's probably more labour disruption, and there's going to be greater, not less, difficulty in coming to resolutions on labour negotiations. I believe that that will be in part because this bill will fuel bitterness in Alberta's labour sector.

Much has been said about salting and about MERFing, and I think that in many ways this comes down to a debate about values. We've seen some genuine passion earlier this evening on the government side about how wrong salting is, how wrong it is for organized labour to have a member join a work site to help organize that site so that it might just possibly become a union site. On the other hand, you've had people on our side say: well, so what's wrong with that? What's wrong with that? Nobody is forcing these people to join unions. It's a free vote. What's wrong with salting? So what we see here is a divide of values in this Assembly. I think that's been made very clear through the debates on this particular bill.

We've also, of course, heard various debates about MERFing and the market enhancement funds. Again, even if we could all agree on the facts, I think the different members of the House would just fall on different sides of this issue. What's wrong with it? What's wrong with this particular practice? The marketplace is disrupted constantly. Corporations do things all the time to disrupt the marketplace. What this does is simply give organized labour one more tool that it uses on rare occasion to help increase the possibility that Albertans will enjoy the benefits of being in labour unions.

Mr. Speaker, I think this is a bill that has much shame about it and, from my view at least, nothing to be proud of. That includes the process through which this government has handled it. It includes the unnecessary eliminating of the right to strike from ambulance workers. It includes continuing the downward trend in union participation in Alberta, embittering labour relations in this province, and various other negative side effects. I don't think there's anything to commend this bill. It's an unnecessary bill. There isn't a government report that's being brought forward to support this bill.

Mr. MacDonald: Not that you're aware of.

Dr. Taft: Not that I'm aware of. That's right.

There's no consultation with the labour sector. I think that's shameful. I think that's absolutely shameful that a bill with these kinds of implications for organized labour is brought forward and rammed through without any labour union being spoken to. Mr. Speaker, it's with real regret that I see this bill get pushed through. We have fought hard. We've carried it till well after, you know, midnight.

Ms Blakeman: For two days.

Dr. Taft: Fought for two days and in circumstances in which in many ways our hands were tied behind our backs, which is no accident, because we weren't given the time and the public and the union sector weren't given the time to fully weigh out and organize around this bill. So it's lose, lose, lose. I regret we've come to this in this Assembly.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Olds-Didsbury-Three Hills.

Mr. Mason: Thanks very much, Mr. Speaker. Well, it's with a considerable degree of disappointment and discouragement that I stand to speak now for the final time to Bill 26. In previous debate I've indicated to the House a lot of my views, but I just want to put on record my view that this bill will in fact weaken the rights of working people in this province. I think that each of its major aspects – eliminating salting, MERFing, placing limitations on people who may participate in certification votes, and extending the time that decertification can take place, as well as taking away the right to strike from ambulance workers – are all retrograde steps in labour relations, in my view. They will have the impact of weakening the ability of unions to organize and represent the workers of this province.

1:20

Mr. Speaker, I believe that the people who work for a living in this province have made, perhaps, the greatest contribution of all to building this province. Everything we see is either produced or built by working people, or the services that people receive in almost every sector are delivered by working people.

This building was built by construction workers who were unionized. Some months back, at the last session, I had the opportunity of introducing in this House people from the Plasterers' and Cement Masons' union whose members did all of the beautiful

plaster work in this Assembly, in this Chamber and, indeed, in the rest of the building. The people that have built the province, that continue to build the province, that continue to work in our hospitals, in our health care system, in our schools, in our universities, in the construction of our industry, the delivery of electricity, the provision of protective services, in almost every walk of life have not received the respect that I believe they are due from this government.

In my view this government has lost no opportunity to turn its back on working people. I think we see the results. We see the results in this province in the sense that even though there's unparalleled wealth generation at this time, the distribution of that wealth generation is very inequitable, very, very disparate and uneven. In Alberta the rich are getting richer and the poor are getting poorer faster than in any other province in this country. I believe that that's due in no small part to the anti-union attitude and legislative record of this Progressive Conservative government. We're seeing an extension of that situation tonight.

Mr. Speaker, I want to make a couple of other points, first of all with respect to the motivation for this. I've waited in vain for any real, solid evidentiary rationale for the steps that the government is taking in this bill. They haven't produced any real evidence that salting or MERFing is harmful. They haven't produced evidence that ambulance workers through job action have jeopardized the lives or the health of Albertans, but nevertheless the bill is still here.

I believe – I continue to believe and have not been persuaded otherwise – that in fact portions of this bill represent a political revenge by the government on building trades unions and other unions who had the temerity to criticize and challenge the Conservative Party in the last election, which was a campaign that was undertaken that did not have its desired effect; nevertheless, I think the government wants its pound of flesh. I think that this bill represents that. I have heard no other clear and rational explanation for why the government has taken this step at this time.

I am sort of buttressed in that view when I think about the process of the bill. The minister did not consult with unions in advance of this bill. As far as we know, there has been some discussion with Merit Contractors and Progressive Contractors, perhaps with CLAC – I don't know – but certainly no consultation with the organizations and individuals who are mostly affected by this bill. I find that completely unacceptable.

There has been no opportunity to have a public debate around this question. This bill has been introduced and pushed through this Assembly with breathtaking speed and in a most bloody-minded fashion, a single-minded determination to push this bill through as quickly as possible.

The government has not explained that. The government has not said why this has to be dealt with and why we have to impose closure before the bill is even debated, why we have to work well into the early morning hours in order to finish this bill. The only conclusion I can come to, Mr. Speaker, is that this government badly wants this bill. It is not interested in the opinions of unions or of the public. It will tolerate the opinions of the opposition because they have no choice, but nothing that we say or have said or have tried to do in this House has caused them to waver in the slightest from their chosen course of action.

I also believe that this bill, by weakening organized labour, will in fact increase the social inequity in our province and I think may well lead to more social misfortune and perhaps social unrest in our province in years to come. The one bright spot I see, Mr. Speaker, is that I think this bill is so contrary to recent Supreme Court decisions with respect to the rights of organized labour that it may well trigger a legal challenge that may have broader impact on Alberta's labour regime. That's my hope. I'm hoping that the passage of this bill will trigger one or more court challenges to labour legislation in this province and that ultimately the courts and perhaps the Supreme Court of Canada will require the province of Alberta to bring its labour legislation generally into line with the adopted principles internationally through the United Nations organization, the International Labour Organization, and with the Canadian Charter of Rights and Freedoms.

That's my hope. That is not what the government intends by this. It may not come to pass, but I think that if the labour movement in this province thinks carefully about it, they will take the necessary legal action to challenge the whole framework of labour legislation in this province. I believe that ultimately, Mr. Speaker, they will be successful, and I hope they are. I hope that they're more successful than we have been in our limited, three-day fight against much superior numbers. I hope also that the public will learn a lesson from this as well and that they will in future accord the Progressive Conservative Party far less leeway to bring about its various reactionary schemes.

Thank you very much, Mr. Speaker.

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

Then we will proceed with the next speaker. The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Calgary-Varsity.

1:30

Mr. Marz: Thank you, Mr. Speaker. I'm pleased to rise and reiterate some of the comments I made in second reading on this bill. To sit here and listen to the opposition say that there was no consultation about this bill – it is, I find, totally erroneous. In 2003 the hon. Clint Dunford, minister of labour at the time, commissioned a committee, which I chaired, to do that consultation. I feel that the committee took extraordinary steps to make sure that the consultation was open and fair to all parties. As a matter of fact, we had representation from both union and non-union representatives on the committee. Merit Contractors as well as the Building Trades Council were represented on that committee.

We had numerous submissions, both personally and in writing, by individuals and by groups that were welcome to come in and make their presentations to us. Given the sensitivities surrounding these issues of union and non-union, we even offered individuals on all sides that came in the opportunity to make their presentation either privately or publicly so that they felt free to speak freely on any issue they wanted to raise relating to this.

I think the committee took a lot of pride in making sure that that process was open and that people felt comfortable coming in, so I can't stand by and listen that there was no consultation taking place because there was extensive consultation. We made a decision, that's outlined in the committee report that I tabled in the House on Monday, and yes, there was even a dissenting viewpoint by one of the members of the committee, which was also part of the report that was tabled yesterday.

I just wanted to clarify that particular point. With that, Mr. Speaker, I'll take my seat. Thank you.

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

Mr. Mason: Yes. I wonder if the hon. member could tell us when that consultation took place.

Mr. Marz: When the consultation took place?

Mr. Mason: Yes.

Mr. Marz: As I stated just moments ago and stated in second reading, the committee was struck by Mr. Dunford in 2003, and the report was presented to the minister in August of 2004. It took place over the fall of 2003 and the spring and summer of the following year, so there were extensive opportunities for that to take place.

The Speaker: The hon. Member for Calgary-Mountain View.

Dr. Swann: Well, thank you, Mr. Speaker. I appreciate the comments of the hon. member. I guess I find it puzzling that we're dealing with this issue, then, in the last few days of this term. If you've had the report for so many years, why is it that we're forced to address this question with so little time to prepare and understand what the issues are and really know the implications of what we're doing?

Mr. Marz: Well, as I look around this House, I see that many of the members from when this consultation took place in '03-04 are still here. It was a public process, and it was advertised in all the papers. I know that members opposite were well aware that that committee was up and running and studying this issue and taking presentations. You were all here, so to sit here now and say that you didn't know that this was an issue and possibly coming up puzzles me.

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

Mr. Mason: Thank you. I just wanted to confirm with the hon. member that this consultation that took place took place five years ago and that there has been no movement since that time. I just wanted to indicate that I think it's almost hilarious that he would stand here and argue that this represents adequate consultation for this piece of legislation.

The Speaker: Any comment?

Am I going with the hon. Member for Calgary-Mountain View or the hon. Member for Calgary-Varsity? Calgary-Mountain View, please.

Dr. Swann: Well, thank you very much, Mr. Speaker. It is my last opportunity to speak on this bill, and I would echo some of the comments earlier that I certainly have struggled with preparing for this bill with all the other issues we've been dealing with this week and the shortage we have of researchers. I don't feel I have had a chance to talk to union people or to businesspeople about the implications of this bill. I don't feel I have the personal experience. I know something about ambulance workers, and I don't have a lot of problems, frankly, with the issue of making ambulance workers essential services and limiting their right to strike. I think they are an essential service.

With respect to the other issues, salting and MERFing, I'm simply still coming to grips with some of that. I need much more information than I have tonight from these, I guess, hit-and-miss examples given by various people from various sides of the issue to be able to say with any confidence that I know what I'm voting for or what I'm rejecting in those two areas.

The unfortunate part, too, of this bill. It would be, I guess, fair for me to say that the perception of this government is that there are all kinds of initiatives to limit workers' freedom of expression and freedom of assembly and freedom of organizing, but I don't see the same interest and enthusiasm for limiting unfair business practices or passing a resolution to ensure that there isn't exploitation or unsafe work practices. I raised the issue earlier of how committed this government says they are to fairness and a level playing field, and this is a government that has denied union status for farm workers for 45, 50 years.

I think there's a fundamental inconsistency in the statements that you want to have a level playing field for people and your consistent focus on limiting and restricting union organizing. We say that we stand for individual and human rights, and unionization is a fundamental attempt to strengthen people's rights, to strengthen their quality of life and their security on the job. If it wasn't such a consistent approach and a progressive loss in union programs in the province, I guess I would with other Albertans feel that there was more balance here in relation to labour legislation. It feeds into this unfortunate adversarial role that we see between business and unions. It's unfortunate that it is such a condition. It doesn't bode well for the future. It doesn't bode well for finding the common ground between management and labour and to really look for win-win situations.

It's not clear to me that adults in a workplace are unduly influenced by salting, for example. Adults, intelligent human beings, can reject people that they see trying to manipulate them if they feel that they are being manipulated. With the work conditions for unionized people having reached a certain level and a certain salary, it seems to me we should be trying to generalize that across the board, not trying to pit one organization against another and where the one who can extract the most out of their workers, regardless of whether it's fair and safe, is the one that wins in a condition in which most workers are non-unionized, which is the case in this province.

Again I come back to my experience in Brooks and the strike there at the meat-packing plant, where some of the conditions were described to me as very, very difficult and exploitive in many cases. The idea, again, that we're trying to focus so much on restricting and limiting the organizing and uniting of people to create good conditions is distressing, and I don't think it will add to the health of Alberta, the economic democracy that I think we want, the greater social equity, shall I say, in which people feel that they are valued, respected, and have equal opportunities for the good things that we all value.

1:40

It's difficult for me to know, as I say, what the implications of accepting and rejecting some of these practices are, but certainly the overall tenor, the overall tone of this government has been: if there is a bias, it's a bias in favour of management. It's a bias in favour of corporate growth. It's a bias in favour of profit and not in favour of the community, not in favour of strengthening organizations and strengthening democracy.

The use of temporary foreign workers is another example where I see, I guess, a contrast between what the government says and what actually is resulting. I had a contact from an electrical worker who said that he was one of 3,000 unionized workers that couldn't find work in the oil sands because we have all these temporary foreign workers coming in. That was only one particular trade, and it suggested to me that the goal here is to tighten the screw as much as possible on workers and to limit worker rights and worker freedom and to maximize profits. I don't think that's getting us to where we need to go.

I can't support this bill, Mr. Speaker, and I'll pass this on to others. Thank you.

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

Then we'll recognize the hon. Member for Edmonton-Strathcona, followed by the hon. Member for Calgary-Varsity.

Ms Notley: Thank you, Mr. Speaker. I rise to speak against this bill in third reading. I'd like to start by mirroring some of the comments

that have been made by previous speakers about the process we followed to get to this point tonight. I, too, am very concerned about the lack of consultation that preceded the introduction of this bill. I, too, with the leader of the third party find it laughable to suggest that consultation that took place five or more years ago is satisfactory grounds on which to move forward or, indeed, that it's potentially even relevant to the circumstances today. Instead, I will proceed to go on the assurance given by the current minister of labour, which is that there was no consultation, at least with the unions, on the introduction of this bill and that which is included in this bill. So right at the outset I think this government should be ashamed at that part of this bill.

The second thing that I am very concerned about, of course, is the fact that the government has felt the need to impose closure on members of this Assembly and to limit debate in the fashion that they have. We certainly had a number of amendments that remain to be discussed, and in our view there was simply no need to impose closure on such a significant bill, that so clearly restricts the rights of working Albertans, other than the interests of the members on the opposite side to find their way to their summer holidays.

I'm also concerned in general about the speed with which we've had to move forward on this, including the fact that, of course, we're here now in third reading at roughly 1:45 a.m. Why? Why are we here at 1:45 a.m.? Are we hoping to ensure that we minimize the scrutiny in all possible ways by the public and the press and anyone else who might be interested in hearing about how this government is planning to restrict the rights of working Albertans?

All of that leads, of course, you know, to the actual objectives behind this bill, and we've heard some talk about why it is that this government thinks it needs to bring in this bill. We've heard about the concerns around salting and MERFing, the very same concerns that this government apparently discovered were significant when they did their consultation five years ago. Hmm. It must have been really urgent. We've heard about the need to render ambulance services an essential service so that workers can't strike. Of course, again, as we know, we have such an incredible history of emergency created by all those striking ambulance workers. No. Wait a minute. We don't. Again, no emergent need for this.

What we do have, of course – and the leader of the third party has mentioned this as well – was just three months ago the spectre of certain unions choosing to engage very actively in the political process in an unprecedented manner. Then with this bill, that relates in particular to the interests of those unions – two-thirds of it relates to those unions – suddenly there is a need to rush this bill forward at the very end of the session, at 1:45 on Thursday morning. I have some concern about that. I have concern about the chilling effect that that leaves for all Albertans who may choose, God forbid, to actually engage in their democratic rights in this province. I think that it's quite shameful that the government has chosen to respond in this way.

We also, as I've said, have really no evidence of the problems that this bill purports to cure. The last significant labour relations crisis that we had was one that was referenced by the Member for Calgary-Mountain View, and that was the really traumatic events and the violence and the suffering that we saw occur at the Lakeside Packers strike in Brooks.

We know from that event that there was, in fact, a clear direction, that was obvious to anybody observing what was going on there, a clear strategy that should have been adopted by this government to avoid having that happen again. That was a strategy of ensuring that we could reduce the instability in labour relations, enhance the security around organizational opportunities for unions, and move towards banning scabs, move towards first contract arbitration, that kind of thing. And here we are, this government's first foray in many, many years into the Labour Relations Code. Strangely, that which actually presented itself as a significant need is nowhere to be found in this bill.

So what does this bill actually do? This bill significantly undermines the rights of working people in this province. It bans the right of ambulance workers to strike, and unlike some members in this House I'm not particularly equivocal in my position on this. I think that the right to strike is a fundamental human right, and I think that any limits on that right to strike should be used very cautiously with great consultation in only the most emergent of circumstances.

Now, I will say that there have been occasions where NDP governments have in fact ordered striking workers back to work. I'm not going to say that that didn't happen. But typically the rule is that those people have the right to strike, and where those people are ordered back to work, it's because those particular circumstances have actually appeared to be creating a crisis. What we're doing here is taking a great big sledgehammer. We're saying: we have no record, no history of a crisis, but, hey, here's an opportunity to remove from more working Albertans the right to strike, so let's do it 'cause we can. I wholeheartedly object to that, frankly. That's all I can say to it.

As well, in a so-called effort to ban salting, this bill, as we have discussed at some length tonight, also significantly limits the rights of a certain class of employee, who I maintain represents a significant portion of employees within the construction sector; i.e., the temporary employee, the short-term employee. This government is stripping the rights of those temporary employees to participate fully in their right to organize and become part of a labour union.

1:50

This bill also will enhance the rights of employers to challenge union certification, thereby increasing opportunities for instability, increasing the adversarial nature of our workplaces, increasing the number of times unions and employers have to appear before the Labour Relations Board, decreasing the profitability and the efficiency of businesses, and increasing the fractiousness of our labour relations climate in Alberta. Ultimately, as well, what it's going to do, as I've said numerous times, is increase the instability of our labour relations climate by virtue of the fact that we will be subjected to numerous legal challenges around the many ways in which this bill breaches the Canadian Charter of Rights and Freedoms.

The other thing that this bill does, that we didn't even get a chance to get into great detail on in second reading because our second reading was limited by this government in a very arbitrary way, is what the anti-MERFing initiatives in this bill do. In my view, they represent a significant interference in the rights of a private organization and, in fact, an organization to which access is guaranteed by the Charter of Rights and Freedoms in this country. The government has given itself the authority to go into that organization to review its books, to reach into previously legal trusts and funds of money and retroactively declare those amounts of money illegal.

It's an incredibly invasive, heavy-handed set of initiatives, designed for who? Designed for business? Designed for environmental polluters? Designed for those who don't pay their royalties? Designed for those who leak water into the rivers? No, no, no. Designed for unions, who represent the interests of workers. That's who we've chosen to become the object of the great weight of regulatory enforcement and authority, which this government can actually exercise should it choose.

I just wish that this level of oversight would be applied to those many businesses who are engaging in corporate crime all over the

course of this province as it relates to our environment and the future of our health and safety and our air and our water. Nonetheless, what we're dealing with are those evil unions, instead.

As well, this bill – and, again, we didn't even really get a chance to get into it – purports to extract information from these unions and gives the government the authority to then come up with regulations about what it will do with that information. I hope to goodness that we don't find ourselves in a situation where the government has essentially given itself authority to go into the internal operations of unions and then somehow make that public or accessible to, oh, Merit Contractors or others of the sort.

We've also, of course, increased fines against the unions should they dare to breach these regulations, from $10,000 to $100,000, again, exercising the full weight of government regulatory authority on those union criminals. Not balance, I would suggest.

I would suggest that throughout the debate we've heard a lot of crocodile tears from government members. We've heard a lot of: we respect unions, but we must at the same time do everything within our power to limit them and protect people from those evil unions because, really, it's all about the so-called level playing field. As I said before, there is no level playing field in Alberta. There is such a slope to that playing field, with Merit Contractors' chalet at the bottom of the very steep field, that I could ski down to it, and it's just getting more and more steep. There hasn't been a level playing field when it comes to the balance between workers' rights and employers in this province for decades and decades, if ever.

We know that there have been numerous representations to this government through this Assembly – because, of course, to review, the minister doesn't actually speak directly to unions at this point – for real, substantive, required changes to our Labour Relations Code, the kind of changes, as I've mentioned, that international organizations have suggested need to occur, that courts in other jurisdictions have said need to occur, changes relating to bringing about stability to our labour relations: first contract arbitration, banning of scabs, enhancing the right to strike, those kinds of things. Yet, of course, this Assembly has completely ignored those requests. The most obnoxious refusal, in my view, is the fact that agricultural workers remain a special form of second-class citizen in this province.

Ms Blakeman: And domestic workers.

Ms Notley: Domestic workers as well.

So none of those requests were acknowledged. Why would they be? Those were not people that the government consulted with. In short, this government has historically and then through this bill represented the fact that they have completely and totally abdicated their responsibility to mediate and balance between the interests of workers and employers. They have simply abdicated that responsibility. Their view is that they do whatever they can to help employers, and they really don't care what the outcome is for working Albertans unless, of course, they find that it is somehow impinging on the rights of employers, in which case they do care and they want to reduce the rights of Albertans.

With every step that this government takes into the Labour Relations Code, historically they impinge upon the rights of workers . . .

The Speaker: Hon. member, I regret that we must interrupt.

Standing Order 29(2)(a) is available.

Ms Blakeman: I was very interested in what the member was saying, and I wonder if she can just complete the thought that she was cut off from completing.

The Speaker: The hon. member.

Ms Notley: Thank you very much. Yes. At the end of the day what this government is interested in doing every time it looks at the Labour Relations Code is to further restrict the rights of working people in Alberta. We live in a prosperous, prosperous province. We have businesses coming in, making unprecedented levels of profit, but it seems as though the view, the vision of this government is that the role of Alberta's working people is to place themselves on the floor around the table of corporate profit, and, if really lucky, they can catch some of the crumbs from that table. If, heaven forbid, they actually become a little bit successful in catching enough crumbs, then it is the role of the government to step in, sweep up, and make sure that that's given back to corporate Alberta.

It is with great disappointment that I can say that there is nothing in this bill that represents the interests of working Albertans. It is very unfortunate, and as a result I'm compelled to vote against it.

The Speaker: Others?

Then I'll call on the hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Speaker. I note that it is now 2 o'clock.

With this reactionary, input- and debate-constrained Bill 26 piece of legislation, the clock has been wound back to a time of union-busting, when axe handles were used to beat would-be union members into submission, when Winnipeg strikers were killed for assembling and marching in the streets. This government has regressed to the point where dictatorial state control supercedes individual Charter rights. Regression rather than progression continues to be the order of the day for this government: beat down and bully, exclude rather than include, label your detractors as subversives.

Mr. Speaker, with regard to the essential services designation you can only drive people so far before they either break down or give up, which is increasingly becoming the case, with paramedics leaving the profession and recruitment for replacements unable to keep up, leading to a dramatic increase in red and burgundy ambulance unavailability alerts, putting Albertans' lives at risk. This government continues to undermine and disappoint Albertans.

2:00

The Speaker: Hon. members, Standing Order 29(2)(a) is available. Did the hon. Minister of Transportation catch my eye on the Q and A, the question-and-answer section?

Did the hon. Minister of Transportation want to participate in the debate?

Mr. Ouellette: Mr. Speaker, I just have a few words to say. I don't think I can stand by and just listen to a whole bunch of untruths about what we're trying to do: that we're wasting time, that we're trying to force things down somebody's throat. My constituents tell me all the time: "Why do you waste so much time up there? Go up there, state your facts, vote on an item, and get on with business." I've been sitting in my office since 7:30 doing work, listening on the box, and most of the things that have been said tonight have been said over and over and over again. I don't think we're trying to push anything through.

I'm going to state a few of what I believe are the facts on this bill. Mr. Speaker, salting and MERFing stifle healthy competition in the marketplace, in the construction sector. This is something that I've heard repeatedly since I was elected in 2001. The legislation is not anti-union, as the opposition parties have stated numerous times.

Unions can still organize in the usual legitimate ways. Workers still have the right to be represented by a union. What this legislation does is ensure that they are able to make decisions without outside interference. I have no problem with individuals wanting to join a union if that is what they believe will allow them to earn the best living. What I do disagree with, however, is the unfair situation of being suddenly put into a situation where salting occurs.

Restricting MERFs will ensure a level playing field between unions and non-union contractors. It's not the job of the government to get involved in the bidding process of private companies. However, I believe it is our job to ensure that those companies are all on a level playing field. That is true fairness, Mr. Speaker. The opposition likes to comment on fairness. How fair is it for a company to be outbid by another company using MERF funds?

I support this bill because it is the right thing to do. I believe that the government should not be involved in business, so let's create the proper environment so that business can focus on what they do best, Mr. Speaker.

The Speaker: I knew this was going to happen. The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Edmonton-Gold Bar.

Mr. Mason: Thank you very much. I was just milliseconds faster than the hon. Member for Edmonton-Gold Bar.

I'd love to ask the hon. Minister of Transportation whether or not he feels that it is fair that a non-unionized company would be able to get a lower bid because they are not paying their workers as much. They don't have pension responsibilities, and they don't have to provide benefits to the worker and their family; for example, health care benefits or dental benefits. Is it fair for a company that doesn't do that for its workers to be able to win a bid because they've been able to lower their costs by turning their back on their own employees?

Mr. Ouellette: Mr. Speaker, talk about living in the past. In this day and age I don't know of any companies that are out there doing what he has said. Most of the people that talk to me that work for non-union companies say, in fact, that they probably get paid more today than if they were union. In Alberta today if you're an electrician, you get paid electrician wages whether you're in a union or non-union because they're hard to come by. If you're a welder, you get paid big wages whether you're within a union or non-union. Most companies that don't treat their employees fairly today don't have employees because they won't work for them.

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

Mr. MacDonald: Yes. Thank you. To the hon. Minister of Transportation, Mr. Speaker. Yesterday in the Legislative Assembly the Minister of Employment and Immigration stated that MERFs lower labour costs for contractors. This is one of your colleagues. In your department you have a significant budget for improving our provincial highway network. It's well over $500 million. Can you tell me why the government would at this time initiate this labour law that drives down construction costs when your own department is spending millions of dollars on construction contracts? Does it make sense to remove from the labour code an act or a law that drives down costs when your government and your department are having such trouble at this time controlling construction costs?

Mr. Ouellette: He answered his own question, Mr. Speaker, when he said: do I like paying the very high construction costs that we have today with taxpayers' money? No. We'd like to see lower costs. I don't think that is the reason. I think the reason this bill has come forward is because we have a very good labour minister, that has been listening since '01 to all of the problems that are caused by salting and MERFing.

You have to believe that ambulance workers are essential workers. Someone over there had just brought up ambulance alerts. We're saying: "You know what? We can't in this province have our ambulance workers go on strike when we're short of them now." So we've made them an essential service, an important part of this bill. Salting and MERFing: a very important part of this bill. If it brings costs down but still supports families on union and non-union to a good standard of living, that's what we want in this province, Mr. Speaker.

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

Mr. MacDonald: Thank you. Again to the Minister of Transportation: when this bill was discussed in the government, was there any consideration of the affordable housing issue and how removing MERFs or MERF funds through this bill would affect affordable housing initiatives in this province and particularly in the city of Edmonton, where a thousand housing units may be jeopardized because MERF funding is being removed by this government?

Mr. Ouellette: Mr. Speaker, I guess that's why Albertans have decided to put so many people on this side of the House: to make sure that decisions were made and that we weren't jumping all over the map. We're talking about a labour bill. We're talking about making sure that things are fair for all workers. [Mr. Ouellette's speaking time expired] I'm not done.

The Speaker: Yes, you are.

The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Speaker. Well, I can tell that it is the middle of the night because we have the Minister of Transportation dreaming in technicolour if he believes that this is a fair bill in any way, shape, or form.

Mr. Mason: It's Panavision.

Ms Blakeman: Yeah. It's actually my version of a nightmare, Mr. Speaker, because I support the idea of unionized workers. I support the concept of collective bargaining. To me it's the underpinning of a caring and thoughtful and organized society. You know, I've heard a lot about balance: we need a level playing field. From what I'm seeing being proposed through the government's Bill 26, you know, their level playing field is about as level as the Rocky Mountains. This is giving a huge advantage to private-sector companies to be able to take advantage of their workers. There is a bias and a chill created against organized labour in this province. As I said before, I feel that there is an underpinning, a belief, a philosophy by my colleagues opposite that unions are somehow a bad thing, and I just flat out disagree with that.

As I said, I'd gone on the website and started to look. Okay. Well, let's make some comparisons here with the Alberta Building Trades Council, representing a number of unions. What kind of benefits does it offer to its people? Then let's go and look at the websites for, say, Merit Contractors or CLAC, which are two of the other groups we've heard a lot of discussion about here tonight. I've already talked about the scholarships that are offered by the Alberta Building Trades Council. They're offering something back not only

to their own workers but to a wider community about education for people and helping people to do better. Could I find anything on the Merit site that had anything to do with scholarships? No. The best I could find was that they would be willing to reimburse the $600 apprenticeship school fee if the worker met a number of other very rigid conditions. Wow. Generosity. No, it wasn't. It's not at all generous.

2:10

When I look at some of the other benefits that I saw on the Alberta Building Trades Council website, I started talking about the charitable foundation donations over $100,000 – in particular almost $1.25 million to diabetes research – to Northern Lights hospital, to STARS ambulance. The last two are donations over $100,000. A long list of donations over $5,000. I couldn't find anything similar to that on the CLAC or on the Merit sites at all. But here we have a group of people that are helping groups in our society like the Salvation Army, Father Beauregard school, the Warburg ag society, Elves Club, heart and stroke, Gibbons park society, the Arctic Winter Games, family relief for Hurricane Katrina, the Fort McMurray crisis centre, Rotary House, cancer research, Keyano College, NorQuest College, ambulances in Bon Accord and Gibbons, Alzheimer Society, Operation Red Nose. I mean, this is across the range, and this is what a group of unions is organizing to help their members and the larger society. Can I find that same kind of community involvement from CLAC or Merit? Not on your life.

Donations under $5,000: the youth emergency centre, the school lunch program. There you go. We had something in this very building today around school lunches. Who's actually donating cash, money? That would be the unions. That would not be the contractors' association. It would be the unions that we're seeing contribute to our society to help kids with the school lunch program, Kids in Motion, Kinsmen Club, Bissell Centre, Wings of Providence, Atonement Home, Bears and Blankets, Sign of Hope, Stollery children's centre, Boyle McCauley Health Centre, and on and on it goes for another two pages of donations to the people that they help in our society.

Mr. Speaker, there is no need for this bill. I am not seeing construction companies standing shivering on the corner trying to pull their tattered rags about their skin-and-bone little shoulders. I am not seeing devastated profit margins in the construction industry in Alberta at this time. I am not seeing them imperiled in any way from continuing to make a very healthy living in this province. What I am seeing is a regressive bill that is brought forward by a government who's very comfortable with their friends in that industry and helping to create a very unlevel playing field, even more disproportionate than where we were, you know, two weeks ago, before we even started into this bill.

We have unions portrayed as bad. I argue that, in fact, they're a stabilizing factor in our society. I've talked about the scholarships and the donations but also the assistance that they offer to members: counselling services, grief counselling, addiction services if that's necessary, assistance for their families, lawyers' advice. There are all kinds of services that they offer, and I don't see those services offered anywhere else. So unions, I think, are a great asset to us.

What I see is a government that is very uncomfortable with the idea of not being able to control everything that's happening and very uncomfortable with the idea that businesses out there would be challenged to do better, to treat people with respect, to be pushed towards more of a level playing field in which we'd be trying to narrow the wage gap rather than trying to increase it.

That reminds me: the wage gap. Boy, you know, those MERFing funds just being taken off of those good workers. Well, I looked this up. I mean, how much is really being deducted from a worker's salary to go into a MERF fund that's so terrible, that's ruining Alberta, to listen to my colleagues on the government side? Well, as of October '06 for a journeyman, commercial and institutional – they're at $33.63 an hour – the MERF contribution is 20 cents.

Mr. MacDonald: How much?

Ms Blakeman: Twenty cents out of $33.63 an hour. Wow. That's really going to bring down the world.

And from that fund, as we've already heard, what do we get created out of that? We get more jobs that actually pay people decent money. We get benefits from it. And in some cases, as my colleague from Edmonton-Gold Bar has pointed out, we even get additional things that are helpful to our society like investment in housing projects.

So the idea that MERFing is somehow a terrible thing: frankly, I just don't buy it, that the businesses in the construction trades in Alberta are somehow doing so poorly that they need to be able to shackle, to hobble the unions in order to compete with them. Oh, bosh. I mean, truly, that is very hard to believe. I don't find that they're suffering at all. As I said, they're certainly not standing on the street corner shivering for lack of sustenance.

I also want to underline what the unions bring to us for safe job sites and around worker safety. To me that's really important. I think it's important: the protection of the workers to be able to say – and this is particularly true on the union sites – "No. That's not a safe thing you're asking me to do, and I'm not going to do it." You want a safe job site? Work on a union site because they are. They're safer because those workers are protected from being bullied or intimidated into doing something that they know is unsafe and that may well end up with their being seriously injured. And that we all pay for, so unions save us money by having safer work sites.

I've talked a little bit about the idea that MERFing is somehow terribly unfair. I think it's part of competition. I don't know what these businesses are afraid of. I thought they were keen on competition. They seem to be really afraid of it, and they want the government to come in and make a rule so that they always have the advantage, and they're going to have to hold down the unions with anything they might be able to do using the MERF funds. It's ridiculous.

Salting. Again, so what? What about it? You've got somebody that has union permission to go onto a site and try and organize workers. Wow. What a threat to democracy. You know, 20 per cent of our workers are working in a union. If you don't like it, then go work in the 80 per cent that aren't. Nobody's forcing you to do this here, and you don't have to join the union that the salted worker is trying to set up. This bill treats Alberta workers like they're some kind of children that can't think for themselves and can't rationally examine what's being offered before them.

As my colleague for Calgary-Mountain View said, these are reasonable people. They can tell if somebody's trying to sucker them or give them a snow job. They'll figure it out. They'll come out on top. This belief that somehow salting is a terrible thing and is putting people in a very difficult situation: oh, balderdash. People are perfectly capable of deciding whether they want to join a union or not. So what's wrong with this? Who cares? Why is this such a big deal? What are they afraid of? In this province where we already have so much government legislation that works against and restricts the unions. It's hard enough for them to try and get a hold here, and this is just another punitive restriction.

2:20

I really believe that those workers who choose to work in areas like policing, firefighting, front-line workers in health care delivery, and ambulance workers choose those jobs because they feel very strongly that they want to deliver that service. We've had no problems here, as many people have said. There's no emergency here about ambulance workers threatening to go on strike. To take away their ability to strike and to limit how they associate in their unions is beyond the pale to me. I absolutely disagree with that. I think it is breaching our Charter and basic human rights. Frankly, I'm really offended by it.

What I see overall in this bill is that it is regressive, and it is punitive. The effect of it is to chill the collective bargaining process and the activities of organized labour in this province. What I've seen overall is an überarrogance from this government in bringing forward this legislation without directly consulting the unions within, oh, let's say the last 18 months. To hear that they were consulted five years ago and that that's being used as the basis for this legislation today is really offensive.

Finally, the überclosure that we have experienced with this bill. It is being sneaked through in the middle the night. That's literally what's happening here. We've had two afternoons' worth of debate at a couple of hours each, and most of the work on this bill has been done between 7:30 and 2 or 3 o'clock in the morning – it's coming up to 20 after 2 now – so literally done in the middle of the night. The media are not here to be able to report on it. The public is not aware. As I said yesterday, people are going to get up this morning, and this bill will be done. Starting from Monday afternoon at 3 to literally 3 o'clock in the morning on Thursday, this bill is done. Again, that's offensive. It's überclosure. It smacks of a desperation from this government that has to do things literally in the middle of the night to hide their shame at the choices that they have made about how they are bringing this bill through and the content of the bill itself. This is a very low point in this Legislative Assembly.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Calgary-Varsity.

Mr. Chase: Yes. I would like to ask the hon. Member for Edmonton-Centre what type of procedure she would like to see being followed as opposed to this thief-in-the-night approach that we're experiencing today?

Ms Blakeman: Well, the government has lots of choices. It's the government, and in Alberta they're in 72 seats. They can help to vote through just about anything they want. I am alarmed because I've now seen a government make a choice three times with three controversial bills to literally sneak it through in the middle of the night. I think that's reflective of its lack of confidence in being able to debate openly about these issues.

We saw that over the last few days and particularly in an all-night session a year ago in the spring of '07 with the residential tenancies bill, which did not give us any kind of rent control, which continues to be an issue here. The last day of the fall sitting we had Bill 46 on the EUB and restricting public input into hearings. Here we are again on almost certainly the last night in the middle of the night with the debate of a very punitive bill on organized labour and restricting organized labour. The government has total choice about when it wants to do this. I really question why it feels the need to do this in the middle of the night. I think it shows their cheeks burning with shame because this bill is so bad, so maybe that's why they feel they have to do it at night.

The Speaker: Others?

Shall I then call on the hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. Actually, I was a little bit slower than my hon. colleague for Edmonton-Gold Bar because I, too, wanted to react to some of the remarks that were made by the Minister of Transportation. He was saying that his constituents had asked why we, I guess, tend to repeat ourselves. That's what it would certainly look like to many people who are sitting and watching this either on their computers or on television. I would like to ask him and point out to him: does he really explain to his constituents that when a House is so unbalanced in terms of the seats, that controversial bills can come in late, which actually gives the opposition no chance to really do the job that they have been elected to do? It is a form of arrogance to act in that manner, so I would hope that he would explain that to his constituents in just that fashion.

It's certainly not the sign of a generous nature when it is so overwhelmingly one-sided. We really should be able to have the time to do the research and to check with our constituents or our stakeholders. As has been mentioned, five years ago consults were done. Many things have changed. We all know that in the last five years many things have changed in this province. Therefore, I think that not only are there people that spoke to the government five years ago, but there are people that would like to speak to us. Certainly, from some of my experience on the task force I found that some people will appear and say what they think the people that they're appearing in front of want to hear. Sometimes they need that extra person that they trust in a different fashion to be able to say something different. I think that those are the things that we're hearing, and those are the things that we should certainly be bringing forward. That is our job.

I also believe with this bill that when the B.C.-Alberta TILMA agreement cuts in, there really will be Charter challenges, despite section 5 in the TILMA agreement. I think that whole section will be challenged, and if this does happen, it will be exceedingly disruptive to our construction industry, not to mention the expense that would be incurred in a court challenge, in particular if it went to the Supreme Court as some of these labour challenges have done on the B.C. side of the border.

I think I've been fairly clear over the number of stages that we've gone through on this bill. Certainly, I think it's quite clear that I can't support it, and I think I've been clear on some of the reasons. But I think that one of my main reasons against this is that I really believe that it will be disruptive because we will end up in a Charter challenge.

Thank you.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Calgary-Varsity.

Mr. Chase: You mentioned, hon. Member for Lethbridge-East, that you were concerned about the TILMA challenge, the Charter of Rights challenge. Is it your belief that we're regressing in our potential economic coalition with B.C. rather than going forward?

Ms Pastoor: Well, I think I've also made myself clear on TILMA because the concept of TILMA is one that's been a long time in coming. Certainly, our trade should be going east-west and not north-south, despite the huge pipelines that are being built at billions of dollars' expense taking bitumen south. I've always believed that we should be getting these borders opened. My problem has always been with the governance and the way that this is being done.

Businesswise it may not be regressive, but certainly from a governance point of view I think it's very regressive. I believe that the appeal panel could well overturn decisions and bylaws that have been made by duly elected people in this province and, certainly, as well in B.C., and that in itself, I think, is exceedingly regressive, particularly when you consider it within a democratic framework.

2:30

The Speaker: Others?

Then I will call on the hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. Certainly, as we conclude the debate on Bill 26 this evening, or this morning, it is certainly disappointing to realize that this government so quickly after the March 3 election has used its massive majority to speed the passage of this bill through the Assembly literally in the middle of the night. Other hon. members have reminded us of other times just in the recent past where the same tactic was used. I suppose the government's rationale would be: well, with Bill 46 it was a big issue, but it didn't seem to hurt us in the polls, so people will forget about this night very quickly as well, and life will go on in Alberta.

I think I'll have a chance over the summer – I'll have lots of time – to go through *Hansard* and see if any of the questions that were addressed by any of the members in debate were answered by the minister. A quick look at *Hansard* would suggest not. The questions regarding: how does this bill improve the construction industry in this province? What economic benefit does this bill have for Albertans? Why now? What is the motivation for this bill? These questions weren't answered.

We never got an answer to the question as to why, when MERFs lower labour costs for contractors at a time labour costs are skyrocketing. We discussed it earlier this afternoon. It's in the budget, hon. Minister of Transportation. If you're looking puzzled, I can direct you to the fiscal plan, to precisely where this is. It's on page 107. Then again, hon. minister, if you go to page 121, you can see Construction Costs Continue to Rise. There's a chart there, and the source of the data is Statistics Canada. There's a significant increase in construction costs.

Why on earth would this government ram this bill through at this time when you've got this problem with high construction costs and MERFs are one of the ways you can lower or reduce construction costs? It's just beyond me. Again, I think this government, Mr. Speaker, has a lot more money than they have common sense.

When we examine the effect that Bill 26 is going to have on the affordable housing initiatives, I cannot believe it. But whenever I stop and think, I realize that there hasn't been adequate consultation. The results of that lack of consultation are that this government forgot completely about how this bill would affect affordable housing.

Certainly, I still don't have an answer to my questions earlier in committee this evening, Mr. Speaker, regarding section 162 of the Labour Relations Code. If this bill is passed and it becomes law and the fines for some violations will be $100,000, what procedure or mechanism will the minister use? Section 162 was not included in Bill 26, but if we look closely at the Labour Relations Code, it's there, and it reads like this: "No prosecution for an offence under this Division shall be commenced without the consent in writing of the Minister." What does the minister and what does the government have in mind? I think they owe Albertans an explanation.

There has been a lot of discussion about unions and the purpose of unions. I would remind hon. members of this House at this time, Mr. Speaker, that unions are groups of working people who join together to talk to employers about wages and conditions of work instead of workers talking to employers on an individual basis. Because they speak for everybody, unions can get a better deal for each worker than one employee could get by negotiating with the employer. This is because an employer will play off individual workers and groups of workers against each other.

We only have to look at the Stanley Cup finals, which concluded tonight, to see an example of this. The Detroit Red Wings: in their last heyday in the '50s Mr. Howe, one of their stars, was not involved in a union. One of the players on the team was involved in trying to start a union, and he was bullied and he was intimidated. Mr. Lindsay was actually threatened on the ice and at one point was held so that an opposing player could beat him. He was held so that he couldn't defend himself. Mr. Howe had a summer job working at Eaton's to make ends meet because he had a very young family at that time.

Now, Mr. Howe was present the other night in the Joe Louis Arena, obviously hoping that Detroit would win another Stanley Cup, but it was many years after that event. How times have changed because hockey players have decided to work together for the benefit of each other. They speak for everybody in the league, not everyone going separately to the owners seeking a contract or seeking what they thought was an adequate level of pay.

Here we are years later. Owners still seem to be making a profit. The fans are still coming out to the games. The players have very, very short careers and risk a lot through injury, just like ironworkers do, and the world has moved on. Essentially, whenever we look at where the players were back in Mr. Howe's time, whenever you have a young family to support – and he was one of the stars in the league – and how unions were treated and what the players now have and what they now enjoy and what they can look to in the future as a result of a union, I think we all should have a look at that.

In Canada the union concept of strength in unity came into existence in the early 1800s. Through collective action workers formed unions so that they could have a voice in deciding wages, hours, working conditions, and dealing with the many problems that arise at the workplace. But just as the formation of unions in themselves did not solve all the workers' problems then, unions today continue the fight to achieve better contracts and improved legislation.

In 1872 the printers in Toronto mounted a vigorous campaign for the nine-hour day and the 54-hour week, Mr. Speaker. In the same year Prime Minister Sir John A. Macdonald finally introduced a law in Parliament, and from that time on Canadian workers had the legal right to form unions and to act through them to achieve better wages and conditions. That was a Conservative government, a Conservative Prime Minister who did that.

2:40

Many years have passed, Mr. Speaker, and in the 136-plus years that have passed, workers have achieved many of the early goals by collective bargaining and also by political action. I don't think we can forget that unions have a right to their opinions, and if they wish to participate in the political process, they should be encouraged and welcomed to do so. Political action is part of their rights.

Unions have won legislation to end the exploitation of child labour, regulate daily and weekly hours of work, guarantee paid vacations, and to provide workers' compensation for the injured, insurance for the unemployed, and pensions for the elderly. In Alberta we're still trying to get rights for most farm workers, and I certainly hope the government will act on that. This is an important record of noncontract achievements and an inheritance which unions jealously guard and they fight for today.

The union movement's efforts – and we cannot forget that as we conclude the discussions on Bill 26 – to gain recognition in the past 136-plus years are little remembered by government members. I would urge you to consider that sacrifices and struggles have gone on before about the principles of collective bargaining. The principles of collective bargaining have been accepted in major industries and are accepted as a part of Canadian and Alberta society, and we cannot forget that.

Historically the owners of industry held the view that since they owned the workplace, they therefore had the sole right to determine the conditions of employment. Even as late as the 1980s workers have continued to witness that kind of anti-union, antiworker attitude, which was manifested in such national disputes as the Eaton's, the Visa, and here in Edmonton the Gainers strike over basic union rights. In these and most situations across Canada prior to a union entering the workplace, the open-door policy of management often existed. My hon. colleague from Edmonton-Centre was talking about the 80 per cent of Alberta workers who work without a collective agreement, and we must always be mindful of that.

Workers were encouraged and still are to bring their problems directly to the boss. Those who trusted this procedure usually went out not only the same door but right off the job site as well. The establishment of a contract and an effective steward system by a union means that the workers have the right to talk back through their organization via the grievance procedure if they feel they have been treated unfairly.

Collective agreements between unions and employers contain many provisions that many people don't even know about. For instance, there's the grievance procedure. I realize that it can be cumbersome at times, but it works. Collective agreements also regulate the number of hours employees may work each day and each week and other provisions such as notice of any overtime to be worked and how much pay will be received for that overtime.

Issues such as wages and holidays, job security, benefits, and paid leave need more than simple discussion. They have to be bargained about. This is because for any employer higher wages mean higher costs. For employees, however, low wages mean they can't afford to buy the things they want, and they can't afford to look after their families the way they want. They should in a mature democracy have a standard of living that not only looks after themselves but looks after the families, and that can be done in a dignified and respectful manner.

Unions are not just organizations trying to get more dollars or cents or better working conditions for people who hold union cards. People who don't enjoy the benefits of union protection get benefits, too, and that's what the hon. Member for Edmonton-Centre was trying to explain. If you look back at the history of the labour movement in this province, you'll observe that many of the rights and benefits that we all enjoy were initially fought for and won for us by unions. The labour movement was in the forefront of the struggles for public health care, for public education, for minimum wages, holidays, and employment conditions, We all work a 40-hour week or in some cases less, sometimes more. There was a time we didn't have this. There was a time there was a 60-hour workweek. Again, and I said this before, there was a time when there was child labour.

Mr. Mason: Oh, wait a minute. There is again.

Mr. MacDonald: There is again, unfortunately. The hon. Member for Edmonton-Highlands-Norwood is absolutely right. It's here again, and hopefully we'll do something about that. Paid maternity leave is also an issue. Family leave.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Calgary-Varsity.

Mr. Chase: Yes. Thank you. You were listing some of the benefits that were accrued through union participation. I thought you might wish to complete the list.

Mr. MacDonald: Thank you. I appreciate that.

In conclusion, paid maternity leave has in some job sites been recently added. In some places it's not adequate, what is provided is simply not adequate.

One of my neighbours who happens to work on a job site that is unionized told that after she delivers her child, she's going to have a year of maternity benefits, and she and her husband are very grateful for that. Now, at some time, hopefully, they'll be able to exchange that. I would think that that would build a much stronger family if the husband had the opportunity to stay home in those formative years with the children. It certainly would. It certainly would strengthen our families, and it would support family values as well. If we're interested in supporting healthy families and family values, I think we should certainly support unions and some of the good work that they do.

It is important also to recognize that for anyone who works without a collective agreement, management has the right to treat these workers, hon. Member for Calgary-Varsity, any way it wants. Workers have no protection from management, that could alter any work process or pick favourites or play off one worker against another worker. Without a union acting as a form of insurance, workers can be used or we can pit one against the other.

With that, I hope I helped you out, hon. member.

Mr. Ouellette: Mr. Speaker, I think this member must be living in the 1800s or something. Everything he just talked about is in today's labour code. I don't know how he can say that they're not looked after. Whether they're union or not union, it's in the labour code. Where he's coming from, trying to say that nobody has protection and that they play one off against the other, he's living in a dream world somewhere.

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

Mr. MacDonald: Thank you. I would like to remind the hon. Minister of Transportation that there are two acts that deal with workers and workers' rights in this province. The first one is the Employment Standards Code, and the second is the Labour Relations Code. The Labour Relations Code deals with those people who are involved in a work site that has a collective agreement or is unionized, whether it's in the private sector or the public sector. Unfortunately for many Alberta workers, they don't have the right or they don't have a union to defend them or look after their interests or negotiate a contract, and they must depend on the Employment Standards Code for their protection. It is inadequate. It certainly is inadequate, and the premise of your statement was totally wrong.

Thank you.

2:50

Mr. Ouellette: That's one man's opinion, Mr. Speaker, and I think it's totally wrong. This side of the House believes in the best standard of living for all families, and they're trying to say the opposite.

Mr. MacDonald: Mr. Speaker, again to the hon. Minister of Transportation: if this government believes in such high standards,

why are you rushing this bill through the Assembly at this time and eliminating the MERF funds, which are being used to create affordable housing units for families who cannot afford to rent a place in this city because this government has managed the economy so poorly?

The Speaker: Others? The hon. Member for Calgary-Varsity.

Mr. Chase: Yes. To the hon. Minister of Transportation. Bill 26 erodes the labour code that you were just raising up to our attention. This is a regressive state. We've gone back in time. You don't get . . .

The Speaker: Alas, unfortunately, the time has elapsed.

Hon. Government House Leader, do you want to participate in the debate? Proceed.

Mr. Hancock: Well, thank you, Mr. Speaker. We're coming fast to the end of debate on third reading. The House has now spent 18 hours, and debate has broken out from time to time. It has been a very interesting debate on a very important topic on a bill that's not difficult to understand. Three essential elements.

The first one is whether or not emergency medical personnel should be essential, and I think it's a very clear question of values and the balance of values and structures. From my perspective and I think from our government's perspective, clearly the protection of the health of individuals and Albertans who rely on the ability to be transported from an accident or in an emergency situation to appropriate medical facilities is absolutely essential. Even some members of the opposition in debate agreed with that premise. So on that part of the bill, I think, people can agree or disagree on what the balance of the values are. I think Albertans as a whole would certainly agree that having ambulance services available to them when they need them is, indeed, essential and that it should be an essential service notwithstanding the part of the debate where I heard that there has been no crisis and there has been no challenge. In fact, in my lifetime in this House there have been times when we've had the threat of strikes in the ambulance services. It's a very real issue, and it's a real issue that this House has tonight the opportunity to deal with.

The second concept in the bill, and again a very straightforward concept, is the question of whether salting is an appropriate labour practice. Nobody that I heard in debate suggested that workers should not have the right to associate. Notwithstanding all the discussion, even the last speaker's discussion on unions and the benefit of unions, quite frankly, Mr. Speaker, it has nothing to do with the topic. Nobody has suggested that unions should be outlawed or that unions should not be allowed to practise. There was some discussion earlier about the concern they had that, perhaps, union membership was going down in this province and that that was very clearly a bad thing and was caused by bad law.

One could also intuitively, of course, suggest that union membership is going down because the need that was demonstrated by many of the speakers for why unions existed in the first place was to deal with very bad circumstances in the workplace. So if the union membership and union activity is going down, perhaps the corollary is also true, that the situation isn't so bad in the workplace anymore. In fact, it's a pretty good place to work, and when it's a pretty good place to work and when wages are good and when benefits are good, life is good.

The question of salting is an entirely different question, Mr. Speaker. The question of salting is whether it's a fair or appropriate labour practice to have someone go out at the direction of the union, get hired by an employer for the sole purpose of organizing a non-union shop into a union shop, and then leave. The opposite side of the salting is, of course, stripping, taking people away from an employer when they need them. That's been a discussion that's been around for a long time.

Notwithstanding what we've heard from the opposition members, that this bill has been sprung upon them and they haven't had time to research it properly and they haven't had time to understand the issues, the issues are simple. The concept has been around for a long time. The discussion has been happening. I've certainly had this discussion in my constituency over the last number of years with many people. I'm sure they have had the same one. I was just tonight reading an article back to 2003 on the topic. It's not a new topic. It is a topic, however, which is of concern and of interest.

It's not a question of being anti-union. It's not a question of whether unions have done good things or not done good things in the past. It's not a question of the right of people to associate. It's really a question of whether the practice of salting, the practice of sending somebody into a non-union shop for the sole purpose of organizing that shop and then leaving, is an appropriate practice. From my perspective, it's not an appropriate practice. I think my colleagues on this side of the House agree.

The third very simple concept is that of MERFs, market enhancement recovery funds. Actually, on the street if you talk to most people, they don't know that MERFs exist. But if you read articles on MERFs, what you'll know and understand is why MERFs are a problem in Alberta, why they could be a problem in Alberta. The reason why they could be a problem in Alberta is because we have the huge industrial contracts in the oil sands. It's quite ironic that members opposite were concerned about this bill putting the oil sands out of business when that's what they've been talking about doing for the last two months: putting the oil sands out of business. Nonetheless, the industrial . . .

Mr. Mason: Point of order.

The Speaker: The hon. member.

Point of Order
Factual Accuracy

Mr. Mason: Causing disorder and using disrespectful language and all of that business. Unavowed motives: he suggested the opposition wants to put the oil sands out of business. Nothing, Mr. Speaker, could be further from the truth.

Mr. Hancock: Mr. Speaker, I would withdraw my remark, and I'm happy to have him on the record that they like to have the oil sands up and active and operational in the economy of Alberta.

Debate Continued

Mr. Hancock: My point, Mr. Speaker, was that we have large industrial contracts in the oil sands. In those large industrial contracts significant amounts of money – in some contracts it could be $1 per hour. Now, this is not wages. This is not money that the contractors are paying to the employees. This is money which is paid pursuant to the contract by the contractor to the MERF fund, so nobody pays taxes on it, nobody gets a say about whether it goes or not, and potentially considerable dollars are being amassed in these MERF funds.

Then what happens to those MERF funds? Well, the potential is for those MERF funds to be used to subsidize wages on contracts in other areas. So in other parts of Alberta when people are bidding on

a construction contract, a union bidder could apply to the MERF fund to subsidize the bid, and the money would be paid from the MERF fund to the company who put out the bid to pay wages to the employees.

What happens if you have a significant size of MERF fund is that . . . [interjection] Not today. I heard the hon. Member for Edmonton-Centre indicate: where is all this happening, and what's all the problem? Well, there isn't a problem today with what's happening. But tomorrow and tomorrow. What's happening today is that the MERF funds are building in size. Then, when these construction contracts and other markets come up for tender, the MERF funds will be used to subvert the tendering process. That's where the problem comes with MERFs. In all the debate, in all the 18 hours of debate I never heard anything from the opposition which led me to understand or believe that they even understood what MERFs are, notwithstanding that this has been a topic of discussion of very real concern in Alberta for at least the last five years in Alberta, if not longer.

3:00

Mr. Speaker, it's been a good debate. There have been all sorts of very interesting topics raised. But when it comes right down to it, Bill 26 has three simple concepts. Should emergency workers be declared essential workers and therefore not allowed to strike? I think the clear balance is in favour of the health of Albertans. Is salting a fair labour practice? The answer is no. Should unions be allowed to take pretax dollars and put them into a MERF fund and use them to subvert the tendering process? The answer is no.

Now, what the bill doesn't do is outlaw MERF funds. Unions can continue to build their MERF funds from these large industrial contracts. All they have to do is have the money paid to their members and have their members pay tax on it like the income it is. If their members then want to voluntarily contribute to a fund, if they want to associate, they can voluntarily contribute that money to a fund, and that money can be used for whatever purposes they give it for. After all, we live in a province where people have the freedom to do that. They can spend their money however they want. They could in this way spend money on a MERF fund. In fact, the bill even allows a simplification of the process. All they have to do is consent to it, and there could be a check-off, and the money can flow that way.

This is a very simple bill with three simple concepts. I don't understand why the opposition has so much fuss about not being able to understand it and not being able to debate it. Nonetheless, we have spent 18 hours, more or less, on the debate. I think that's been a good amount of time on an important but simple bill.

The Speaker: Standing Order 29(2)(a) is available. The hon. Minister of Advanced Education and Technology.

Mr. Horner: Well, thank you, Mr. Speaker. Being that it is only 3 o'clock, I thought I might want to comment a little bit, first of all just towards a question for the hon. House leader, to say that his comments have really put succinctly what this debate has been about over the last 18-some hours. I congratulate him on clarifying that. Hopefully, for anyone who is looking at *Hansard* or watching us streaming online at 3 a.m. – one wonders why they'd be doing that – I would hope that they would key in on the comments of the House leader.

The legislation clearly is not to dismantle the unions. It's clearly not in any way, shape, or form going to bring down the terrible ramifications of the loss of rights for members. In my portfolio I've had the pleasure of having many meetings with union representatives in our province because they're very involved in a number of the areas that my portfolio is involved in, and I agree with the hon. members across that they do numerous great things. But as the hon. Government House Leader has clearly articulated, none of that has anything to do with the bill that we've had before us in this House.

Salting is not an appropriate method. EMS workers are going to be health workers. They should be for the benefit and health of Albertans. Of course, the MERFing accounts . . .

The Speaker: Might I just briefly interject?

Mr. Horner: Certainly.

The Speaker: This is question and answer. It also allows comments. There are only five minutes. You've now gone two minutes.

Mr. Horner: Okay. So I've got three left?

The Speaker: No.

Mr. Horner: I will get to my question, Mr. Speaker.

The Speaker: Please. Very quickly. You've arrived at that point, hon. minister.

Mr. Horner: Thank you. May I continue?

The Speaker: Quickly, please.

Mr. Horner: Okay. Understanding the hon. Government House Leader's past experiences prior to arriving in this esteemed place, I understand that he's had some experience in this area. He did allude very briefly to what the membership of a union would be allowed to do in MERFs even after this legislation, should it pass. I would like to hear him expand a little bit on what they can and cannot do.

Mr. Hancock: Well, Mr. Speaker, of course, there's a full range of possibilities for how you could use a market enhancement recovery fund. One would expect that a union might be able to use a market enhancement recovery fund, in fact, to subsidize wages if they paid the wages to the workers rather than to subsidize the contract. One could use a market enhancement recovery fund – actually, the hon. members across were talking about it – for affordable housing. There's nothing stopping anyone from investing funds to build affordable housing. They could invest in housing. In fact, in many jurisdictions you have – what do they call them? – labour investment pools. That's not the right name for it.

In fact, when times were tough, unions were in fact investing their money in building projects so that they could hire union workers to be the builders of the projects. There's nothing wrong with doing that with a market enhancement recovery fund. That's a very legitimate process. If they want to invest in building affordable housing and then contract with union labour to build that affordable housing, it's a win for everybody. Those are the types of things which are entirely legitimate if you have a legitimate market enhancement fund established, and that's what we need to accomplish.

The Speaker: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Speaker. The hon. House leader, who is the Minister of Education and was formerly the minister of health, has said that ambulance workers, emergency

workers are an essential service. How essential is it that these members be treated in a fair manner given the agreement that was arbitrated and slammed upon them in this past spring's negotiation?

Mr. Hancock: Well, as usual, Mr. Speaker, his givens are not usually givens. The essential core of his question is: how essential is it that they be treated appropriately? I would say and this government would say that every worker in Alberta should be treated fairly and appropriately. In the context of respect for each other you can accomplish great things, and if you have that attitude of respect and you treat people fairly, lots can happen.

The Speaker: Hon. members, that exhausts my speaking list, so shall I now call on the hon. Minister of Employment and Immigration to close the debate?

Mr. Goudreau: Well, thank you, Mr. Speaker. Just a quick comment to thank each and every member in this House for taking an active role and participating in the discussion over the last many hours on this bill.

I would like to now call the question, Mr. Speaker.

The Speaker: Before I call the question, I would like members to listen very attentively. I'm going to call on the hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Speaker. In anticipation of a call for a division I am seeking unanimous consent of the House to waive Standing Order 32(2) and to shorten the bells from 10 minutes to one minute. It's a gift.

The Speaker: I will call this question. The request made by the hon. Member for Edmonton-Centre is to shorten the time between bells from 10 minutes to one minute. Does any member oppose?

[Unanimous consent granted]

The Speaker: Okay. I'm prepared to call the question, then.

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

[Several members rose calling for a division. The division bell was rung at 3:09 a.m.]

The Speaker: These two young people, Nicholas and Helena, are retiring tonight, and they wanted to spend their last days in the Alberta Legislative Assembly on this day and this night, and they wanted to remember for the remainder of their lives that it was near dawn of this particular day that the House rose. Nicholas wants to pursue a career in federal politics. He's currently studying economics at Grant MacEwan College. Helena is in honours pharmacology at the University of Alberta and wants to become a doctor. [applause]

[One minute having elapsed, the Assembly divided]

For the motion:

Ady	Drysdale	Lund
Allred	Fritz	Marz
Amery	Goudreau	Mitzel
Benito	Hancock	Oberle
Bhardwaj	Hayden	Ouellette
Bhullar	Horner	Rodney
Blackett	Jablonski	Sarich
DeLong	Johnson	VanderBurg
Denis	Klimchuk	Weadick
Doerksen	Lukaszuk	Xiao

Against the motion:

Blakeman	MacDonald	Notley
Chase	Mason	Pastoor

Totals	For – 30	Against – 6

[Motion carried; Bill 26 read a third time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. We've done significant work this spring. We've passed a number of bills that were essential, and we have a fall session scheduled to start on October 14. Given all that, I would move that pursuant to Government Motion 17 the House now stand adjourned.

The Speaker: If all goes well, the House will not be recalled until October 14, 2008, pending consultation between the Speaker and Executive Council. To all of you: have a great, safe summer.

[Motion carried; pursuant to Government Motion 17 the Assembly adjourned at 3:14 a.m.]

Bill Status Report for the 27th Legislature - 1st Session (2008)

Activity to June 04, 2008

The Bill sponsor's name is in brackets following the Bill title. If it is a money Bill, ($) will appear between the title and the sponsor's name. Numbers following each Reading refer to Hansard pages where the text of debates is found; dates for each Reading are in brackets following the page numbers. Bills numbered 200 or higher are Private Members' Public Bills. Bills with lower numbers are Government Bills. Bills numbered Pr1, etc., are Private Bills.

* An asterisk beside a Bill number indicates an amendment was passed to that Bill; the committee line shows the precise date of the amendment.

The date a Bill comes into force is indicated in square brackets after the date of Royal Assent. If it comes into force "on proclamation," "with exceptions," or "on various dates," please contact Legislative Counsel for details at (780) 427-2217. The chapter number assigned to the Bill is entered immediately following the date the Bill comes into force. SA indicates Statutes of Alberta; this is followed by the year in which it is included in the statutes, and its chapter number. Please note, Private Bills are not assigned a chapter number until the conclusion of the fall sittings.

1 Trade, Investment and Labour Mobility Agreement Implementation Statutes Amendment Act, 2008 (Stelmach)

First Reading -- 9 (Apr. 15 aft.)
Second Reading -- 47-48 (Apr. 16 eve.), 203-08 (Apr. 23 eve.), 464 (May 5 eve.), 517-18 (May 6 eve.), 572-73 (May 7 eve.), 653-54 (May 12 eve.), 702-03 (May 13 eve.), 833 (May 20 eve., passed)
Committee of the Whole -- 916-19 (May 22 aft.), 962-67 (May 26 eve.), 988-90 (May 27 aft.), 1005-11 (May 27 eve., passed)
Third Reading -- 1025-30 (May 28 aft., passed on division)
Royal Assent -- (Jun. 3 outside of House sitting) [Comes into force June 3, 2008; SA 2008 c7]

2 Travel Alberta Act (Ady)

First Reading -- 215 (Apr. 24 aft.)
Second Reading -- 464-65 (May 5 eve.), 518-19 (May 6 eve.), 703 (May 13 eve., passed)
Committee of the Whole -- 754 (May 14 eve., passed)
Third Reading -- 834-35 (May 20 eve., passed)
Royal Assent -- (Jun. 3 outside of House sitting) [Comes into force on proclamation; SA 2008 cT-6.5]

3 Fiscal Responsibility Amendment Act, 2008 (Snelgrove)

First Reading -- 216 (Apr. 24 aft.)
Second Reading -- 654 (May 12 eve.), 703-06 (May 13 eve.), 755 (May 14 eve.), 834 (May 20 eve., passed)
Committee of the Whole -- 912-16 (May 22 aft., passed)
Third Reading -- 960-62 (May 26 eve., passed)
Royal Assent -- (Jun. 3 outside of House sittting) [Comes into force June 3, 2008; SA 2008 c5]

4 Alberta Enterprise Corporation Act (Horner)

First Reading -- 224 (Apr. 24 aft.)
Second Reading -- 654 (May 12 eve.), 834 (May 20 eve., passed)
Committee of the Whole -- 891 (May 21 eve., passed)
Third Reading -- 959-60 (May 26 eve., passed)
Royal Assent -- (Jun. 3 outside of House sitting) [Comes into force on proclamation; SA 2008 cA-17.5]

5 Appropriation (Supplementary Supply) Act, 2008 ($) (Snelgrove)

First Reading -- 125 (Apr. 21 eve.)
Second Reading -- 143 (Apr. 22 eve.), 158-60 (Apr. 22 eve., passed)
Committee of the Whole -- 208-10 (Apr. 23 eve., passed)
Third Reading -- 386-87 (Apr. 30 eve., passed)
Royal Assent -- (May 15 outside of House sitting) [Comes into force May 15, 2008; SA 2008 c2]

6 Appropriation (Interim Supply) Act, 2008 ($) (Snelgrove)

First Reading -- 165-66 (Apr. 23 aft.)
Second Reading -- 387 (Apr. 30 eve., passed)
Committee of the Whole -- 463 (May 5 eve., passed)
Third Reading -- 516 (May 6 eve., passed)
Royal Assent -- (May 15 outside of House sitting) [Comes into force May 15, 2008; SA 2008 c1]

7 Post-secondary Learning Amendment Act, 2008 (Bhullar)
First Reading -- 348 (Apr. 30 aft.)
Second Reading -- 958 (May 26 eve.), 1037-40 (May 28 aft.), 1121-22 (Jun. 2 eve., passed)
Committee of the Whole -- 1128-34 (Jun. 2 eve., passed)

8 Climate Change and Emissions Management Amendment Act, 2008 (Renner)
First Reading -- 348 (Apr. 30 aft.)
Second Reading -- 958 (May 26 eve.), 1051-54 (May 28 eve., passed)
Committee of the Whole -- 1134-39 (Jun. 2 eve., adjourned)

9 Land Agents Licensing Amendment Act, 2008 (Mitzel)
First Reading -- 479 (May 6 aft.)
Second Reading -- 967 (May 26 eve.), 995-96 (May 27 eve.), 1042-44 (May 28 eve., passed)

10 Security Services and Investigators Act (Anderson)
First Reading -- 586-87 (May 8 aft.)
Second Reading -- 889-90 (May 21 eve., referred to Standing Committee on Public Safety and Services)

11 Insurance Amendment Act, 2008 (Evans)
First Reading -- 348 (Apr. 30 aft.)
Second Reading -- 990-91 (May 27 aft., adjourned)

12 Teachers' Pension Plans Amendment Act, 2008 (Evans)
First Reading -- 348 (Apr. 30 aft.)
Second Reading -- 834 (May 20 eve.), 886-87 (May 21 eve.), 909-11 (May 22 aft., passed)
Committee of the Whole -- 958-59 (May 26 eve., passed)
Third Reading -- 986-87 (May 27 aft., passed)
Royal Assent -- (Jun. 3 outside of House siting) [Comes into force September 1, 2007, with exception; SA 2008 c6]

13 Financial Institutions Statutes Amendment Act, 2008 (Fawcett)
First Reading -- 533 (May 7 aft.)
Second Reading -- 834 (May 20 eve.), 887 (May 21 eve.), 911-12 (May 22 aft., passed)
Committee of the Whole -- 959 (May 26 eve., passed)
Third Reading -- 987 (May 27 aft., passed)
Royal Assent -- (Jun. 3 outside of House sitting) [Comes into force June 3, 2008; SA 2008 c4]

14 Court of Queen's Bench Amendment Act, 2008 (Redford)
First Reading -- 770 (May 15 aft.)
Second Reading -- 992 (May 27 aft.), 1048-49 (May 28 eve., passed)

15 Family Law Amendment Act, 2008 (Redford)
First Reading -- 770 (May 15 aft.)
Second Reading -- 992 (May 27 aft.), 1049-50 (May 28 eve., passed)

16 Municipal Government Amendment Act, 2008 (Danyluk)
First Reading -- 904 (May 22 aft.)
Second Reading -- 992 (May 27 aft.), 1050-51 (May 28 eve.), 1077-78 (May 29 aft., passed)

17 Alberta Personal Income Tax Amendment Act, 2008 ($) (Evans)
First Reading -- 904 (May 22 aft.)
Second Reading -- 958 (May 26 eve.), 993-95 (May 27 eve.), 1044-47 (May 28 eve., passed)
Committee of the Whole -- 1079-81 (May 29 aft.), 1122-28, 1139 (Jun. 2 eve., passed)
Third Reading -- 1204-07 (Jun. 3 eve., passed)

18 Film and Video Classification Act (Blackett)
First Reading -- 848 (May 21 aft., referred to Standing Committee on Community Services)

19 First Nations Sacred Ceremonial Objects Repatriation Amendment Act, 2008 (Blackett)
First Reading -- 848 (May 21 aft.)
Second Reading -- 967-68 (May 26 eve.), 1075-77 (May 29 aft., passed)

20 Agriculture Statutes Repeal Act, 2008 (Griffiths)
First Reading -- 848 (May 21 aft.)
Second Reading -- 968 (May 26 eve.), 996-97 (May 27 eve.), 1047 (May 28 eve., passed)

21 Heating Oil and Propane Rebate Act (Griffiths)
First Reading -- 848 (May 21 aft.)
Second Reading -- 968 (May 26 eve.), 1047-48 (May 28 eve., passed)

22 Appropriation Act, 2008 ($) (Snelgrove)
First Reading -- 932 (May 26 aft.)
Second Reading -- 981-86 (May 27 aft.), 997-1004 (May 27 eve., passed on division)
Committee of the Whole -- 1030-37 (May 28 aft.), 1041-42 (May 28 eve., passed)
Third Reading -- 1067-75 (May 29 aft., passed)
Royal Assent -- (Jun. 3 outside of House sitting) [Comes into force June 3, 2008; SA 2008 c3]

23 Weed Control Act (Mitzel)
First Reading -- 1095 (Jun. 2 aft., referred to Standing Committee on Resources and Environment)

24 Adult Guardianship and Trusteeship Act (Jablonski)
First Reading -- 1095 (Jun. 2 aft., referred to Standing Committee on Health)

25 Miscellaneous Statutes Amendment Act, 2008 (Redford)
First Reading -- 1095 (Jun. 2 aft.)

26 Labour Relations Amendment Act, 2008 (Goudreau)
First Reading -- 1096 (Jun. 2 aft.)
Second Reading -- 1154-70 (Jun. 3 aft.), 1171-1204 (Jun. 3 eve., passed on division)
Committee of the Whole -- 1207-08 (Jun. 3 eve.), 1224-35, 1237-66 (Jun. 4 eve., passed)
Third Reading -- 1268-81 (Jun. 4 eve., passed on division)

201 Hunting, Fishing and Trapping Heritage Act (Mitzel)
First Reading -- 59 (Apr. 17 aft.)
Second Reading -- 89-102 (Apr. 21 aft., passed)
Committee of the Whole -- 430-43 (May 5 aft., passed)
Third Reading -- 625-31 (May 12 aft., passed)
Royal Assent -- (May 15 outside of House sitting) [Comes into force May 15, 2008; SA 2008 cH-15.5]

202 Alberta Volunteer Service Medal Act (Cao)
First Reading -- 59 (Apr. 17 aft.)
Second Reading -- 102-07 (Apr. 21 aft.), 258-64 (Apr. 28 aft., six-month hoist amendment agreed to)

203 Election Statutes (Fixed Election Dates) Amendment Act, 2008 (Allred)
First Reading -- 224 (Apr. 24 aft.)
Second Reading -- 265-74 (Apr. 28 aft.), 443-44 (May 5 aft.), 631-34 (May 12 aft., six-month hoist amendment agreed to)

204 Traffic Safety (Hand-Held Communication Devices) Amendment Act, 2008 (Johnston)
First Reading -- 224 (Apr. 24 aft.)
Second Reading -- 937-49 (May 26 aft., referred to Standing Committee on the Economy)

205 Traffic Safety (Used Vehicle Inspection) Amendment Act, 2008 (Bhardwaj)
First Reading -- 401 (May 1 aft.)
Second Reading -- 1100-12 (Jun. 2 aft., passed)

206 Alberta Personal Income Tax (Physical Activity Credit) Amendment Act, 2008 (Rodney)
First Reading -- 587 (May 8 aft.)
Second Reading -- 1112-13 (Jun. 2 aft., adjourned)

Pr1* Young Men's Christian Association of Edmonton Statutes Amendment Act, 2008 (Lukaszuk)
First Reading -- 719 (May 14 aft.)
Second Reading -- 1078 (May 29 aft., passed)
Committee of the Whole -- 1122 (Jun. 2 eve., passed with amendments)
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Deputy Chair: Mr. Elniski

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