



Province of Alberta

The 29th Legislature
Second Session

Alberta Hansard

Thursday morning, April 7, 2016

Day 11

The Honourable Robert E. Wanner, Speaker

Legislative Assembly of Alberta
The 29th Legislature

Second Session

Wanner, Hon. Robert E., Medicine Hat (ND), Speaker
Jabbour, Deborah C., Peace River (ND), Deputy Speaker and Chair of Committees
Sweet, Heather, Edmonton-Manning (ND), Deputy Chair of Committees

Aheer, Leela Sharon, Chestermere-Rocky View (W)	Luff, Robyn, Calgary-East (ND)
Anderson, Shaye, Leduc-Beaumont (ND)	MacIntyre, Donald, Innisfail-Sylvan Lake (W)
Anderson, Wayne, Highwood (W)	Malkinson, Brian, Calgary-Currie (ND)
Babcock, Erin D., Stony Plain (ND)	Mason, Hon. Brian, Edmonton-Highlands-Norwood (ND), Government House Leader
Barnes, Drew, Cypress-Medicine Hat (W)	McCuaig-Boyd, Hon. Margaret, Dunvegan-Central Peace-Notley (ND)
Bilous, Hon. Deron, Edmonton-Beverly-Clareview (ND), Deputy Government House Leader	McIver, Ric, Calgary-Hays (PC), Leader of the Progressive Conservative Opposition
Carlier, Hon. Oneil, Whitecourt-St. Anne (ND), Deputy Government House Leader	McKittrick, Annie, Sherwood Park (ND)
Carson, Jonathon, Edmonton-Meadowlark (ND)	McLean, Hon. Stephanie V., Calgary-Varsity (ND)
Ceci, Hon. Joe, Calgary-Fort (ND)	McPherson, Karen M., Calgary-Mackay-Nose Hill (ND)
Clark, Greg, Calgary-Elbow (AP)	Miller, Barb, Red Deer-South (ND)
Connolly, Michael R.D., Calgary-Hawkwood (ND)	Miranda, Hon. Ricardo, Calgary-Cross (ND)
Coolahan, Craig, Calgary-Klein (ND)	Nielsen, Christian E., Edmonton-Decore (ND)
Cooper, Nathan, Olds-Didsbury-Three Hills (W), Official Opposition House Leader	Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (W), Official Opposition Whip
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (ND), Government Whip	Notley, Hon. Rachel, Edmonton-Strathcona (ND), Premier
Cyr, Scott J., Bonnyville-Cold Lake (W), Official Opposition Deputy Whip	Orr, Ronald, Lacombe-Ponoka (W)
Dach, Lorne, Edmonton-McClung (ND)	Panda, Prasad, Calgary-Foothills (W)
Dang, Thomas, Edmonton-South West (ND)	Payne, Hon. Brandy, Calgary-Acadia (ND)
Drever, Deborah, Calgary-Bow (ND)	Phillips, Hon. Shannon, Lethbridge-West (ND)
Drysdale, Wayne, Grande Prairie-Wapiti (PC), Progressive Conservative Opposition Whip	Piquette, Colin, Athabasca-Sturgeon-Redwater (ND)
Eggen, Hon. David, Edmonton-Calder (ND)	Pitt, Angela D., Airdrie (W)
Ellis, Mike, Calgary-West (PC)	Renaud, Marie F., St. Albert (ND)
Feehan, Hon. Richard, Edmonton-Rutherford (ND)	Rodney, Dave, Calgary-Lougheed (PC)
Fildebrandt, Derek Gerhard, Strathmore-Brooks (W)	Rosendahl, Eric, West Yellowhead (ND)
Fitzpatrick, Maria M., Lethbridge-East (ND)	Sabir, Hon. Irfan, Calgary-McCall (ND)
Fraser, Rick, Calgary-South East (PC)	Schmidt, Hon. Marlin, Edmonton-Gold Bar (ND)
Ganley, Hon. Kathleen T., Calgary-Buffalo (ND)	Schneider, David A., Little Bow (W)
Goehring, Nicole, Edmonton-Castle Downs (ND)	Schreiner, Kim, Red Deer-North (ND)
Gotfried, Richard, Calgary-Fish Creek (PC)	Shepherd, David, Edmonton-Centre (ND)
Gray, Hon. Christina, Edmonton-Mill Woods (ND)	Sigurdson, Hon. Lori, Edmonton-Riverview (ND)
Hanson, David B., Lac La Biche-St. Paul-Two Hills (W), Official Opposition Deputy House Leader	Smith, Mark W., Drayton Valley-Devon (W)
Hinkley, Bruce, Wetaskiwin-Camrose (ND)	Starke, Dr. Richard, Vermilion-Lloydminster (PC), Progressive Conservative Opposition House Leader
Hoffman, Hon. Sarah, Edmonton-Glenora (ND)	Stier, Pat, Livingstone-Macleod (W)
Horne, Trevor A.R., Spruce Grove-St. Albert (ND)	Strankman, Rick, Drumheller-Stettler (W)
Hunter, Grant R., Cardston-Taber-Warner (W)	Sucha, Graham, Calgary-Shaw (ND)
Jansen, Sandra, Calgary-North West (PC)	Swann, Dr. David, Calgary-Mountain View (AL)
Jean, Brian Michael, QC, Fort McMurray-Conklin (W), Leader of the Official Opposition	Taylor, Wes, Battle River-Wainwright (W)
Kazim, Anam, Calgary-Glenmore (ND)	Turner, Dr. A. Robert, Edmonton-Whitemud (ND)
Kleinstauber, Jamie, Calgary-Northern Hills (ND)	van Dijken, Glenn, Barrhead-Morinville-Westlock (W)
Larivee, Hon. Danielle, Lesser Slave Lake (ND)	Westhead, Cameron, Banff-Cochrane (ND), Deputy Government Whip
Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND)	Woollard, Denise, Edmonton-Mill Creek (ND)
Loewen, Todd, Grande Prairie-Smoky (W)	Yao, Tany, Fort McMurray-Wood Buffalo (W)
Loyola, Rod, Edmonton-Ellerslie (ND)	Vacant, Calgary-Greenway

Party standings:

New Democrat: 54 Wildrose: 22 Progressive Conservative: 8 Alberta Liberal: 1 Alberta Party: 1 Vacant: 1

Officers and Officials of the Legislative Assembly

Robert H. Reynolds, QC, Clerk	Philip Massolin, Manager of Research Services	Chris Caughell, Assistant Sergeant-at-Arms
Shannon Dean, Senior Parliamentary Counsel/Director of House Services	Nancy Robert, Research Officer	Gordon H. Munk, Assistant Sergeant-at-Arms
Stephanie LeBlanc, Parliamentary Counsel and Legal Research Officer	Brian G. Hodgson, Sergeant-at-Arms	Janet Schwegel, Managing Editor of <i>Alberta Hansard</i>

Executive Council

Rachel Notley	Premier, President of Executive Council
Sarah Hoffman	Deputy Premier, Minister of Health
Deron Bilous	Minister of Economic Development and Trade
Oneil Carlier	Minister of Agriculture and Forestry
Joe Ceci	President of Treasury Board and Minister of Finance
David Eggen	Minister of Education
Richard Feehan	Minister of Indigenous Relations
Kathleen T. Ganley	Minister of Justice and Solicitor General
Christina Gray	Minister of Labour, Minister Responsible for Democratic Renewal
Danielle Larivee	Minister of Municipal Affairs
Brian Mason	Minister of Infrastructure, Minister of Transportation
Margaret McCuaig-Boyd	Minister of Energy
Stephanie V. McLean	Minister of Service Alberta, Minister of Status of Women
Ricardo Miranda	Minister of Culture and Tourism
Brandy Payne	Associate Minister of Health
Shannon Phillips	Minister of Environment and Parks, Minister Responsible for the Climate Change Office
Irfan Sabir	Minister of Human Services
Marlin Schmidt	Minister of Advanced Education
Lori Sigurdson	Minister of Seniors and Housing

STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Ms Miller
Deputy Chair: Mrs. Schreiner

Cyr	McKitrick
Dang	Taylor
Ellis	Turner
Horne	

Standing Committee on Alberta's Economic Future

Chair: Mr. Sucha
Deputy Chair: Mr. Schneider

Anderson, S.	Hunter
Carson	Jansen
Connolly	Panda
Coolahan	Piquette
Dach	Schreiner
Fitzpatrick	Taylor
Gotfried	

Select Special Ethics and Accountability Committee

Chair: Mrs. Littlewood
Deputy Chair: Ms Miller

Anderson, W.	Nielsen
Clark	Nixon
Connolly	Renaud
Cortes-Vargas	Starke
Cyr	Sucha
Drever	Swann
Jansen	van Dijken
Loyola	

Standing Committee on Families and Communities

Chair: Ms Goehring
Deputy Chair: Mr. Smith

Drever	Pitt
Hinkley	Rodney
Horne	Shepherd
Jansen	Swann
Luff	Westhead
McPherson	Yao
Orr	

Standing Committee on Legislative Offices

Chair: Mr. Shepherd
Deputy Chair: Mr. Malkinson

Cooper	Littlewood
Ellis	Nixon
Horne	van Dijken
Jabbour	Woollard
Kleinsteuber	

Special Standing Committee on Members' Services

Chair: Mr. Wanner
Deputy Chair: Cortes-Vargas

Cooper	McIver
Dang	Nixon
Fildebrandt	Piquette
Jabbour	Schreiner
Luff	

Standing Committee on Private Bills

Chair: Ms McPherson
Deputy Chair: Mr. Connolly

Anderson, W.	Kleinsteuber
Babcock	McKitrick
Drever	Rosendahl
Drysdale	Stier
Fraser	Strankman
Hinkley	Sucha
Kazim	

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Ms Fitzpatrick
Deputy Chair: Ms Babcock

Carson	Loyola
Coolahan	McPherson
Cooper	Nielsen
Ellis	Schneider
Goehring	Starke
Hanson	van Dijken
Kazim	

Standing Committee on Public Accounts

Chair: Mr. Fildebrandt
Deputy Chair: Mr. S. Anderson

Barnes	Luff
Cyr	Malkinson
Dach	Miller
Fraser	Renaud
Goehring	Turner
Gotfried	Westhead
Hunter	

Standing Committee on Resource Stewardship

Chair: Loyola
Deputy Chair: Mr. Loewen

Aheer	Kleinsteuber
Babcock	MacIntyre
Clark	Malkinson
Dang	Nielsen
Drysdale	Rosendahl
Hanson	Woollard
Kazim	

Legislative Assembly of Alberta

9 a.m.

Thursday, April 7, 2016

[The Deputy Speaker in the chair]

Prayers

The Deputy Speaker: Good morning.

Let us reflect. When we focus on possibilities, obstacles and barriers diminish. At the close of this week in service of the people of this province let us continue to focus on what we can do, not on what we cannot.

Please be seated.

Orders of the Day

Government Bills and Orders Committee of the Whole

[Ms Jabbour in the chair]

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

Bill 4

An Act to Implement a Supreme Court Ruling Governing Essential Services

The Chair: Are there any questions, comments, or amendments with respect to this bill? The hon. Minister of Labour.

Ms Gray: Thank you, Madam Chair. To continue our work and discussions from yesterday, I'd like to speak to some of the comments we heard around ambulance attendants. Our government supports front-line workers, our paramedics and our emergency services technicians. The Supreme Court of Canada has ruled that the right to strike is fundamental for public-sector workers to engage in meaningful collective bargaining. In crafting this legislation, we relied on two key sources, the Supreme Court of Canada ruling itself, which we are legally obligated to comply with, and the experts – employees, employers, the public, and labour relations stakeholders – consulted during the engagements, led by Mr. Andrew Sims. Through this process and with that guidance we chose a consequence-based approach to defining essential services rather than an enumeration approach, where the government would name individual categories of essential services.

Ambulance workers, including paramedics and EMTs, working for Alberta Health Services are part of a larger bargaining unit for which many essential services agreements will need to be made. It is highly likely that these workers would be considered essential and not permitted to strike, for many of the compelling reasons that we heard yesterday. For independent ambulance operators the bargaining units are smaller and would result in a situation where nearly all the workers would be considered essential, and any strike or lockout scenario would be ineffective to the collective bargaining process. In that case, the bargaining unit will remain subject to compulsory arbitration, and this was discussed and agreed to during the consultation process.

We have engaged with the Health Sciences Association of Alberta, and they are in favour of this legislation as written, which provides these workers with the opportunity to negotiate essential services. More broadly speaking, the Supreme Court ruling is clear. These workers have the right to strike.

I want to speak specifically about the vital role that paramedics and EMTs play in emergency care. We know that paramedics and

EMTs are some of our most courageous front-line emergency responders, providing advanced medical care in life-threatening situations. In Alberta there are over 4,000 emergency medical responders, emergency medical technicians, and emergency medical technologists, paramedics. In the Edmonton zone alone EMS professionals respond to more than 157,000 events annually. We know that when lives are on the line, the skills and knowledge of a paramedic can make the difference between life and death. We are tremendously proud of these paramedics and EMTs, and we are all thankful for the emergency services workers who bring their skills and professionalism to patients every day.

Make no mistake; we understand these workers are absolutely critical to the public health and safety of Albertans. I can't stress enough how grateful I am – I believe we all are – for the brave and courageous work they do. I would like to invite Albertans to visit thankparamedic.com to show your appreciation. This website is hosted by Alberta Health Services. It lists hundreds of amazing thank-you letters to paramedics from Albertans. While so many of these stories would have you in tears, I will share just one.

On Thursday, Sept 17 I had collapsed while calling 911 . . . I'm not sure of the paramedics' names. But I want to thank them for saving me. You are the ones that you never get to speak to. You are the ones that sneak out the back door once everything is under control. You are the Angels!

Thank you.

The Chair: The hon. Member for Olds-Didsbury-Three Hills.

Mr. Cooper: Thank you, Madam Chair. I just have one quick question for the minister. In your remarks you said that it's not likely to affect this group of courageous individuals that serve our province so well. What if you're not right? What if a situation arises where it is likely that they wouldn't be considered and the legislation hasn't met the needs of the public and of those individuals?

Ms Gray: Thank you very much for the question. The process in negotiating an essential services agreement begins with the two parties, the union and the employer. At that point the case that emergency medical technicians fit the definition of essential services, which involves life, health, and safety of everyday Albertans, is extremely high. I used the word "likely" because I cannot predetermine the outcomes of these conversations. This needs to be happening with the workers themselves, who can make a better argument than I can as to the critical nature of their work, and we'll have that discussion there.

If in that case there is a disagreement – because I do not believe that a union would ever agree that these are nonessential workers – they would make the case very, very strongly that they are. An umpire might be brought in if there was a disagreement, and the umpire would make a ruling at that point. If, in that case, the employees are still not satisfied that they have been determined to be essential through this process, the commissioner would be brought in to make a ruling.

Again, both the umpire and the commissioner as neutral third parties would be using as their definition the definition of essential services that we've included in this legislation, which makes clear that an essential worker is one that impacts the life, health, and safety of Albertans. I believe that that closely matches the exact definition of what some of these workers are doing.

This is why I used the word "likely." I cannot predetermine the nature, but I do mention that there are two neutral third parties who will be validating that we are meeting the essential services definition as outlined in the legislation and making sure that the health and well-being of all Albertans is protected in the event of a

strike or lockout. That is fundamental to the nature of this legislation. We've written it this way in consultation with experts, stakeholders, and to comply with the Supreme Court ruling, which says that we must make sure that Albertans that are citizens have that right to strike while still protecting vital public services.

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

Mr. McIver: Well, thank you, Madam Chair. I appreciate the opportunity to rise. I listened to the minister's remarks, and I'm sure the minister is sincere. But I also listened yesterday to the remarks of my colleague the Member for Calgary-South East, who, as members of this House know, is one of at least two members in this House that are paramedics. With no disrespect to the minister I think the minister is missing the point that my colleague was trying to make yesterday.

It's really about respect, Madam Chair. It's about the fact that when we in Alberta – and a lot of other places in the world, but we're talking about Alberta right now. When we dial 911, we're in a time of great need. We expect people to come to us in a hurry, we expect them to be professional, and we expect them to be prepared. And you know what? Many times we expect them to be prepared to risk their life. We expect them to be prepared to put themselves in harm's way.

One of the other expectations is that we actually expect them to see things that most people shouldn't have to see. What's at a scene many times when an EMS or a paramedic professional or a police officer or a firefighter shows up – and they show up at the worst tragedies, as you can imagine: a human tragedy, a house fire, a motor vehicle collision, some other tragedy. They oftentimes are exposed to things that the rest of us don't have to be exposed to, and they do that willingly.

9:10

In legislation it's codified that there's a requirement in the legislation, not through a negotiation. And, Minister, I know that what you said, you said in good faith. I'm not questioning that. But it is an important difference. The difference between having it codified in the legislation and subject to a negotiation really puts it in a different category.

I think what my colleague did yesterday was to really explain well to this House how paramedics deserve the same respect as the other first responders. It's not special treatment. I hope that no one in this House would say that it's special treatment. It's a special job they do. It's a special risk they take. It's the fact that they go and do the things wearing a uniform, where they can't hide, where they're identified. They're separated from the rest of us by the uniform, and we depend upon them to be there at our times of greatest need, not most of the time when we call 911 but every time.

Again, they are subject to the same hardships and the same personal payment that they make as part of being EMS. They have PTSD from seeing unspeakable tragedy, terrible personal events, terrible physical events. Frankly, they come to us at the time that we need them most, and they deserve the same respect. They deserve the same respect. I can tell you that what I believe strongly is that they have that same respect from Albertans on the street. What we're hoping for is to show that level of respect from here, the place where laws are made in Alberta, the Legislative Assembly, the same level of respect from those people who are elected from across this province.

This is a day when we can actually say out loud that we appreciate the sacrifices that they make. We appreciate the fact that their families don't always look at them the same way when they leave home as they look at us. When I leave home, my wife is pretty

sure I'm coming back. In fact, I would say that, in fairness to the first responders, most of the time their families expect that they're coming back, but there's an additional risk that they take above and beyond what other Alberta workers take. I don't think any of us would doubt that. So this is really about respecting that.

If there's one thing that I think I hear out of the NDP playbook, you know, it is that you talk about equality all the time and equal recognition of things. This is an opportunity where if we treat in law our first responders who are paramedics the same way that we treat our first responders who are firefighters or police officers, it would send a very positive message. It would send a very positive message to all Albertans, and it would send a very positive message to a whole bunch of men and women that go out there and do that work every day.

I will ask the minister to consider carefully what she just said, and at some point soon, Madam Chair, I'm going to ask, by way of an amendment, the minister to reconsider what she just said because I believe that for all of us in this House I don't think this is partisan. I think that on both sides of the House we all agree that first responders go a great job. You know, there are a lot of issues in this House that can tear us apart across the aisle. I think this is one that could probably bring us together, and that's what we're asking for.

So, Madam Chair, with your permission I would like to move an amendment, please. I'm guessing you don't want me to talk about it till after you see it, right?

The Chair: Until I've seen the original.

Mr. McIver: This, to be clear, is on behalf of my colleague from Calgary-South East. It's certainly my hope that if we can agree on this, this will bring us all together and be something we can all walk out of here with and be proud of and say that we did the right thing for the right reason today.

The Chair: This will be known as amendment A10. Go ahead, hon. member.

Mr. McIver: Thank you, Madam Chair. I move that Bill 4, An Act to Implement a Supreme Court Ruling Governing Essential Services, be amended in section 9 in the proposed section 96(1) (a) by striking out clause (b) and substituting the following:

(b) employees who act as ambulance attendants as defined in the Emergency Health Services Act and, to the extent that they bargain collectively with ambulance attendants, employers who are ambulance operators as defined in that Act,

(b) in clause (c) by adding, "excluding employees to which clause (b) applies" after "all the employees of those employers," and (c) in clause (d) by striking out "clause (c)" and substituting "clauses (b) or (c)".

It's a little bit wordy, but I tried to explain. Madam Chair, I could never be as eloquent or articulate as my colleague from Calgary-South East was, who works as an advanced care paramedic and has lived the life that those first responders live. Respectfully and not up to the standard that he would do, I move this on his behalf.

The Chair: The hon. minister.

Ms Gray: Thank you, Madam Chair, and thank you to the member for the comments and this amendment for our consideration. This legislation is not a value judgment on any particular type of work. This legislation is the creation of a framework under which we recognize that there is key and essential work happening throughout Alberta, particularly from our first responders, whom we value and respect. It is through this process under negotiating an essential

services agreement that we will be going through with the employees themselves, with the employers and having the conversations about what we can do to make sure that Albertans are maintained in a safe, healthy, functioning environment during any strike or lockout.

I do want to stress that we engaged the Health Sciences Association of Alberta, so the representatives of some of those front-line workers, who are in favour of the legislation as it is written. We carefully considered the advice of all of the experts involved, from renowned labour lawyer Mr. Andrew Sims to everyone engaged in that consultation process. Understanding very much the appreciation and the passion that there is for our front-line workers, this government echoes that as well. We know, again, that when lives are on the line, the skills and knowledge of a paramedic can make the difference between life and death. But this legislation is not about judging a particular type of work; it's about creating a framework that all Albertans can use so that as roles change, as careers evolve, regardless of what happens, we have a framework that serves Albertans in any case.

Because we have the support of those who were consulted, because we have carefully considered these issues repeatedly, I will not be supporting this amendment. We do value our front-line workers, absolutely. We think this framework, which respects their right to strike, which is critical – the Supreme Court has ruled that all Canadians have that right. By not removing that right to strike at this point but instead including them inside of the essential services framework, we are showing our respect to these workers and all Albertan workers.

I look forward to continued discussion on this, but I believe that this framework is fair, balanced, and serves Albertans. I look forward to the discussion. Thank you.

The Chair: The hon. Member for Olds-Didsbury-Three Hills.

9:20

Mr. Cooper: Thank you, Madam Chair. Just a couple of quick questions for the minister, following on from some of the other comments made in the House this morning. The minister has made statements this morning that she wouldn't want to prejudge something in terms of the discussions around whether or not paramedics would be determined to be essential, and she said that they would likely be. The question is, then, because she doesn't want to prejudge the discussions: is it possible, because of the legislation, that they wouldn't be? I think that that is part of the larger discussion. That's important. If we're not prejudging it, then both "likely to be considered" and "possible that they wouldn't be considered" could be within the realm of a judgment.

I think one of the things that we saw so clearly yesterday afternoon from my colleague from the third party is that this legislation carves out space for firemen to be absolutely, one hundred per cent guaranteed to be considered to be essential, not likely to be considered but absolutely considered essential. We see that same respect given through the legislation to our police services. A very clear case was made that that is the exact same respect in legislation that paramedics and EMS should receive.

While I can be sympathetic to the fact that the minister believes that they're likely to be considered, the possibility that that wouldn't be the conclusion exists. We have the opportunity to ensure that paramedics and EMS are given the respect they so rightfully deserve through legislation, the same respect that the other forms of first responders receive, that this legislation ensures they have. This is a wonderful opportunity for the best idea to win, for the fact that we have the opportunity to communicate to all paramedics, first responders, and in fact all Albertans that this

Assembly understands the value that they provide our province. We have the chance today to ensure that in legislation.

Now, I can see that there was some significant back and forth to try and get an amendment that would provide the Chamber the ability to do that. Here before us that is exactly what we have. Now, I recognize the legislation is likely to, but we ought to remove all doubt from our first responders' minds and ensure that they are communicated to that they are essential, that we value the work that they do and communicate to Albertans that fire, police, and EMS are viewed on an equal playing field, are given the respect that they each deserve. Pass this legislation, pass this amendment to ensure that there can be no strange rulings, meddlings, or miscommunications to our first responders. I fully, without reservation, support the amendment.

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

Mr. McIver: Thank you. As I always try to do, I listened carefully to the minister's response. Let me add a little more context for the minister. There is an element of respect here that probably needs to be given to these workers. The history of paramedics is an interesting one. They've always done a great job. They've always been extremely well respected by the public. This is something that you're not responsible for, this government and this minister, but it's something that I'm going to say because it's something you should be aware of. You might be aware, but if you're not, I'm going to make you aware.

Over time the profession of being a paramedic has been kicked around a little bit. What I mean by that, Madam Chair, is that I spent a few years on city council in Calgary, where the EMS service used to reside. Over the years they were kicked around from pillar to post a little bit. There were times where they had been their own free-standing department in the city. A couple of times they got moved to be under the direction of the fire department and then under the direction of some other body and then independent again and back and forth. There's been some ping-ponging done over the years. That's some history that actually is worthy of consideration here when you consider maybe it's about time that this particular profession got the respect that it deserved. I can tell you that that's the case.

Now, the minister said, you know, that she can't prejudge, but by saying that you leave – it's the Dr. Jekyll and Mr. Hyde thing, Madam Chair. What I mean by that is that if you say that you're going to do the right thing now, you leave the paramedics worried that some day with a different minister, different government, a different day, they – and no, that's not a shot at the government. I'm just saying that the fact is that things change over time. It might just be the minister. Maybe she'll get some better job. Who knows? The fact is that the people in charge of things change from time to time. Even if while you're here the EMS will be an essential service, they are left hanging, wondering whether they still will be when you move on to something bigger and better. That is the uncertainty that we need to remove for those people. They deserve better. We owe it to them.

The minister also said something that my colleague from the other party talked about, prejudging. Well, Madam Chair, I would submit to the minister that Albertans have prejudged: EMS, paramedics are essential. Albertans have prejudged. What I'm asking the minister and the government to do is to show that we hear Albertans and we're going to reflect what they believe. My colleague said it last night when he was speaking, that if he was to do a survey of Albertans, he's sure that there would be 90-plus per cent of them that would say that EMS is essential, and I believe he's

right about that. Albertans have prejudged. Why? Because they're essential.

Our job here is to recognize what all Albertans know. Show them that we're awake. Show them that we hear them. Show that we agree with them. Show them that we are respecting them and we're representing their views. They've prejudged, and they've prejudged correctly. We work for them. Now would be a good time to demonstrate that. Respect those people. Don't leave them hanging out there wondering whether the respect is temporary or at the whim of the current minister or whether it's codified in legislation as it ought to be, the same as it is for police officers, the same as it is for firefighters, as it ought to be for paramedics.

The Chair: The hon. minister.

Ms Larivee: Thank you very much. I would like to speak a little bit about the fact that I absolutely want to be clear that I value paramedics. In fact, just this past summer I came across someone who eventually ended up passing away in an MVA, and I ended up being the first person on the scene. You know, when the first responders came and helped bring that individual to the hospital, once I was off the road and dealing with all the emotions of being the first on the scene, dealing with someone who'd gone through that kind of trauma, the first thing I did was call up my paramedic friends. "How do you do that? You're amazing. I'm so proud of all the work you do. Thank God you are there and doing the work that you do."

Having said that, the health care that we provide – I mean, specifically this is looking at health care, and as a nurse for 17 years I feel very happy to speak on behalf of health care – is a very complex connection of a variety of workers that provide services to Albertans when they are in need. Certainly, there are many workers within the health care system who are considered to be absolutely essential. We value all of those workers. When we look at this, certainly the reason that we have included firefighters and police in this legislation is because the Supreme Court specifically recognizes them. In the spirit of respecting the negotiations and collaboration that would go into developing this essential services agreement, we are only including what we have to include based on what the Supreme Court references.

9:30

I have to say that I have faith in the negotiations of employees and employers to come together and to decide what's in the best interests of Albertans, to ensure that we recognize what are truly essential services. I have faith in that process. I have faith that they will recognize that there are a variety of people who will be essential. Examples would include, absolutely, ambulance attendants. You know, I have full expectation that they will be on there. There are also OR nurses and ER nurses. There are X-ray technicians and lab staff. Without them Albertans could not get access to the quality of services that they deserve. I think it is a very complex interaction of staff, and I look forward to seeing the results of employees and employers coming together to come to the very best conclusion as the experts in this, the experts in terms of their particular situation, to decide what are the essential services.

We have to be very clear that we value all the workers in the situation. We certainly value ambulance attendants, but we also value the process and collaboration and respect the importance of having both employees and employers have the conversation together to come up with the essential services that make the most sense for Albertans going forward.

Thank you.

Mr. Ellis: I can't believe that we are even for a single moment debating whether EMS is an essential service. I cannot. That's shameful. Let me tell you something. I have commanded many, many incidents. Do you know who's at every one of those incidents? Not just the police, not just the fire, but EMS. I always have EMS on standby. Without them the police officers have no support. Without them the firefighters have no support. Without them the victims of crime, the victims in fires, the victims of emergencies – so then I'm going to ask you this, Madam Chair. How are you going to tell that person who dials 911 in a medical emergency: well, we're going to get somebody to you, but EMS is not quite essential, we've determined. Not quite essential. How are you going to tell that person that? It is not even a question that EMS is an essential service, not a question in my mind, not a question in any Albertan's mind, and it's embarrassing that we're even having this conversation.

The Chair: The hon. Member for Fort McMurray-Wood Buffalo.

Mr. Yao: Thank you, Madam Chair. Emergency medical services. Let me give you a little bit of insight into the emergency services, what they perceive EMS to be. It has always been considered, pardon my language, the bastard child of the emergency services. It's always been a barely funded system that just adequately provided the bare-bones minimum for emergency services. Police: we require them for so many aspects, to control and maintain order on our streets and whatnot. Fire departments: there's a perception that no one wants to die in fires, so it's always been a tragic thing over the previous years. But EMS has always been one of those things that people just seem to avoid because they always think that they'll never need that, never need an ambulance.

We have to understand that EMS has evolved over the years to truly providing health care in the field. Dr. Norman Bethune, a great Canadian who in the late 1800s, early 1900s was the first person in the world to do blood transfusions, introduced the first levels of EMS to our world. After that, in the modern era, it was the Vietnam vets that came back from the war and joined the fire departments in the United States. It was in the Vietnam War when they also accelerated the type and quality of health care in the field, in the combat setting, and they brought those skills back with them here to North America. When they got on with those fire departments, they started providing a different level. At that point society started to recognize that not just physicians could provide health care out in the public setting, that there was a need for providing true health care in the field, not just a load-and-go situation. When I say load and go, back in the day the hearses would be called; the funeral homes would be called to transport a lot of people who required a stretcher because they were banged up from a car accident or something like that.

So we have come a long way. Today they do everything from intubation to defibrillation to starting that intravenous and doing so much more in the field. They are very, very vital. It is providing, truly, health care outside of a hospital setting. It is the most extreme situation. People underestimate what these people do, what they've seen.

As the other members in this House have talked about, we do see a lot. It's not too many people that have to deal with dead babies with families crying around them, and you just see this rigor mortis child sitting there on a bench. That's disturbing stuff. Or to see someone who'd been burned in a car fire after it hit a welding truck. The skin: it's not like a true burn. It's like the skin melted, and it's like a sheen mask. That was quite disturbing to see. There are a lot of instances, a lot of situations that paramedics run into very equivalent, if not more so, than some of the other emergency

services, and the fact is that they have to deal with that medical situation. And God bless the firefighters for pulling that patient out of that burning house, but then it's the paramedic that has to take care of that guy and try to keep him alive until we can get him to the hospital, which might be, say, in a case in Airdrie, 20 minutes to half an hour away, or in some other rural setting where the closest acute hospital is a couple of hours away.

It is a difficult job. I'm torn on hearing from the government side that they may not consider it to be an essential service despite the things that they do. It is as vital as anything. Working for a combined service, providing both EMS at the highest level as the paramedics and providing the fire and rescue side of things, the EMS call volume was anywhere between 75 per cent and 85 per cent of our total call volume, and those are standard statistics across the province. There is a sheer number of calls that come out.

Not only that, but paramedics are forced to wait in hospitals as they try to clear beds because of the low capacity of our beds and stuff like that as they fill the backlogs, as they get filled by people like seniors and others who don't have a long-term facility that they can call home. So they adjust, and they accommodate them in the long-term care beds, which compounds it and influences other areas where patients could sit but, instead, all just get bumped down to the point where there are patients sitting in emergency departments who could or should be in some sort of longer term facility or bed.

EMS is a hard job. We don't have X-ray machines and blood-testing machines with us. We have to determine by the mechanism of injury how hard we think that car hit that wall to determine what kind of injuries they got. We have to evaluate, based on their history, if they took their medications properly, what they did, because there might be a metabolic issue that's within them. It's a lot of deciphering, a lot of inquisitive actions in order to determine the best course of action for these patients in an environment where it's very, very difficult to get this information sometimes.

9:40

It's really unfortunate, Madam Chair, that this government would not consider this amendment, this change. It's a subtle change, but it will impact so many help providers that are currently dealing with a lot of stresses, including posttraumatic stress syndrome. It's unfortunate, and they require more support. I hope this government doesn't underestimate the things that they do and that they will recognize them as truly an essential service. When these people aren't on the road, people won't have that health care provider at their door.

Thank you, Madam Chair.

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

Mr. Rodney: Thank you very much, Madam Chair. Often we get up in this Chamber and at this point we say that we are pleased to rise. I'm very disappointed and I'm very upset to have to rise to speak to this today, to what I think is an absolutely common-sense amendment, but it is my honour to do so.

It's my honour to thank the gentleman who spoke last night, who wanted to bring this forward, and I thank our interim leader, the hon. Member for Calgary-Hays, for bringing it to the floor and speaking eloquently about it. I thank the previous speaker, who was a professional in the field and risked his life, and his brethren and sistren who have done exactly the same thing. Having one less paramedic, one less emergency medical technician, having one less person who provides safety to Albertans will make Alberta a less safe place.

This amendment is, as I say, common sense. It will save lives. I have some friendly advice for our friends in the new government,

whether it be the Premier or the cabinet. We cannot refer to members' absences – I will not – but I trust this message will get through to the people that are authoring this bill and everyone else here. Take it from me. I've served the second-longest amount of time; only the House leader on the other side has served more time. I seldom get emotional. I feel myself getting emotional about this situation. Here's the thing. When we sat on the government side, guess what? Every once in a while we took an amendment; we accepted it. It's this sort of situation. They thought of something we didn't. Good thing. Let's do it now before it's too late. It's not: throw them a bone; it's just the right thing to do. In my time I even voted against my own government. So I can tell you this. If you have advice on your side that you should vote against this, ask yourself, your family, your constituents: what is the right thing to do in this situation? I think the answer is very, very clear.

At this point, Madam Chair, I feel the need to paraphrase the hon. Member for Calgary-South East from yesterday evening. His words are so powerful. They come from the experience of having worked a career in EMS. Not everyone has been privy to what happened at 10 to 6 last night, so here it is:

Consider: it's the middle of summer. Your child is in the back, in the pool. They're playing, and they've drowned or nearly drowned. Is that not a public safety issue, that harm to your child and having an ambulance, a skilled professional there to save that child's life? Would you agree? Would the government agree? I think you would. I think all Albertans would.

We see in this bill that firefighters are an essential service from the start. Compulsory arbitration: rightly so. Police: compulsory arbitration. What's missing is paramedics, that are out on the street every day saving lives and providing essential care to people that are in pain. [We're talking about] quality of life, until they can get further care.

I would add, Madam Chair, that it's not just quality of life; it could be life and death.

Additionally,

Mental health issues are on the rise, particularly now with the way the economy is, yet the government – and, believe me, I've worked all day on [trying] to get them included as essential services. I can tell you right now that if I did a poll in this province, people would agree that emergency medical services should be an essential service along with firemen and police, as our Member for Calgary-West has already articulately alluded to from personal, professional, not just political experience.

He goes on:

It's the right decision.

We should be able to leave it at that, but I'll continue.

We don't want to have to worry if the ambulance is going to show up or not. Everyone would agree, especially if you're the mom or you're the father and your child is nearly drowned, sick, with a broken leg, or in a car accident. They're essential to life. They are essential to making sure that when your loved one is in pain and they're crying and they're writhing in pain . . .

By the way, Madam Chair, I've been in many of these situations as well, and I agree.

. . . the trauma that that brings to a patient – and I know there are other health care professionals. Our job is to take that pain away. Our job is to make sure that the community has confidence that when you call the ambulance . . . There should be no threat of a walkout, no threat of a strike for something that you need to save a life.

Again, I'm paraphrasing my hon. colleague from Calgary-South East.

What I can't understand after all the work that I did in CUPE 3421 and all my brethren did before then to get parity with police and fire is why today . . .

Today.

... this government can't recognize emergency medical services as an essential service to the life and well-being of Albertans. Now, I tried to make this so that this could be your amendment, so that you can make this decision. To be honest with you, anybody who has a special interest, whether it's a union or anything else, to leverage the skill and the responsibility that paramedics have shouldn't even come into question. The right decision, Minister, respectfully: recognize paramedics along with firemen and police as the core backbone of the safety and well-being of Albertans, I implore you.

Again, on his behalf.

Madam Chair, I know that you're listening intently. I know from your time over a decade ago up in *Hansard* that you have seen this happen. For anyone who has just tuned in on the web or otherwise, I'll just repeat what I said. This is the right thing to do. It's okay to take an amendment once in a while. Honestly, if you were to take the time and not rush this through, if you were to call up anybody in your constituency and say, "Who's an essential service?" do you honestly think people would leave out those that are the first responders to save people's lives, that put their lives on the line every day? I don't want to use the term "no-brainer." I know some people in colloquial language would do exactly that. But I have yet to hear one good reason from the government as to why they should be excluded.

So I encourage the minister, the Premier, any member of cabinet, any member of the caucus to stand and convince everyone else here and, I really believe, towards one hundred per cent of the Albertans out there why you should exclude EMS from this common-sense amendment.

Over to you.

The Chair: The hon. Minister of Health.

Ms Hoffman: Thank you very much, Madam Chair. It's my honour to speak to the amendment. As somebody who drafted a number of opposition amendments, I think that in my over four years I got one through, so certainly I know the frustration sometimes when amendments don't get through. I imagine that for a great deal of the members on the opposite side of the bench it wasn't because the amendments were coming from us; it was because, I hope, they had done the research and thought through the nuances of the situation. When I had an opportunity to meet with the member from Calgary, certainly, on first response, I was like, "Yeah; that's sounds like a really good idea," and then I did my research because the important thing is to make sure that we understand the context, not just what might be public perception.

Certainly, the context is that we are here today debating An Act to Implement a Supreme Court Ruling Governing Essential Services. That act itself names two first responders. Unfortunately, it doesn't name three, but it does name two first responders. It names police, and it names fire. The decision of the Supreme Court was to impact both Alberta and Saskatchewan, who had legislation that was in contravention of the Supreme Court ruling. When Saskatchewan passed their legislation, they wrote in other essential services that were not named in the Supreme Court ruling, and the Supreme Court overturned that legislation because it wasn't compliant with the Supreme Court ruling.

9:50

When I did my research, I found out: "Oh. We need to make sure we're complying with the Supreme Court ruling. I understand." We also went a step further to reach out to those who were elected to represent a vast number of emergency first responders, who I have tremendous respect for. I know everyone in this House does. If you are ever in a situation where you need to call 911, you need to know that somebody is going to show up. So we reached out to those who

were elected to govern a large number of them through the Health Sciences Association of Alberta, and they said: "You're right not to write it into the legislation. We will work this out at the table. Thank you for approaching us about this idea. It certainly is an interesting idea, but you're right. Don't write it into the legislation. This is about implementing a Supreme Court ruling."

With all respect to all members of the House, the passion that they bring to the debate, and to anyone who might be listening, this is about implementing the Supreme Court ruling. We're certainly going to have conversations with the employer and employee groups to make sure that we get this right for other areas. But in terms of the actual legislation itself, as we've seen from the precedent in Saskatchewan, I think it's very important that we implement the Supreme Court ruling, which specifically names two, not three, types of emergency first responders.

While I certainly appreciate the merit – and that's why I and I'm sure other members of our caucus as well went that extra step in doing additional research before we decided how we'd be feeling on this amendment – it's the research that's guided me to this decision. I certainly appreciate the passion that you've presented here today and, of course, the service of first responders sitting in this House and anywhere else in Alberta. Many are in ambulances at this very moment.

We continue to work with them and look forward to finding ways that we can make sure that when you do call 911, you have the confidence that those emergency first responders will be available. But in terms of the research I think that the Supreme Court decision as well as the Saskatchewan legislation and the fiasco there show us that we shouldn't be writing additional essential services into this legislation, that we should be working that out with employers and employees.

So with all respect, Madam Chair, I'll be voting against this proposed amendment.

The Chair: The hon. Member for Strathmore-Brooks.

Mr. Fildebrandt: Thank you, Madam Chair. I am disappointed to have to rise again and speak, with my colleagues from the Official Opposition and the third party, in favour of this amendment. The hon. Minister of Health I don't think has quite grasped the gravity of this bill. The minister stated that this amendment would be going beyond what is required by the Supreme Court, that it is outside the scope of what was required.

We have stood here and talked about how significant sections, very substantive sections of the government's own legislation go beyond what is required by the Supreme Court. In their own briefings, that I participated in, their own experts told us that sections of this bill go beyond what is required by the Supreme Court, particularly in legislating out options for replacement workers in essential services before the essential services agreements are even negotiated. That is not required anywhere by the Supreme Court. It was put in by this government for reasons that have not yet been properly explained. Yet they stand there and tell us that any amendment here, which would make very clear, crystal clear, in the legislation that our EMS workers, who we rely upon every day to save thousands of lives every year, who are, beyond any question, an essential service, would be going beyond what they're intending to achieve in this legislation.

Well, let's look at what the title of this bill is. It is an act to comply with a Supreme Court ruling. Well, they've already gone well beyond that. The Supreme Court was clear. While all public-sector employees have a constitutional right to organize and to strike, that right is not absolute, and the government has a right and a responsibility to protect essential services. It is our job, and we

would be negligent if we passed legislation in this House that jeopardized the safety and security and health of Albertans by neglecting to make crystal clear in the legislation right now that our EMS workers are essential services.

Now, the hon. Minister of Labour has stated that EMS workers would likely be covered by an essential services agreement: likely, not certainly, Madam Chair. We wouldn't know for sure. If there is any possibility whatsoever that our EMS workers would not be covered by an essential services agreement, then there is a problem. Our EMS workers save thousands and thousands of lives every year in this province. The Member for Fort McMurray-Wood Buffalo, who has worked with our EMS workers, has described how critical they are. The Member for Calgary-West has described how critical they are. The Member for Calgary-South East has described how critical they are, having been one himself. There is ample experience – first-hand, front-line experience – in this very House from its elected members to know that EMS is not an optional service. It is an essential service, and we should recognize that in this legislation.

I call upon the members opposite to do the right thing, disobey their party whip if necessary, and vote for this necessary amendment.

Mr. Taylor: You know, Madam Chair, I'm frankly floored that anyone in this House does not want to support this amendment. What I see here, echoing what the member had just recently said, is that there have been many changes to this Supreme Court ruling. There are many changes that have already been done. This government's bill would have been that much more palatable had it actually just stuck to the Supreme Court ruling, but it went beyond, and it made changes. Now when they're asked to make a change that would support and help people, help Albertans and keep them safe, all of a sudden: no, we can't make any of these changes.

This is wrong. You know, I've been a firefighter. I've been on many calls, and on these calls we're experiencing trauma, we're experiencing a lot of problems. The EMS, the paramedics, they come, and they're assisting us. As a firefighter I can't transport these patients. We just have to provide comfort. We can't provide them with, really, anything but the basics. We need to have the EMS and the paramedics on-site in a timely manner.

They have to be able to go from that incident, whenever that incident occurred, into an operating bed within an hour's time. That's the golden hour. If an incident happened – there was a car accident – that was 20 minutes away from the hospital but it took 10 minutes to get it called in, that's going to delay the times that much more. If you don't get them in at the golden hour, the chances of them actually having a successful recovery go down. It goes down significantly, exponentially, as the time goes on.

It's absolutely imperative to me to be able to have these people on-site. When we have a fire, we have an accident, we're able to call them out, and they're there. They're ready, and they're able to go. If we make these changes, I fear for the lives and the welfare of the people in Alberta. They backed us up so many times. I'm just surprised that the government has not decided that this is essential. To me, this is essential.

It is clear that I will vote in favour of this amendment, and I believe that everybody here should. I frankly believe that everybody must vote because at some point in time you'll need the services of the ambulance, the firefighters, the paramedics – they all come together – the police. When you're on a scene, it's not just one person or another person; it's a team. I can't emphasize enough that I believe we must vote in support of this amendment.

Thank you.

The Chair: The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Hanson: Thank you very much, Madam Chair. I'm going to echo my colleague from Battle River-Wainwright. We have two major highways going through part of my district, being highway 63 and highway 881, where there are a lot of major accidents. They've been the focus in the news for the last 10, 15 years as, you know, a couple of the most dangerous highways in Alberta, for sure.

One of the problems is that the first responders on most of those accidents are volunteer fire departments. They're not qualified or prepared to deal with these accidents other than by giving comfort. They're not allowed to assist more than by giving comfort, as much as they'd like to. The idea of a volunteer fireman standing on the side of highway 63, watching somebody die, knowing that there was not an EMS en route is just astounding to me, and I can't believe how anybody across the way could not support that.

10:00

The Chair: The hon. Member for Fort McMurray-Wood Buffalo.

Mr. Yao: Thank you, Madam Chair. This government is relying on a Supreme Court ruling to guide them in this. When the Supreme Court made their decision on EMS, we have to recognize one thing about emergency medical services, that it is not on par across this country. There have been attempts at trying to standardize the levels, but we have to recognize that there are differences. I want everyone in this House and in this province to know that Alberta for over 20 years has been known to have the pinnacle of emergency medical services.

For many, many years Alberta was the only province to provide true paramedics, people who could provide advanced life support. They could give injections of medications. They could provide electrical treatment in the form of defibrillation. Intubations. Many of the things that only doctors can do in operating rooms and emergency departments paramedics were empowered with. In Alberta we were blessed with having some very good doctors who very much believed in emergency medical services and in paramedics.

Strathcona county – where is the Member for Sherwood Park? – is renowned across this province and this country as having one of the finest emergency medical services in this country. They were a model for the rest of the province in reaching those highest levels. Their physician medical director: he was on the board of the province for many years, providing that guidance.

To make people understand more what I'm talking about, when you go to Quebec, if you go to Montreal and you require an ambulance, you'll notice that they sit in the streets. They don't have regular fire halls or emergency services halls. Like, police have a police station. The fire department has a fire hall. The EMS sit in the streets because they don't want to pay for any shelters for them. Also, the fact is that they are very busy. We have to note that there, when there's a critical emergency – and my brother can attest to this as he was an emergency physician in Montreal – they would grab the doctor if the call was deemed critical enough, and the doctor would go in a chase car, which is basically a car of sorts with all the advanced life support, all the medications in the back, with the lights and sirens so they could stream down the street and rendezvous with that ambulance. The ambulances only had basic life support.

Basic life support: what does that mean? It has advanced in the last few years, so they can give things like sugar for diabetics and Narcan for narcotic overdoses, but for the most part in other places they do very, very little. They can maybe take your blood sugar test, but they can't give you the glucose. That's probably changed in this day and age, I hope, in the last few years. The point is that we are not at parity.

When I was taking my emergency medical technician course back in the year 1991, there was a fellow in there, and he was all the way from Nova Scotia. I was amazed at this fellow because he was here in Alberta to take our basic life support course and bring that education back to Nova Scotia and teach it. Today Nova Scotia's emergency medical services are considered on par with Alberta's. It is a provincial program there, but we also have to recognize that it is a smaller region. I mean, that area is as big as one of our constituencies, with a much smaller population, albeit diverse. They have evolved and are run by, I believe, you know, a province-wide service.

Sometimes Alberta Health Services and other agencies take note of that, and they look and see them with their centralized dispatch, and they think: well, if they can do it in Nova Scotia, we can do it here in Alberta because of the efficiencies. We have to recognize that we can't compare province to province because, again, there are different dynamics involved, the logistics around the actual physical factors involving territories and whatnot, and Alberta is a large territory. Again, we should be happy to know that Alberta does continue to have the highest level of paramedics and EMS in this province and that they do provide a high level of health care, which we have deemed over the course of time to be very vital, so vital that Alberta Health Services took that service over from the various municipalities and centralized it.

If Alberta Health Services recognizes the importance of emergency medical services here in Alberta, we have to recognize that they might be on to something. They've recognized that the level of treatments that the paramedics were providing was something that they wanted under their umbrella. Running EMS in with the Wood Buffalo region my last four years there and then encountering the interaction with the provinces – Alberta Health took it over – was a difficult time, but the one thing that we do have to recognize is that they did recognize that it is a true medical service, and it is in the prehospital setting, and this is something that we have to take very, very seriously. Even though the folks in Ontario and Quebec and the Supreme Court don't consider EMS to be at the high level, we have to look at Alberta and adjust things accordingly and recognize that perhaps this is the place where we do consider it an essential service because it is a medical service here in Alberta.

Thank you, Madam Chair.

The Chair: The hon. Member for Banff-Cochrane.

Mr. Westhead: Thank you, Madam Chair. I just want to bring us back, with all the passionate and well-thought-out arguments here that we've heard today, you know, to why we're here in the first place. The title of the bill is An Act to Implement a Supreme Court Ruling Governing Essential Services. As the hon. Health minister said earlier, members on this side did a little bit of further research into deciding how they would include or not include certain services as being essential or not. One of the things that I found out in reading the actual Supreme Court ruling itself was that one of the primary reasons the Supreme Court struck down Saskatchewan's law was because of the unilaterality of deciding which services are essential or not.

I've got a couple of passages from the Supreme Court ruling that I'd like to share with the members here today. I'll read a couple of passages. The first one is that "the unilateral authority . . . to determine whether and how essential services are to be maintained during a work stoppage with no adequate review mechanism, and the absence of a meaningful dispute resolution mechanism to resolve bargaining impasses" justify the conclusion that the Saskatchewan essential services act is not minimally impairing, and

their conclusion is that that essential services law was unconstitutional.

The Supreme Court specifically mentioned police services and fire services as two services which are absolutely essential, and they left it at that, so by adding other professions into our legislation, we run the risk of unilaterally deciding which services are essential or not, therefore, you know, potentially violating the provisions of the Supreme Court ruling.

I just wanted to add a couple of other things here. The Supreme Court ruling: their reasoning why they deemed Saskatchewan's law as unconstitutional is that the definition of that law, of essential services, was "very broad." "In the absence of an agreement with the Unions about what the definition means, employers are entitled unilaterally to decide what they included." That's one of the reasons the Supreme Court gave for making the decision that they did.

Another passage here is that "the power of public employers during a work stoppage to designate how essential services are to be maintained and by whom was unilateral and required no consultation with the Unions." On the other hand, the reason that we've written the legislation the way we have is so that consultation with the union does occur and that the negotiation can occur between the employer and the employees. The Supreme Court goes on that "the unilateral decision-making power granted to public employers was unnecessary. There was no explanation for why the Unions were denied any input into naming essential services employees."

Madam Chair, in light of the Supreme Court ruling and what has already been said by the Minister of Labour, the Minister of Municipal Affairs, the Minister of Health, and other members on this side, it's quite clear that the services that have been deemed essential in our legislation follow the spirit of the Supreme Court ruling. Those that were not included also follow the spirit of the Supreme Court ruling because the point is that it's up to the unions and the employers to negotiate the process of deeming what's essential and what's not.

10:10

We need to stick with the spirit of what the Supreme Court has said. Otherwise, you know, we run the risk of a constitutional challenge because this is a very recent ruling. They've been extremely clear in what should and shouldn't be included and why it should or shouldn't be included and also the process by which those services not deemed as essential should be worked out between the unions and the employers themselves.

I feel confident in the legislation that's been proposed by the Minister of Labour. You know, in that respect, I am not able to support this amendment.

The Chair: The hon. Member for Innisfail-Sylvan Lake.

Mr. MacIntyre: Thank you, Madam Chair. We've had a couple of ministers in this room state that one of the reasons they're not in support of this amendment is because it overreaches the requirements of the Supreme Court ruling when, in fact, there are segments, large segments, of this entire bill that overreach the bare-bones requirements of the Supreme Court ruling. So that argument, actually, has no foundation in fact whatsoever. If this government was really just concerned about implementing the very bare bones, the minimum requirements of the Supreme Court ruling, this bill would be substantially different than it is. I absolutely reject that argument against this motion.

Secondly, something that appears to me to be a fundamental flaw in some of the logic, so-called, coming from the other side is this notion that we are somehow not the lawmakers. The Supreme Court

does not make law; we make laws right here in this room. This is where laws are made. This is where the laws in the best interests of Albertans are created. If the Supreme Court in our collective judgment has left something out, we have a solemn responsibility to the people of Alberta to put that something in, and that's what this amendment does. If this government is somehow . . .

An Hon. Member: Beholden.

Mr. MacIntyre: Beholden, or afraid to do something in the best interests of Albertans because the Supreme Court of Canada didn't include it, then what in the world are you doing sitting over there? We are here to represent the best interests of Albertans, and that's what we need to do. This amendment is vitally important. EMS is an essential service. Period. The end. We are the lawmakers in this room. Let's get something straight.

Thank you, Madam Chair.

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

Mr. McIver: Thank you, Madam Chair. I just had to rise again because some of what I heard is – I'm trying to think of a parliamentary word – balderdash. Balderdash, I think, is still parliamentary. What was balderdash? I hate to say this. The Health minister, whom I have great regard for – I do. I think she's a fine legislator, and she works hard, and I think she does a good job, but today she said something that I don't believe she believes. She was saying that they have to do this because of the Supreme Court of Canada decision. This is beyond the Supreme Court of Canada decision.

We put in amendments to get rid of the lack of replacement workers, which is way beyond the Supreme Court of Canada decision. The government is holding that tight, tight, tight, tight because we asked them to be reasonable on it. Yet on this issue that matters all of a sudden it's all about the Supreme Court of Canada decision. We can't do anything outside of the Supreme Court of Canada decision. Nonsense. Balderdash. I don't believe it. I don't believe the minister believes it.

Then the minister went on to say, as if that wasn't bad enough and she hadn't buried herself enough on this issue, that the bargaining group that they're in right now doesn't want it. Now the government has decided to reduce EMS paramedics to a bargaining chip. An essential service: they have reduced them to a bargaining chip, a shiny pony. Shame, shame, shame, shame. Terrible. There is no excuse for that. The government needs to get on their horse. They need to do the right thing. They know what the right thing to do is. Everybody in Alberta knows what the right thing to do is. The government knows. They just need to do it.

The Chair: The hon. Minister of Indigenous Relations.

Mr. Feehan: Thank you very much. I just want to take a moment to speak to this issue. It's a fundamentally important issue. [interjections] Exactly. It is one, I think, that betrays a certain contradiction on the opposition side of the House in terms of their thinking about the issue.

To begin with, I am very pleased to see the right-wing parties in this Legislature finally defending public servants after years of doing everything possible to define them as the enemy, to define them in derogatory manners, and to push things back. I understand. I've been listening to what they've been saying and listening to the passion that is coming from that side of the House. I welcome that passion. I think it's extremely important. As you know, I bring passion to the types of things that I talk about all the time. I appreciate that, and I respect that.

I have the same passion about the work that is done by the members of the EMS. I am very pleased to know that we have people out there who are highly respected, who are highly trained, and who I think should be highly paid to do fundamentally important work in our society. You know, the left wing of our politics in this province has been working to support exactly that kind of service provided to the citizens of Alberta for years. We absolutely think it's important that we continue to support them.

What I'm finding interesting, though, in the conversation that's here is that the sense of the relationship between the government and the employees is so fundamentally different between our two sides of the House. What the opposition wants to do is that they want to find a place to put a dark line and controlling rule into place so that they can impose their sense of rightness onto the situation.

What we're asking to do instead is to engage in a relationship with the people, whom we respect, and allow that relationship to play itself out in its fullness and to give the respect to them so that they can come forward, define their own work, and go forward with this legislation to the boards and the committees that they need to address and say: this is who we are; this is what's important about what we do. Fundamentally, I believe that the work they do is critical. I believe that that work should be supported. I want in my relationship with them to allow them to have the opportunity to define themselves, to express who they are, and to use a process put in place and not to be cornered by a rule, a process that allows self-definition, that allows them to bring their knowledge forward, that allows them to gather the support that the opposition keeps saying is out there.

They keep saying that everybody out there thinks that they're essential services, yet they do not trust that if we actually asked the people involved to define them in a way that expresses that essential service – they don't think it'll happen. What I'm seeing is tons of passion and no faith whatsoever. I don't believe that that's the way we should be treating our people, who work every day to provide services for the citizens of this province. I think we should be saying that we don't want a hard and fast rule. What we want is a process that guarantees that the language, that the considerations are all brought out, put on the table, and everyone has a chance to invest in that conversation. If we do that, if we have the chance for people to invest in that conversation, then it's going to last a much longer time.

I'm reminded of the movie *Hawaii*, in which the minister coming from Britain puts on his long johns on November 1 of every year because that's what he always did. His Scottish grandmother told him that that's when you put on your long johns. He defined a rule, and he lived by the rule. It made no sense in the circumstance.

10:20

The alternative is, of course, that you define a process, that you define a way in which people communicate with each other, a way in which people can actually say: this is what I stand for, this is what I want to see happen, and this is what I believe is important about the work that I do. Then you provide an opportunity for people to listen to that, for people to hear that and to respond to that by negotiating an agreement that recognizes what it is that they're telling us. That's what we're doing. We are creating an opportunity for a relationship, and we're respecting and having faith in the people who provide the services that they will be able to best articulate who they are and best describe what it is that they need.

Thank you.

The Chair: The hon. Minister of Health.

Ms Hoffman: Thank you very much, Madam Chair. There are two things I want to say in response to comments made by the leader of the third party. Certainly, I appreciate the kind remarks at the beginning of his statement in terms of him respecting my legislative capabilities. I want to say that I appreciate that and certainly respect as well the democratic process that workers have to elect a voice for those workers. That, of course, is the organization that they've elected through a democratic process, and that would be the HSAA leadership for the vast majority of these attendants that we're talking about. To refer to the democratically elected leadership as a bargaining chip I find really disingenuous and disrespectful to those workers. I find it really disrespectful in terms of the tone. Certainly, we reached out to the bargaining unit that represents the vast majority and the democratically elected representatives of those folks. That certainly is a priority of mine. We want to have a really good working relationship with them, and I want to have a good working relationship with all members of this House.

I think the passion that you're expressing is felt for EMS and EMR and paramedics across our province. We have great respect for them, as do all Albertans. I also think that understanding what happened when only two jurisdictions were impacted by the Supreme Court decision – obviously, there were many decades that it could have been addressed by the third party when they were in government without having to have a Supreme Court decision, but we're here today. We're implementing the Supreme Court decision.

When the other jurisdiction took a path of naming other essential services that weren't named in the Supreme Court decision and that was overturned by the Supreme Court, it seems very strange to me that we'd be trying to set ourselves up for a similar fate in the only other province that has to move forward with this legislation. When we can look at what's happened in our neighbouring province when they took a very similar path, why would we set ourselves up for failure?

Instead, what we've done is that we've reached out to the democratically elected representatives of the vast majority of ambulance attendants, and we've said to them: do you think it's best to be included? Obviously, the Supreme Court didn't put it in. Mr. Sims, who I know the leader of the third party has tremendous respect for, said: don't put it in. We need to follow the names of the essential services outlined by the Supreme Court decision and work in collaboration with employers and employees, and of course their democratically elected leadership would be the representative of the employees.

With all respect to the members of this House and, of course, to our first responders, I stand by my earlier comments. I want to make sure that we get this right, that we don't waste lengthy time having work that we do in this House overturned by the Supreme Court. I'd rather that we do the work hands on, in a way that abides by the Supreme Court decision, with the first responders and with other essential service providers as have been mentioned in this House by other colleagues as well.

Thanks again for the opportunity to provide that clarity.

The Chair: Any other hon. members wishing to speak?

Seeing none, I'll call the question on amendment A10.

[The voice vote indicated that the motion on amendment A10 lost]

[Several members rose calling for a division. The division bell was rung at 10:24 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Ms Jabbour in the chair]

For the motion:

Aheer	Jansen	Schneider
Clark	Loewen	Starke
Cooper	MacIntyre	Stier
Cyr	McIver	Strankman
Drysdale	Orr	Taylor
Ellis	Pitt	van Dijken
Fildebrandt	Rodney	Yao
Hanson		

10:40

Against the motion:

Anderson, S.	Hinkley	Payne
Babcock	Hoffman	Piquette
Carlier	Horne	Renaud
Carson	Kazim	Rosendahl
Ceci	Larivee	Sabir
Coolahan	Littlewood	Schmidt
Cortes-Vargas	Loyola	Schreiner
Dach	Luff	Shepherd
Eggen	Malkinson	Sucha
Feehan	Mason	Sweet
Ganley	McLean	Turner
Goehring	McPherson	Westhead
Gray	Miller	Woollard

Totals:	For – 22	Against – 39
---------	----------	--------------

[Motion on amendment A10 lost]

The Chair: We're back on the main bill. Are there any further questions, comments, or amendments with respect to this bill? The hon. Member for Calgary-Lougheed.

Mr. Rodney: Thank you so much, Madam Chair. I think it's painfully obvious today that it's very disappointing to see that this government is not willing to accept numerous common-sense amendments that would work to make this legislation better and would also allow for appropriate evolution over time. Strangely, it reminds me of a debate in this House that occurred shortly before Christmas, when we were debating Bill 6, about an issue that a majority of Albertans were supportive of in principle: the idea to keep farming families safe. Everyone agreed on that, but beyond these walls or at least the walls on that side of the House people out in Alberta were very much against the process in which it occurred. That's why there were numerous – numerous – amendments that occurred from this side of the House in very, very good faith on behalf of the people who demonstrated in front of this House by the thousands and across the province day after day after day.

For some people not quite sure what I'm talking about, one of the last amendments was a hoist amendment, where I suggested, with great respect, that the government take the time to consult with farmers, especially because we were told that regulations would take a couple of years to design. Yet somehow there was a cause, apparently, for debate to go through the night, day after day after day, to slam this through, utilizing a majority, before the Christmas break. It was nonsensical, and this reminds me of the same thing.

Let's take the time to do this right. Even though the same thing could happen here again today, we will try one last time to give the government the opportunity to do the right thing. I will caution that this amendment is not going to have the desired effect of improving the legislation right here and now, but it will provide an avenue for issues related to and created by this legislation to be brought back to the table in the not-too-distant future. Therefore, on behalf of the Member for Calgary-Hays I move that – if it please the chair, I can

mention that we can have this passed around, and I'll read it into the record while we're waiting for it to be distributed – Bill 4, An Act to Implement a Supreme Court Ruling Governing Essential Services, be amended in section 8 in the proposed section 95.41 by adding the following after subsection (3):

(3.1) A committee of the Legislative Assembly must begin a comprehensive review of the operation of subsection (3) within one year of the coming into force of this subsection and must submit to the Legislative Assembly, within 6 months after beginning the review, a report that includes any recommendations for amendments to this subsection by the committee.

Madam Chair, would you like me to wait for further distribution?

The Chair: Go ahead.

Mr. Rodney: I can continue? Thank you. Yesterday on this side of the House a number of amendments were brought forward, as mentioned. They looked to address this very section. One of them tried to repeal this subsection altogether. One of them looked to establish temporary use of vetted replacement workers in an occasion within the confines of the current legislation. Madam Chair, this amendment would bring the discussion of the application of this subsection, that being what effect the blanket ban on replacement workers has had on the carrying out of essential services when a strike has occurred and an essential services agreement is in place.

Madam Chair, by putting this arbitrary ban on replacement workers and going above and beyond legislative changes required, which we've heard is something this government is reticent to do even if it may be the right thing, the validity of the arguments we have seen against amendments to section 95.41(3) of the proposed legislation from the government are cast in a hurricane of doubt. The least that can be done now is to have a committee of the Legislative Assembly review the application of this particular part, this extremely important issue, after the effects of what it has actually done have become visible. Having sat in this Chamber for some time, this is exactly what these committees were created to do on an all-party basis. There has been great success on this in the past. The rationale is that we have to ensure that the balance of the scales is not tipped beyond the level of what is reasonable. I urge all members to support this amendment so that we can best monitor and evaluate the effectiveness of this particular change that is being made.

Madam Chair, in politics it's very common for one side of a House to use the words that another has utilized against them in the past. I'm going to resist the temptation for that. We've had a number of ministers and members come forth, you know, and they've been trying to be conscientious and reflect their own view, but we need to reflect the views of all Albertans on this issue. So I'm not going to say that the minister of this, that, or the other thing has said this, but I will ask the question: is this the right thing to do? I think we could all agree that the answer is yes. Consult.

The Chair: The hon. minister.

Ms Gray: Thank you very much, Madam Chair, and thank you to the member for his amendment and his comments. I would like to address a few of the statements that he has made. He began by talking about common-sense amendments. We are always happy to work with all parties in this House collaboratively to create the best legislation possible. We saw that with the acceptance of amendment A1. I certainly hope that the opposition would give credit that this has been as collaborative as we could make it, willing to listen and willing to discuss the issues as we go.

I do want to address the member's comments around Bill 6 because the hoist amendment, that the member himself put forward, would have prevented 46 Albertans who have been covered for time lost through worker compensation injuries between January and March 16 from receiving anything. We've had 106 approved claims through WCB this year for farm workers. Of those, 46 were time lost, and that means that a worker was injured to such an extent that they were not able to go to do their job. WCB has provided them the compensation that they need in those scenarios. That is the reason why this government made it a priority to make sure that all workers in Alberta are covered. That is why Bill 6 was important. We continue to work with our stakeholders to make sure that the regulations will be solid. I'm happy to discuss that at more length, but I really must address that hoist.

The amendment before us now refers to consultation, and I would like to remind this House that an extensive consultation took place for this legislation, that was led by renowned labour lawyer Mr. Andrew Sims, that involved experts, employees, employers, the public, those in the labour relations community through a series of very in-depth working groups that received submissions and discussed the issues as well as online feedback from the public. I have great confidence in the consultation that took place because I've spoken to the people who participated, and a number of them told me that through the process Mr. Sims led, they adjusted their feedback; they adjusted what they were thinking because they heard and reflected back on really good, collaborative consultation.

10:50

To honour that consultation, this government has put forward legislation that reflects what we heard, that incorporates that consultation. We are not talking about an arbitrary ban. We are not talking about something that is out of scope. We are talking about something that the Supreme Court considered, that was discussed at our consultations, that is necessary for an essential services agreement to be properly reached because we need both sides to come to the table with confidence that there is a fair and respectful negotiation happening for essential services agreements, not that one side has something in their back pockets.

For these reasons, I do not support this amendment. I am proud of Bill 4, the essential services framework that we've created. We've consulted heavily with our stakeholders. We have listened to the experts. We have complied with the Supreme Court ruling. The need to come back to review this one piece: I disagree, and I will not be supporting this amendment.

Thank you.

The Chair: The hon. Member for Strathmore-Brooks.

Mr. Fildebrandt: Thank you, Madam Chair. I rise to support the amendment moved by the Member for Calgary-Lougheed on behalf of the Member for Calgary-Hays. I think this is a reasonable amendment that will help make this bill less bad. I think we've gotten to the point where our amendments to make this bill a good bill are clearly being rejected at nearly every turn by the government.

Now, I think that it's very reasonable for the opposition to ask that a committee be struck to study how well the legislation is actually working, in effect. This is something we should do right across the board. Legislative committees should be more regularly utilized outside of the main estimates process. We need to give committees good, valuable work to do and utilize the capable members who sit on these committees, who are doing great work during the estimates process but are left often without enough substantive work to do in between the estimates.

We put forward an amendment, that the government rejected, calling for a sunset clause in this legislation, effectively requiring that after a period of time, this House must either renew or not renew this legislation depending on how well it is working or not. This is new ground for the government. This is a significant piece of legislation. This is not a housekeeping piece of legislation. This is not a technical change. This is a significant bill that will have significant effects on the delivery of essential services in Alberta, on the availability of essential services during labour disputes. It will have a significant effect on the ability of the government to negotiate with our public-sector unions in good faith on behalf of the Albertans who require these services and the taxpayers who pay for them. We asked for that sunset clause so that at a designated time this House would be able to give a thumbs-up or a thumbs-down on how well, or not, this piece of legislation has worked. That was unfortunately rejected by the government, as were most of the common-sense amendments put forward by the opposition.

I believe that this amendment, put forward by the Member for Calgary-Lougheed, is an even more compromising amendment than that. This is not asking a lot. This is asking us to look at a particular section of the bill to determine how well it is working six months after it comes into force.

The commissioner is given extensive, extensive powers. We'll be speaking a bit more about the powers of the commissioner quite soon. The commissioner here is given massive powers without any check on those powers. The commissioner is able to come in and impose an agreement on essential services. Even if both bargaining parties have come to a mutual agreement, he can override that decision. That is a huge, huge set of powers given to a single individual when we don't know who it will be. We don't know if that individual will be a credible, long-term civil servant or if they'll be a patronage appointment or if they'll be appointed from the AUPE. We don't know who that person is going to be. This is a powerful, powerful position that can make significant decisions, with significant ramifications on public policy and the treasury and essential services in this province, with no means to appeal their decisions. They do not report to the minister. The minister has no ability in emergencies to override decisions of that commissioner.

If the government feels that that is an appropriate way to go, we would be well advised to review the role and powers of the commissioner in six months. This is a reasonable thing to do. I imagine that even if we review it and find that it's not working out, members will have the ability to reject that anyway. But we should at least take the time six months hence to review how well subsection (3) of this bill is working, because it is such a powerful and, arguably, draconian section of the legislation to give a single commissioner those kinds of powers.

I encourage all members of this House to listen to the arguments made by the Member for Calgary-Lougheed, which I think are reasoned and fair and moderate, and vote for an amendment to require a review of this section of the legislation by a committee of this Legislature in six months.

Thank you, Madam Chair.

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

Mr. Rodney: Since I see no other speakers, as is the case with you, Madam Chair, perhaps we could close with this. With kindness I say that the government has admitted that they have a really rough record when it comes to consultation on a number of bills in the past. I trust they would take this as a friendly amendment that would provide the perfect opportunity to do exactly that, to consult. Perhaps this record of consultation, or lack thereof, is simply a reflection of the fact that before last spring only four members

sitting over there had ever sat in this House before. That being the case, why don't we have a safe exit for them on this? The spirit and intent of the bill are maintained. It's intact. It can still pass, just not immediately.

This would provide the opportunity, in the words of the Health minister, to go out and talk to the people who we are referring to in this bill. I've seen the negative reaction to the fact that it's been referred to as a bargaining chip. Nobody wants to hear that. Nobody wants to see that. Nobody wants that to be the reality. So let's make sure that that's not the case. Let's allow the folks on the other side to have those consultations with these different groups and make sure that when it comes to the House, there is agreement out in Alberta.

I can assure you, at least from my perspective, Madam Chair, that if that indeed is the case, I could vote for this bill. I think a bunch of other people could, too. We just need to know that the homework has been done, and that has yet to be proven. Over the next few months that could happen, and we could come back in the fall, and we could get this done.

I urge all members on all sides of the House to just take a breather. Let's take the temperature down. Let's do the right thing. Let's bring this back after the proper consultation and agreement has been done, where we can all vote for bills such as this.

Thank you.

The Chair: Any other members wishing to speak to this amendment?

Seeing none, I'll call the question.

[Motion on amendment A11 lost]

The Chair: We are back on the main bill. Are there any further questions, comments, or amendments? The hon. Member for Strathmore-Brooks.

Mr. Fildebrandt: Thank you, Madam Chair. As we've said before, we recognize the need for this legislation to comply with the Supreme Court decision, but we want to improve on this piece of legislation. As my colleagues have noted, the legislation as presented gives a single commissioner an inordinate amount of power, with binding decision-making powers that cannot be appealed. As worded, it allows a single individual to unilaterally make binding decisions on essential services agreements. The choice of the commissioner as proposed is not a mere token appointment. It requires not only that the government be confident in their choice but that they have the confidence that this individual will perform their role properly going forward. It is not unprecedented that an appointee does not perform their role as they should.

11:00

Again, this is not an indictment against the current government. Such problems have arisen for parties of all stripes across all jurisdictions in this country. But given the power that the commissioner wields in regard to essential services agreements, it is important that there be proper checks and balances on that office. That's why I am proposing an amendment to pull back the commissioner's ability to make binding unilateral judgments, replacing them with an adjudication panel.

Accordingly, I wish to move an amendment, and I have the requisite number of copies for the Assembly for distribution. It's a rather extensive amendment in terms of text. Would you like me to read the entire thing?

I move that Bill 4, An Act to Implement a Supreme Court Ruling Governing Essential Services, be amended as follows: (A)

“Commissioner” be struck out and “Adjudication Panel” substituted wherever it occurs. (B) Section 3 is amended in the proposed section 8 by striking out subsection (4.1) and substituting the following:

(4.1) The Adjudication Panel may designate another member of the Board to act as part of the Adjudication Panel when a designated member of the Adjudication Panel is unable to act or is absent.

(C) Section 4 is amended in the proposed section 9 as follows: (a) in subsection (13) by striking out “may sit alone” and substituting “may sit as a 3-member panel” and (b) by striking out subsection (15). (D) Section 8 is amended in the proposed section 95.3 as follows: (a) by striking out subsection (1) and substituting the following:

(1) The Lieutenant Governor in Council shall designate the Chair, vice-chair, and one other member of the Board to form the Adjudication Panel.

And (b) by adding the following after subsection (2):

(2.1) A decision of a majority of the members of the Adjudication Panel is a decision of the Adjudication Panel.

And (2.2) a quorum of the adjudication panel is the chair, the vice-chair, and one other member of the board.

The Chair: Hon. member, I don't see that in my version of the amendment.

Mr. Fildebrandt: I'm sorry?

The Chair: That last line you read is not in this amendment.

Mr. Fildebrandt: I can withdraw that last line. Do you want me to continue, Madam?

The Chair: Go ahead.

Mr. Fildebrandt: Replacing the commissioner with an adjudication panel on the Labour Relations Board, which already exists, is a common-sense oversight mechanism for this bill. Instead of a single individual making unilateral and binding decisions, decisions would now be made by a majority of a three-person panel. Individuals are already on the Labour Relations Board because of their experience in these matters. Taking their input and expertise into account is a common-sense measure that improves accountability for the commissioner without prolonging the process.

I urge all members of the Assembly to vote for this common-sense amendment which, I think, will improve the accountability of this process and ensure that the commissioner is making the best decisions possible.

Thank you, Madam Chair.

The Chair: The hon. Minister of Labour.

Ms Gray: Thank you, Madam Chair. Thank you to the member for giving to us for consideration this amendment adjusting the legislation to remove the commissioner and replace it instead with an adjudication panel. These types of oversight or governance decisions were considered through the consultation process by the experts, employees, employers, labour relations community as well as by the government while drafting this legislation. In this case, I cannot support the amendment because, with the commissioner and their appointment, essential services is a new facet in the Alberta labour relations process. It's something that hasn't been done before, and we need to make sure that we have a person who understands the Alberta context, who understands essential services, who is able to guide this system, especially in its initial years.

With the Labour Relations Board we will be looking to do some capacity building so that others will become aware of essential services, but having that essential services commissioner, who understands the system, who is trained and is experienced – this is someone who sits on the Labour Relations Board either as chair or vice-chair, someone highly experienced and trained – is what the government has chosen to do with this legislation after considering multiple options.

One comment that the member opposite made was that having a panel does not prolong the process. Unfortunately, we've seen in the past that, yes, scheduling more people who need to be involved in any individual case does prolong the process whereas a single commissioner is able to review and act in a more rapid manner.

As well, I'd really like to stress that the purpose of this legislation, the design of this legislation, is for the majority of the negotiations and decision-making to be on the ground. This is not a lawyer's playground; this is for employers and employees, who understand the work environment that we're talking about, to work together to negotiate essential services agreements. In the majority of cases we anticipate that the commissioner will be doing an oversight role, reviewing an essential services agreement and then filing it.

We need and want the parties involved in bargaining over an essential services agreement and determining what essential work needs to be protected so that the public, if a strike or lockout is happening, can rely on health, safety, well-being, and the rule of law continuing to be maintained in Alberta through this process. Having the umpire available to negotiate any disputes that may be happening at that level and having the commissioner validate that is, I believe, the best solution to move us forward.

So thank you to the member for this amendment and for considering some of these options. They were considered. We consulted with experts. I cannot support this amendment because I think that having that commissioner role is critical in overseeing our new essential services process here in Alberta.

The Chair: The hon. Member for Olds-Didsbury-Three Hills.

Mr. Cooper: Thank you, Madam Chair. Let me be clear. We need and want the majority of the negotiations to take place as has been laid out. But the challenge is that when we create legislation, it's rarely important when everything is going well and critically important when the ideal isn't being reached. That's exactly why we propose this amendment because it is in times when the commissioner is going to be needed extensively that, at the end of the day, being a grassroots organization, we rarely feel comfortable with one person being the be-all and end-all. It's one of the reasons why we regularly seek in this place to keep as much regulation out of the hands of Executive Council and the Premier's office as we can.

So I'm thankful that in this piece of legislation the government made the decision to remove the provision that would allow significant regulation changes by Executive Council or allow one individual, the minister's office, to be able to make sweeping changes. The principle that was in place there, Madam Chair, is the same principle that is in place here. Putting extensive control and power in the hands of the commissioner has a real risk and an opportunity to create challenges when one individual has the ability to make unilateral decisions that have significant impact on the negotiations.

I, quite frankly, am surprised that any side of this argument – be it the employer, the union, those negotiating the agreement – would feel comfortable with it just being one person. At the end of the day part of our role as government is to ensure that there are the

appropriate checks and balances on individual power. It is a fundamental tenet of democracy, and it should be applied wherever possible in a number of things that we bring to the Chamber. It should be applied throughout government structure.

11:10

We've seen, certainly, when the governing party was the fourth party, then stand in this place on regular occasions, fighting the consolidation or advocating strongly that power not be consolidated in ministerial offices or around the cabinet table or in the Premier's office. Quite frankly, the third party, when they were government, didn't have the best record on this. We saw property rights legislation that created significant challenges when it came to the opportunity for cabinet to make decisions. In fact, we've heard a commitment by this government to correct some of these challenges that were created by the opportunity of unilateral decision-making. We saw those same sorts of actions when they were introducing other labour legislation. I firmly believe that we should be negotiating, not legislating. We saw the previous government doing these types of behaviours, consolidating power around ministers, the cabinet table, or single individuals.

The amendment that we propose prevents that sort of thing. It prevents this consolidating of power. I guess part of my question is: why does the government feel that it's reasonable to consolidate this type of power? Can the government tell the Assembly why it prefers to centralize power in the appointment of this official instead of making the commissioner subject to ministerial authorities or other labour relations boards as a whole to adjudicate these issues? I understand that time was used as one of the concerns, but these critical processes aren't going to be happening regularly. It's very reasonable that the members of the panel could be available during these critical negotiation steps. So to use time as the only reason I don't think holds as much water as it ought.

It is so fundamental to the process, to the moving forward and ensuring that we are respecting democracy, particularly in this case, that we ensure that no single individual holds such significant power over critical negotiations. The government has made a case that they want to, wherever possible, have the negotiations happening, and we agree. But when they don't break down, we shouldn't take all of the negotiating power of the parties and put it in the hands of one person. It is the opposite of what they're trying to achieve.

Here is an opportunity to do the right thing. Frankly, part of the challenge that we're going to face as we move forward is that there are so many decisions that we've made in the last two days that are outside of the scope of the ruling. While we support ensuring that all of the aspects of the Supreme Court ruling are held and are enshrined in legislation so that we can meet the requirements, we're getting to a point where the entire bill becomes a real challenge. I'm happy to hear from the minister if she chooses to continue to comment.

I hope that members of the Assembly will support the amendment. We had a good thing going yesterday afternoon. I might add that unless there are some significant changes, I believe that this is the last amendment that the Official Opposition has to present. Perhaps we can start on a good note and end on a good note, and we can move this legislation forward in a positive direction that respects democracy, prevents decisions from being less transparent, less secretive, lessens the consolidation of power because that's exactly what Albertans would want.

The Chair: Any other hon. members wishing to speak to amendment A12?

Seeing none, I'll call the question.

[Motion on amendment A12 lost]

The Chair: We are back on the main bill. Are there any further questions, comments, or amendments with respect to this bill?

Seeing none, I will call the question.

[The remaining clauses of Bill 4 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.

Mr. Carlier: Madam Chair, I move that the committee rise and report, please.

[Motion carried]

[The Deputy Speaker in the chair]

Ms Woollard: Madam Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports the following bill: Bill 4.

The Deputy Speaker: Does the Assembly concur in the report? Say aye.

Hon. Members: Aye.

The Deputy Speaker: Those opposed, say no. So ordered.

Government Bills and Orders Third Reading

Bill 4

An Act to Implement a Supreme Court Ruling Governing Essential Services

The Deputy Speaker: The hon. Minister of Labour.

Ms Gray: Thank you, Madam Speaker. I'm honoured to rise and speak to Bill 4, An Act to Implement a Supreme Court Ruling Governing Essential Services. The purpose of this bill is to bring Alberta's public-sector labour relations legislation in alignment with directions from the Supreme Court of Canada and the Court of Queen's Bench. The courts have been clear. Workers have a right to join a union if they so choose and to collectively bargain, which includes the right to strike. Certain segments of the existing Labour Relations Code and the Public Service Employee Relations Act that prohibit strikes and lockouts have been declared invalid and must be revised to ensure that they do not interfere with the public sector's right to strike.

As a result, Madam Speaker, we have brought forward Bill 4 to introduce a proposed new model for public-sector legislation to Alberta, known as essential services legislation. This type of legislation is common in other parts of Canada. It allows for strikes and lockouts by public-sector workers while still requiring essential services to be available to the general public during labour disruptions. In developing this proposed legislation, government held extensive consultations with Alberta's public sector, led by well-respected labour lawyer Andrew Sims, to engage both employers and unions. They have known for a year that this legislation was coming, and we ensured that they had ample opportunity to provide comments and suggestions.

11:20

We have reviewed all this input carefully and have developed legislation that, if passed, will meet the direction of the courts and be fair to all parties involved. Essential services legislation will change the way public-sector collective bargaining is done in this province for the better. This is because the proposed legislation will put greater responsibility into the hands of employers and employees to negotiate essential services agreements that will give employees the right to strike while protecting the provision of essential services.

Compulsory arbitration is coming out of our legislation as the primary means to resolve disputes. It will still be used in certain circumstances, but for many public employees it will no longer be the fallback position when negotiations get tough. Currently, Madam Speaker, if public employers and unions can't settle their dispute, they can call on the arbitration process to solve it for them. That will no longer be the case if this legislation passes. The parties involved will need to work harder to find common ground. I'm confident that Alberta's public sector is up to the task. After all, this is about employers and employees working together to create a balance ensuring the constitutional rights and protecting the public, both of which are important.

Yes, as directed by the courts, more public-sector workers in Alberta will have the right to strike if their unions are unable to come to an agreement with their employers, but Albertans will still have access to the services that protect the life, personal safety, or health of the public as well as maintaining the maintenance and administration of the rule of law and public security. This proposed new legislation will ensure that during times of labour disruption, including a strike or lockout, essential services for Albertans will be maintained. Madam Speaker, Albertans might be inconvenienced somewhat, but if a public-sector strike were to occur, they can rest assured that essential services will continue to be available.

We've had the opportunity to thoroughly debate this legislation in the House, and I would like to thank all members for their perspectives on this issue addressing some of the concerns and amendments we heard in Committee of the Whole. First, I'd like to thank the Member for Cardston-Taber-Warner for his amendment removing the piece of this bill that deferred to regulations. I found that amendment to be entirely reasonable given that this bill has other mechanisms for ensuring that essential service agreements are complete and meet all the requirements for each unique workplace.

There were several other amendments that we were not prepared to support. Members across the way proposed some changes to penalty amounts that would have significantly increased penalties. We may revisit these fines in a more fulsome labour code review at a later time.

There was some thoughtful debate around the section on replacement workers. As stated, our government believes that the provision barring replacement workers is appropriate as it ensures a level playing field during labour negotiations. Replacement workers are against the spirit of what we're trying to accomplish with this legislation. We want employers and employees to come together on a fair and reasonable essential services agreement. If that process is successful, there should be no need for replacement workers. Albertans also deserve to know that they are receiving care and service from the workers who know their needs the best. Specifically, in health care this is about ensuring that Albertans are receiving care from professionally trained nurses and staff.

There was also some discussion of a sunset provision or a one-time review of the legislation in four years. Simply put, government can review legislation at any time, and I don't believe a scheduled

review is necessary. Rest assured, we will be watching very closely how this first round of essential services agreements is negotiated and are prepared to revisit this legislation if needed.

There was also the member's favourite amendment requiring the essential services commissioner to be an Albertan living in the province for six years or more. I'm not sure about you, Madam Speaker, but that maybe wasn't my favourite. I'm not sure that government should be legislating who is or isn't Albertan. I believe that if you choose to live here, work here, and pay taxes here, you are an Albertan. The commissioner will be a well-respected member of the Labour Relations Board, which is a board of Albertans doing their best for Alberta.

There was also a thoughtful amendment from the Member for Calgary-South East regarding paramedics, which, I know, is a profession that the member knows very well. While I could not support that amendment as it runs somewhat contrary to our consultations and the way bargaining units are structured in emergency medical services, I want to thank the member for his perspective. Paramedics and EMTs are absolutely vital to the public health and safety of Albertans. The Supreme Court has ruled that these workers, too, have the right to free and fair collective bargaining and to negotiate an essential services agreement. These workers will be considered essential because everyone knows that the actions of paramedics and emergency medical responders make the difference between life and death.

Finally, today we had some other good discussion around the makeup of the commissioner, the role of the commissioner and, again, reviewing the legislation in a timely manner, which we will be doing.

In closing, in this proposed legislation Alberta is following the direction of the courts and providing the basic rights that all workers must have access to. It ensures that bargaining rights are fairly and equitably applied to both employers and employees and their unions. This is the first of what I hope are many steps to be taken by this government, Madam Speaker, to modernize workplace laws in Alberta. I look forward to the passage of Bill 4 and the implementation of essential services legislation here in Alberta.

Thank you.

The Deputy Speaker: The hon. Member for Red Deer-North.

Mrs. Schreiner: Thank you, Madam Speaker. I welcome the opportunity to speak to the currently endorsed mandate of the Supreme Court of Canada in support of essential services and the right to strike. Albertans who provide these vital services deserve the ability to exercise the same autonomy as others covered by collective agreements. Our ability to support this progression gives rise to the modernization of our current labour laws.

The right to strike reflects a key element of the bargaining process. As the government it is our obligation to follow the precedents that our Supreme Court of Canada has established. The collective bargaining process relies on the right to strike as a key component of the employer and bargaining unit relationship. As such, it represents a fundamental principle that is inherent to the collective agreement, that is achieved through communications. Our vital services act with integrity and abide by this agreement.

It is our priority to ensure that the services provided are just as protected as those who require them. In support of this mandate we support that those qualified to provide these services also have a voice in the execution of their function. The ability to use replacement workers can compromise patient care and potentially violates the spirit of essential service agreements between parties. Our diligence requires us to establish the framework to first determine who is essential in order to mitigate the impact on the

negotiation position of employers or employees. We are confident that our experienced commissioner will provide the necessary expertise to support the implementation of this mandated legislation. This allows us to deliver the best interests of our Albertans efficiently.

Vital services are an extremely important part of Albertan infrastructure. Currently they echo a less effective model within their framework that prohibits the essence of collective bargaining. Without this ability our workers are forced to compulsory arbitration as the mechanism of resolution. Madam Speaker, I recognize the importance of communication as it pertains to dispute resolutions, but I also recognize that the right to strike provides a sound message in moving past conditions that do not reflect a relationship balance.

Our government looks to the transparency of consultation as it moves to implement a model that protects the Charter rights of public-sector employees. For over six months our government has opened communications with Albertans to ascertain their input regarding this important subject. As a result of this new precedent, key stakeholders will engage in stronger communication, that supports effective, more balanced resolution. As a result, it will minimize the use of costly third-party mechanisms and place a greater onus on a more cohesive relationship between employers and unions. The key characteristic of unionization is the ability to strike. It is not to say that it is the only resolution to conflict, but it paves the way to stronger, sounder relationships. It takes good faith and places that importance back in the relationship.

Thank you, Madam Speaker.

11:30

The Deputy Speaker: I'll recognize the hon. Member for Strathmore-Brooks.

Mr. Fildebrandt: Thank you, Madam Speaker. This is an important bill with significant implications for public policy in this province, for the delivery of essential services, for our finances, and for the essential service workers who deliver those services. This bill is required in some form to comply with the Supreme Court ruling concerning the Saskatchewan Federation of Labour. But this bill goes further than is required by the Supreme Court, and this bill does not get the balance right. Now, a bill would be required to comply with the Supreme Court ruling regardless of which party was in government, but this bill goes further and adds several little nuggets into the bill which are not required by the Supreme Court, which gave me real cause for concern.

I will preface my further comments by noting that the Wildrose does not oppose nonessential workers having the right to strike. In fact, that's the position put forward by our members as well, that we will carefully examine what should be included in essential services and ensure that they are treated fairly. That is Wildrose member past policy. In fact, we did agree with the aim of the bill in principle, and that is why we voted in favour of the legislation at second reading, as an expression of that support. We agree that compulsory arbitration should be reserved for truly essential public servants in exchange for a reasonable infringement upon the right to strike. Members confused the Supreme Court ruling or have not read it when they say that the ruling gives an absolute, unchecked right to strike and that it does not require the government to provide essential services during a labour dispute.

We agree with the government's stated intention in the bill: solely to implement a Supreme Court decision. Perhaps the most flawed part of this bill is its title because it does more than just implement a Supreme Court decision. It gives a few little nuggets, like Easter eggs spread throughout the lawn, that really give cause

for concern, and we have to wonder why those things are in the bill, Madam Speaker. We agree with the stated intention of the bill, to implement a Supreme Court decision, but we fundamentally disagree with the suggestion that that is all the government is trying to achieve here.

The bill goes well past what is required by the Supreme Court of Canada. The Supreme Court struck down the Saskatchewan legislation because they found that striking is a Charter right and that public employees do not have unilateral authority to determine what is essential without an adequate review mechanism and that those laws lacked an impartial alternative bargaining process to settle disputes. That is the substance of the Supreme Court decision, Madam Speaker. It is not an absolute, unchecked right of public employees to strike, illegally or legally. The court came to its conclusion based on these factors handled together, not separately. There was not a line in the court decision that speaks to how they would have ruled if only one of those factors were present such as if it was a compulsory arbitration process, but there was never any doubt that, following the ruling, the labour relations landscape in Alberta would change as a result of the ruling and its implications for Alberta.

When the legislation goes into effect, public-sector employers and the employee bargaining units will be sitting down and negotiating essential service agreements like this in Alberta for the first time. Unfortunately, however, this bill in its current form is not a balanced approach, and as a result I am not convinced that it secures the delivery of essential services that Albertans rely on. It was regrettable that the government defeated almost every single proposed amendment that sought to correct areas where this bill was deficient.

Many aspects of the bill also potentially weaken the government's bargaining position with public-sector unions. That's a disadvantage for the taxpayers of Alberta. Albertans have reason to be suspicious of this government's relations with big union bosses. The NDP, of course, constitutionally recognizes an entitlement for certain union representatives to be delegates to conventions. Again, we all remember that just last month the government appointed a top AUPE negotiator to lead the government's side in bargaining talks with AUPE. We raised a valid concern, that we still hold. How are Albertans supposed to have any confidence in the upcoming public-sector negotiations when the Premier is appointing a top AUPE negotiator as the government's chief adviser with AUPE? Even if he's not at the table, what role will the same individual have when the government is negotiating with AUPE bargaining units for essential service agreements? More problematically, this government voted on and defeated nearly every single amendment aimed to correct this part of the legislation that particularly benefits the power of big union bosses that hold particular sway and power within the NDP.

Again, I would remind members that my caucus colleagues and members of the third party and I were clear from the start that we were cautiously optimistic about this legislation. We voted in favour of it at second reading on principle. I wanted to be able to support this bill at its final stage and potentially have all-party support for it. I was optimistic that that would be one of these rare moments where all parties can agree on something. Unfortunately, that does not seem to be the case. This government chose to defeat significant amendments, leaving the original problems still front and centre, that will require correction from a new government in the future.

Government members chose to defeat an amendment to help ensure that the essential services commissioner is a fair-minded Albertan. No, the government members chose to have that reasonable condition defeated, leaving open the possibility that this

powerful new role could be filled by another partisan drop-in from places like Manitoba, where we expect there to be many unemployed NDP staffers in the next month.

When I read the proposed legislation, I was particularly surprised that the government chose to outright shut down the possibility of replacement workers before an employer and employee bargaining unit even had the chance to negotiate an essential services agreement. As my colleagues and I pointed out, this was completely and entirely outside the scope of the Supreme Court ruling, which the minister claims she was only trying to implement and nothing else. That is just not true, Madam Speaker. Obviously, the number of times unions and the government would think of the limited use of replacement workers would be necessary but few, but it's disappointing to see that the government forced a blanket ban on replacement workers based on ideology under the guise of implementing a Supreme Court ruling.

The amendments proposed by my colleague from Cardston-Taber-Warner yesterday were modest, common-sense solutions to improve this bill. Instead of having a blanket ban on replacement workers, one modest amendment simply proposed that they only be allowed when an essential service agreement allows it, one that is valid and agreed upon by both parties and states that replacement workers can be used under specific circumstances in a strike or lockout. Unfortunately, the government opposed this.

Another modest amendment would have allowed replacement workers in an emergency situation, should one arise while there is an ongoing strike or lockout, until a decision by the umpire and commissioner is made on the best remedy for an unforeseen emergency. Unfortunately, the government defeated that amendment, too.

11:40

Of course, given that this sort of legislative framework for essential services is relatively new to the Alberta experience, it would have made sense to have a one-time impetus on the Assembly to revisit this bill in a few years, once there's been an opportunity to see what is working and what's not working and what we can do to improve it. So my colleague for Cardston-Taber-Warner proposed an amendment for a sunset clause. Unfortunately, the government rejected that, too.

My colleague from the third party, Calgary-Lougheed, proposed a committee to review subsection (3) of this bill in six months' time, a reasonable, rational, and very modest amendment to ensure that the powers of the commissioner are appropriate and being exercised properly. For reasons that are not yet duly explained by government members, that amendment, too, was rejected.

Madam Speaker, even an amendment to ensure that EMS workers are defined as essential services – a no-brainer – was shamefully defeated by members from the government side. I cannot think of any definition under which EMS workers would not be considered an absolutely essential service, deserving of being enshrined in the legislation.

You know, I know that if the four original members who sit on the government side were still in opposition, they would have voted for that amendment. If they were still in opposition, sitting in the seats they occupied last year, they would have voted for an amendment like that because they knew it was the right thing to do. But now that they're in government, they like to reject anything that comes from the opposition unless they have no choice politically but to accept, or amendments that they'll accept are technocratic in nature and not substantive. It's funny what government can do to how one sits in this Legislature at times.

The legislation does not recognize that an illegal strike under the act merits a financial penalty for trade unions or a corporation, yet

the government has chosen to keep the monetary penalty to a sum that is little more than a symbolic gesture, a slap on the wrist. We shouldn't be kidding ourselves. Canada's largest public-sector unions have multimillion-dollar strike funds at their disposal. They would not be deterred by a mere \$1,000-a-day slap on the wrist.

First, keeping penalties so low cheapens the value of an essential service agreement. If there isn't an adequate deterrent on an employer against staging an illegal lockout or on big union leadership against organizing an illegal strike, then it's easier for them to conclude that such acts may be worth doing in certain circumstances. A \$1,000-a-day penalty is laughable if you are a big union boss and you have a multimillion-dollar reserve fund. One thousand dollars a day is not a lot if you're an employer and are saving much more from wages not paid to workers locked out.

Now, if a union, let's say, had \$20 million in their strike fund, at \$1,000 a day that means that that union could strike illegally for 20,000 days. Twenty-thousand days. That is almost 55 years. Now, I don't expect that this would actually come to pass, but the legislation proposed levies a trivial \$1,000-a-day penalty for illegal wildcat strikes. That would allow those strikes to go on, even though they're illegal, for 55 years. It's almost laughable if it wasn't so deadly serious to the delivery of essential services in this province, Madam Speaker.

In proportion to the salaries a private member is paid in this Legislature, that is the equivalent to us getting a speeding ticket and paying about \$6.35 for it. I think a lot of us would continue speeding if we paid only \$6.35 to get home down the QE II. It would be no deterrent whatsoever, and \$1,000 a day for a penalty for illegal strikes is just as laughable as a speeding ticket of \$6 to Members of this Legislative Assembly.

Not only does this laughable sum weaken the government's bargaining position on behalf of taxpayers, but it does not protect Albertans who rely on essential services. An illegal strike by a designated essential service against a government that is prohibited by the same law from having replacement workers leaves the government with almost nothing to bargain with. The essential services that would be jeopardized in that scenario are essentially used to force or at the very least strongly pressure the government to concede their position in a negotiation or risk the well-being or even health and safety of Albertans.

The Deputy Speaker: The hon. Member for Calgary-Klein.

Mr. Coolahan: Thank you, Madam Speaker. I'm happy to rise and speak to Bill 4 today. As we know, this legislation is necessary as a result of the recent Supreme Court decision, and while it is necessary, it is up to the ministry to develop and implement this legislation.

I believe that Bill 4 is a good piece of legislation. It's drafted in consultation with one of the greatest labour law minds in the province, drafted in a way that creates a balance between the right to strike and the need for public safety. What's more, Madam Speaker, I am pleased with the approach to allow both sides, labour and management, to be the ones that draft the essential services legislation. This is the right place for this to be done, not here, not in the Assembly. These two parties are the experts in their industry and what it takes to have their operations run efficiently, without endangering the public. In the legislation there's incentive for both parties to reach an essential services agreement as the legislation states that bargaining cannot commence until the ESA is in place.

Madam Speaker, I believe that the ban on replacement workers is appropriate. This ensures that the best people suited to provide care are always in place. Quite frankly, to add replacement workers would completely undermine the essence of the legislation.

This bill, Madam Speaker, does not need to go to committee. Not only is it the government's obligation to get this done, but it is thoughtful and fair legislation that will ensure both the rights of workers and the rights of the public to have essential services.

Thank you.

The Deputy Speaker: The hon. leader of the third party, followed by Chestermere-Rocky View if we have time.

Mr. McIver: Thank you, Madam Speaker. You know what? This is a little bit of a disappointing place to come to. When this bill came forward, members from all sides of the House, all parties, said quite clearly that they were pleased that the government was moving to satisfy the Supreme Court of Canada decision based on what happened in Saskatchewan, and I was one of those. When the debate started, I congratulated the minister for bringing this forward, and I meant what I said. That was a good thing to do.

Had the government stuck with that plan, I suspect there may well have been one of those rare cases where we may have had unanimous agreement on the legislation, and we could have all left and said that we had done the right thing. Unfortunately, the government took the right thing and could not resist the urge to throw some gifts at their friends. I don't mind that the government has friends. That's okay. We should all have friends. But when we sit in this House, we need to remember who we're serving. We need to serve Albertans, all Albertans, and not our friends. Sadly, that's not what has happened here.

The government, using a really important piece of legislation as a smokescreen, has added other things that are outside of the requirement of the Supreme Court of Canada. Over the course of debate our party and the other opposition have tried to point this out and guide government into the right direction, but they have rejected that good advice at every turn.

11:50

One section in particular is the outright banning of replacement workers in the public sector. Now, I agree and I think members of all sides of the House agree that workers should have the right to strike. There needs to be some balance in the negotiations. That's what the Supreme Court said. But the government could not resist tipping the balance on one side instead of leaving the balance where it is. They, unfortunately, used a really important piece of legislation as a smokescreen to hide that fact, but I don't think that Albertans are going to be fooled.

As has been said – and I will repeat some of it but not all of it – our party and some of the other opposition have tried hard to correct this legislation. I know that we made an amendment to remove the section where the government bans replacement workers and even said that if they really want to do this, do it by the light of day, do it honestly, do it in the bigger labour review. If you really, truly in your heart believe it's the right thing to do, do it by the light of day, not under the smoke of a Supreme Court decision. But that's not what the government did. In my view, they have chosen to hide this fact from Albertans under the cover of something important and good.

We tried to reason with them. We tried to take the reasonable approach. If they wouldn't ban it, we offered them an opportunity, through another amendment moved by my colleague from Calgary-Lougheed, to review this change in a year to see how it's working. Why? To make sure that Albertans are kept safe, something that I think all Albertans would agree with and something I used to think that all members of this House would agree with. But that's not the way it has unfolded.

Along the way, you know, the government has been bobbing and weaving, which is really interesting. When they stand up to talk, they say, "Well, we're doing this great thing for the Supreme Court of Canada decision," which is a good thing. Then in the next sentence they talk about the stuff outside of the Supreme Court of Canada decision: why it's important to ban replacement workers, and why they can't include EMS as an essential service. When they get challenged and pinned down on that, because they have not got a single argument that actually supports either one of those things, they retreat underneath the smoke of the Supreme Court of Canada decision.

Anybody watching that wants to review the proceedings here and the arguments on the government side, that has been very consistent, bobbing and weaving. They lead with the Supreme Court of Canada, but what they're really doing is other things. And that's a shame. Albertans deserve better, and I don't believe that Albertans will be fooled.

The fact is that the government missed an opportunity here, too. They had a chance to fix a long-standing situation where EMS paramedics are not considered essential. They could have stood up today for all Albertans who care about their safety. The government could have said: "We care about Albertans' safety. Of course, we know paramedics are essential. Of course we know that, and we're going to codify it in law the same way that it has been done with firefighters and police officers." Almost all Albertans agree with this.

In fact, you know what's really telling? It's a tradition here, and it's not a bad one. When there's a standing vote in the House, the government – and they always win the standing votes because they have the majority – pound on the desk, quite proud of themselves. Well, when they won the vote slapping the EMS paramedics in the face, you could hardly hear anything, very gentle, like they were ashamed. And I believe they were ashamed. I believe when they go back to their ridings, when people learn what they have done, the paramedics will not be happy.

I wish every one of them good health. I wish every one of them good health for a long, long time along with everybody else in this House and everybody else that's watching. But I particularly wish the government members good health, because when that day comes when their health isn't good, who will come? One of those people that they would not say today were essential. They would not say that they were essential. When they come to pick them up from wherever they need help, they will be calling someone, who will come dutifully and do a great job, who the government would not say, given the opportunity, were essential.

It is shameful. It's shameful and made worse by the minister saying that the bargaining unit they're in wants to keep them. The government is using essential workers who keep Albertans safe as a bargaining chip, as a shiny pony to deliver to one of their friends. Shameful. Absolutely shameful.

You know what? For EMS workers, paramedics watching, I have no idea what they might be thinking. But I can tell you – and I don't blame the government for this – that paramedics have been kicked from pillar to post, as we've heard from people here and I certainly know from my time on city council. Lots of times they've been kicked from being an independent part of municipalities to under the fire department to some other group, back and forth, and really not given the identity that they have earned and deserve through their years of selfless dedication and hard work in looking after Albertans during their time of greatest need. But this government couldn't find the gumption to recognize that.

They were offered and offered. And you know what? My colleague from Calgary-South East, as he said in his remarks, went to the government and said: "Why don't you do it? You be the hero."

We'll cheer for you. Just do the right thing, and we'll cheer for you." We would have cheered for them on this side of the House. We would have if they just agreed to do the right thing. And it's so obvious. There are lots of things that we do in this House that are a matter of opinion, of legitimate debate, that you could disagree about. Are paramedics essential? Yes. There is no debate. We all agree, and the government wouldn't act to recognize it. Shameful.

Not only would they not take the lead on it and be the heroes of the day, but they wouldn't let us give them some friendly advice, that we would have had to thank them for, because they're more interested in looking after their friends than all of Albertans, and that really is telling. It's really, really telling. It's okay that they have friends. Again, I support that. Everybody should have friends. But we all have public records here, and they show whether you're supporting all of Albertans or just your friends. Well, we got a pretty clear answer today from this government.

They're not supporting all Albertans, and they're surely not recognizing what paramedics have earned for as long as they've been around, that they are a key part of the social safety net and the physical safety net for Albertans, something that we all depend upon, people that we admire and look up to and depend upon. They had a chance to say it out loud today, and they slid under a rock and said: nah; we're going to look after our friends instead. You know what? That is shameful.

If it were not for those things, I could support this legislation because I and our party do support adhering to the Supreme Court of Canada decision. We've made that clear through the debate, and we're very firm on that. Unfortunately, the government of today has chosen – has chosen – to sully what should be a very good-news story by not looking after Albertans. It makes me sad, Madam Speaker. It disappoints me.

You know what? I guess when I see paramedics, I'll tell them that our party and the other opposition did our best for them, but we could not overcome a government that was more determined to please their friends than to do the work that they get paid for by 4.3 million Albertans.

It's a sad day. It's a sad day, and it's almost fitting that it's Thursday so that when our government friends go back to their own ridings, they will be subject to the wrath and disappointment of the people. When they got elected, they said, as we all did: we're going to represent what you say when we go to Edmonton. Well, today the government didn't do that, and it's not like they didn't know. They knew very well what the people who elected them believe, as I do and as I believe everybody in this House does. Many of the government members said that the work the paramedics do is essential.

Yet when given the chance to make it official, to recognize them, to put it into law, to not leave it up to a negotiation that could change later, when there's a different minister or a different government or a different something, those paramedics, although the minister said, "Well, for now you'll be essential," are left wondering whether that will change with the weather, with the change of a minister, with the change of government or the whim of the current government.

Madam Speaker, it saddens me that I'm going to be unable to support this legislation. There is no good reason why this had to happen, but the government . . .

The Deputy Speaker: Hon. member, I hesitate to interrupt, but pursuant to Standing Order 4(2.1), the Assembly stands adjourned until 1:30 this afternoon.

[The Assembly adjourned at 12 p.m.]

Table of Contents

Prayers 415

Orders of the Day 415

Government Bills and Orders

 Committee of the Whole

 Bill 4 An Act to Implement a Supreme Court Ruling Governing Essential Services 415

 Division 424

 Third Reading

 Bill 4 An Act to Implement a Supreme Court Ruling Governing Essential Services 428

Alberta Hansard is available online at www.assembly.ab.ca

For inquiries contact:

Managing Editor

Alberta Hansard

3rd Floor, 9820 – 107 St

EDMONTON, AB T5K 1E7

Telephone: 780.427.1875