



Province of Alberta

The 29th Legislature
Third Session

Alberta Hansard

Wednesday evening, May 31, 2017

Day 42

The Honourable Robert E. Wanner, Speaker

Legislative Assembly of Alberta
The 29th Legislature

Third 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)	Loyola, Rod, Edmonton-Ellerslie (ND)
Anderson, Hon. Shaye, Leduc-Beaumont (ND)	Luff, Robyn, Calgary-East (ND)
Anderson, Wayne, Highwood (W)	MacIntyre, Donald, Innisfail-Sylvan Lake (W)
Babcock, Erin D., Stony Plain (ND)	Malkinson, Brian, Calgary-Currie (ND)
Barnes, Drew, Cypress-Medicine Hat (W)	Mason, Hon. Brian, Edmonton-Highlands-Norwood (ND), Government House Leader
Bilous, Hon. Deron, Edmonton-Beverly-Clareview (ND), Deputy Government House Leader	McCuaig-Boyd, Hon. Margaret, Dunvegan-Central Peace-Notley (ND)
Carlier, Hon. Oneil, Whitecourt-St. Anne (ND), Deputy Government House Leader	McIver, Ric, Calgary-Hays (PC), Leader of the Progressive Conservative Opposition
Carson, Jonathon, Edmonton-Meadowlark (ND)	McKitrick, Annie, Sherwood Park (ND)
Ceci, Hon. Joe, Calgary-Fort (ND)	McLean, Hon. Stephanie V., Calgary-Varsity (ND)
Clark, Greg, Calgary-Elbow (AP)	McPherson, Karen M., Calgary-Mackay-Nose Hill (ND)
Connolly, Michael R.D., Calgary-Hawkwood (ND)	Miller, Barb, Red Deer-South (ND)
Coolahan, Craig, Calgary-Klein (ND)	Miranda, Hon. Ricardo, Calgary-Cross (ND)
Cooper, Nathan, Olds-Didsbury-Three Hills (W), Official Opposition House Leader	Nielsen, Christian E., Edmonton-Decore (ND)
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (ND), Government Whip	Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (W), Official Opposition Whip
Cyr, Scott J., Bonnyville-Cold Lake (W)	Notley, Hon. Rachel, Edmonton-Strathcona (ND), Premier
Dach, Lorne, Edmonton-McClung (ND)	Orr, Ronald, Lacombe-Ponoka (W)
Dang, Thomas, Edmonton-South West (ND)	Panda, Prasad, Calgary-Foothills (W)
Drever, Deborah, Calgary-Bow (ND)	Payne, Hon. Brandy, Calgary-Acadia (ND)
Drysdale, Wayne, Grande Prairie-Wapiti (PC), Progressive Conservative Opposition Whip	Phillips, Hon. Shannon, Lethbridge-West (ND)
Eggen, Hon. David, Edmonton-Calder (ND)	Piquette, Colin, Athabasca-Sturgeon-Redwater (ND)
Ellis, Mike, Calgary-West (PC)	Pitt, Angela D., Airdrie (W), Official Opposition Deputy Whip
Feehan, Hon. Richard, Edmonton-Rutherford (ND)	Renaud, Marie F., St. Albert (ND)
Fildebrandt, Derek Gerhard, Strathmore-Brooks (W)	Rodney, Dave, Calgary-Lougheed (PC), Progressive Conservative Opposition House Leader
Fitzpatrick, Maria M., Lethbridge-East (ND)	Rosendahl, Eric, West Yellowhead (ND)
Fraser, Rick, Calgary-South East (PC)	Sabir, Hon. Irfan, Calgary-McCall (ND)
Ganley, Hon. Kathleen T., Calgary-Buffalo (ND)	Schmidt, Hon. Marlin, Edmonton-Gold Bar (ND)
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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)
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Hunter, Grant R., Cardston-Taber-Warner (W)	Sucha, Graham, Calgary-Shaw (ND)
Jansen, Sandra, Calgary-North West (ND)	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)
Kleinsteuber, 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)

Party standings:

New Democrat: 55 Wildrose: 22 Progressive Conservative: 8 Alberta Liberal: 1 Alberta Party: 1

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David Eggen	Minister of Education
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Brandy Payne	Associate Minister of Health
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Hanson	Rosendahl
Kazim	Woollard
Kleinsteuber	

Legislative Assembly of Alberta

7:30 p.m.

Wednesday, May 31, 2017

Government Bills and Orders Committee of the Whole

[Ms Jabbour in the chair]

The Chair: I'd like to call the Committee of the Whole to order.

Just before we begin this evening, I would like to make an introduction. We have a new face at the table. We're very fortunate to welcome back Ms Fiona Vance, who will be serving as sessional Parliamentary Counsel for the balance of this sitting. This is a role she also filled during the First and Second Sessions of the 28th Legislature. Fiona is a partner with the firm of Shores Jardine in Edmonton, received her law degree from the University of Alberta, and was called to the bar in 2007. Fiona did part of her articling rotation with the office of Parliamentary Counsel. Please join me in welcoming Ms Vance.

Bill 17

Fair and Family-friendly Workplaces Act

The Chair: We are currently on amendment A6 to Bill 17. Are there any members wishing to speak to this amendment?

Seeing none, are we ready for the vote?

[The voice vote indicated that the motion on amendment A6 lost]

[Several members rose calling for a division. The division bell was rung at 7:32 p.m.]

[One minute having elapsed, the committee divided]

[Ms Jabbour in the chair]

The Chair: Hon. members, just to clarify, we don't do this very often, but we recessed in committee. That's why we started in committee, and we don't do the whole formal kind of process. Because we recessed in committee, we're a continuation of this afternoon's session, meaning that the bells are already reduced to one minute on the same bill. So that's where we're at.

For the motion:

Aheer	Loewen	Rodney
Ellis		

Against the motion:

Anderson, S.	Ganley	McKittrick
Babcock	Goehring	McPherson
Carson	Gray	Miller
Ceci	Hinkley	Nielsen
Connolly	Horne	Phillips
Cortes-Vargas	Jansen	Renaud
Dach	Kazim	Rosendahl
Dang	Kleinstauber	Schmidt
Drever	Larivee	Schreiner
Eggen	Littlewood	Turner
Feehan	Loyola	Westhead
Fitzpatrick	Malkinson	Woollard

Totals:	For – 4	Against – 36
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[Motion on amendment A6 lost]

The Chair: We are back on the main bill. Are there any further questions, comments, or amendments with respect to this bill? The hon. Member for Grande Prairie-Smoky.

Mr. Loewen: Thank you, Madam Chair. I stand this evening again to speak on Bill 17, the Fair and Family-friendly Workplaces Act. Now, it's pretty easy on this one. We could just start with the title, the Fair and Family-friendly Workplaces Act. This is misleading all in itself. I don't think it's fair to workers in Alberta to take away a proper opportunity for them to have a secret ballot. I mean, this bill definitely reduces that. It's not fair. Right off the bat, that is just not right.

There are parts of this bill that we support, and we went through those multiple times already. These are the parts of this bill that deal with compassion, the employment standards part. We've offered to break this bill up so that we could just go ahead and get this part that deals with compassion passed. But, of course, this government has no interest in that because they have to have this big bill so that they can hide their controversial labour legislation for their union buddies.

Obviously, there's no real concern about compassion here from this government, and that's made even more clear by the dates when this bill comes into effect. The compassion portions of this bill won't come into place until January 1, 2018. But the labour parts of this bill, the controversial parts, the union parts: September 1, 2017. Madam Chair, compassion is not foremost on this government's mind. Otherwise, they could bring the compassion portions into effect immediately or on September 1 also. Why would they have compassion as the last part of this bill to come into play? Because they're hiding their labour legislation in this omnibus bill. It's shameful, it's misleading to Albertans, and it's just not right.

7:40

Now, we know that leading into this bill, the government wasn't ready. We've seen this government filibustering their own bills in the last couple of weeks, bills that clearly had support across the House, that could have been passed immediately. But, no, they decided that they were going to put speaker after speaker up to talk about these bills so that they could waste enough time so that they could get themselves prepared to bring this bill forward.

This was proven again by how this bill was presented to this House. It was presented in a format that I've never seen a bill presented in before, in a full-page document instead of a folded document like it normally is. They had to rush this thing through. They spent the last two weeks wasting the Legislature's time trying to prepare for this bill.

All along our suggestion has been: leave this bill, consult over the summer, and you can bring it forward in the fall. But that's not what they had in mind. They felt that they had to rush this thing through. Now I guess we see why. Because they want to get this labour stuff going on September 1. They don't want to wait until the end of October to bring this forward.

Mrs. Aheer: Except for compassionate care.

Mr. Loewen: Except for compassionate care, of course. We'll leave that until January 1, 2018.

So there's nothing fair about this bill. This government isn't concerned about compassion for workers. There are some good parts of this bill that deal with compassion, but that isn't the government's foremost thought. Otherwise, why would they not have it come into effect until January 1, 2018, instead of September 1 like the labour part of the bill? It's very simple.

Now, this bill should represent exactly which legislation is being changed. The Fair and Family-friendly Workplaces Act doesn't tell the people of Alberta what's in this bill. It's all fluff, no substance. It doesn't represent what the bill is doing. It's not fair to workers, who are having their rights taken away, or to our businesses, who are trying to create jobs and prosperity in the province. This bill is friendly to unions, though, and not so friendly to businesses. It's a very unfair balance.

This government passed a bill that wanted to get big money out of politics. We brought a motion forward on this particular bill to do exactly that. But, of course, this government didn't support that. They're not interested in getting big money and union money out of politics. It was just so interesting to hear this government talk about this bill and talk about how great it's going to be for the people of Alberta when, really, it's going to be great for the unions in Alberta but not so great for the people of Alberta.

I think that probably another reason why this government wants to make sure that this bill is passed in this session rather than waiting for fall is that they want Albertans to forget about all the poor legislation that they've done. We're over the halfway point in between elections, so now this government has to start worrying about the upcoming election. They want Albertans to forget about things like Bill 6 and the carbon tax. The carbon tax will be hard to forget about because, of course, the carbon tax increases by 50 per cent on January 1, 2018. That will be hard for Albertans to forget about.

They want Albertans to forget about Bill 17. They don't want to bring it up in the fall, six months, eight months closer to the next election. They're counting on Albertans to have poor memories on what this government has done, but I don't think Albertans are going to forget that easy, Madam Chair.

Bill 6, for instance. What's it been? A year and a half? The farmers haven't forgotten about Bill 6, Madam Chair. They haven't forgotten about it at all. The people of Alberta won't be forgetting about Bill 17. They know that this government doesn't care about them. They know this government doesn't have their backs. Otherwise, this government would be talking about the compassion portions of this bill coming forward earlier than the labour portion. [interjections]

You know, it's interesting to hear the other side, when they're speaking, accuse us of yelling at them. They're yelling at me right now. But carry on. Feel free. Yell all you want at me. I'm fine with it. Pot, kettle, black: that's all I've got to say. That's just typical of this government. They say one thing – they said lots of things before they were elected, and of course once they were elected, a complete flip-flop. A complete flip-flop. They sit here and talk about this side being loud and chattering and this sort of thing, but of course they're carrying on here right now, Madam Chair. It's priceless. It really is. You can't make this stuff up. This is too good. [interjections]

Unfortunately, as much as they want to laugh over there, this isn't funny. This affects people's lives. This affects businesses in Alberta. This affects our economy. This affects whether somebody is going to invest in Alberta and bring jobs to Alberta. That's what this stuff affects.

Again, we've offered to separate the compassion parts and get them passed immediately. We can do that any time this government chooses to. All they have to do is make that decision, but they won't do it, Madam Chair. They won't do it because they can't hide their labour legislation in it then. They'd have to separate it, and then they might have to go talk to Albertans.

You know, they sit here and talk about how in 29 years this labour legislation hasn't been touched – 29 years – and then all of a sudden they think: "Okay. This has got to be done with 35 days of consultation." Twenty-nine years are going to be solved in 35 days,

and they're going to have all the consultation that they need. Madam Chair, it's actually despicable. It is. It truly is despicable that this government would suggest to Albertans that with something they feel is so important, that hasn't been touched in 29 years, we've got to do this as fast as possible and that we need to take care of this because it's been so unjust for so long that we desperately have to do this. And they feel that 35 days is justice to Albertans to have consultation on this? It's not right. It's not right.

The Municipal Government Act, that they changed: they had months of consultation – months of consultation – for that. Had it been 29 years since it had been adjusted? Probably not, Madam Chair. They're going to spend way, way more time – months – talking about the time change. They sent it to committee. For months they're going to talk about the time change, but labour legislation hasn't been touched for 29 years. They feel that it is so unjust and not up to Canadian standards and that every other province has all these things that Alberta doesn't have in their labour legislation.

7:50

They're going to sit here and tell us that 35 days is justice to Albertans, that it's fair to Albertans, to businesses that rely on this legislation to create jobs in Alberta. I don't buy it. Albertans don't buy it. There's no way they can justify the minimal consultation that they've done on this bill and bringing it forward haphazardly, filibustering their own bill so that they can finally rush it together and throw it out on the table at the last minute, at the end of the session. Why didn't they bring it out at the first of the session? Why not, Madam Chair? Why didn't they bring it forward at the beginning of the session? Well, it wasn't ready, for one thing. But, of course, it's way better to wait till the end of the session and ram it through, when Albertans don't have a chance to see exactly what's going on.

Madam Chair, this just continues on with this government. Every time we come into this Legislature, we see the same things over and over again: no consultation, rushing things through that fit their ideology, pushing off to committee, and killing property rights legislation. They just killed it. They claim to be the beacon of property rights in Alberta, and what did they do? They killed the bill. They just absolutely dropped it. Again, like I said, hypocrisy: say one thing; do another. That's the definition, right? We see it all the time with this government.

Again, we should just split this bill, take care of the compassionate care parts, get them passed – they've got the support they need; they'll have the support from this side of the House – and take at least the summer to consult. For 29 years this hasn't been touched, and they feel that they can just in 35 days pound it through and that that does it justice? I don't think so, Madam Chair. I don't think so.

But it isn't about compassion. It's about taking care of their unions. It's about taking care of their political agenda, to make sure that they take care of as much of this nasty legislation as possible early in their mandate so that it doesn't get too close to an election in hopes that Albertans will forget. Albertans won't forget. Albertans haven't forgotten Bill 6. The communities that are being affected by the caribou plans: they're not going to forget. They're not going to forget.

Madam Chair, again, split the bill. Let's take care of the compassionate care parts and consult over the summer on labour. Rushing this through at the end of the legislative session is not fair to Albertans. It's not fair at all. It isn't the proper way to do business. "Fair" definitely should be removed from the title. There's nothing fair about that. This government can't seem to help itself, I guess.

Madam Chair, I guess I'll leave it at that. I wish they would listen to Albertans. I wish they would consult with Albertans. I wish they would take some of the good suggestions from this side of the House that have been brought forward, but they just unilaterally turn every single one down.

Thank you.

The Chair: Any other questions, comments, or amendments? Go ahead, Chestermere-Rocky View.

Mrs. Aheer: Thank you, Madam Chair, and good evening, everyone. Folks, guess what? I have an amendment. [interjections] I do. I know, right? It wouldn't have been an evening session without an amendment. I am so excited. I am positive you're going to go for this one.

The Chair: This will be amendment A7.
Go ahead, hon. member.

Mrs. Aheer: Thank you, Madam Chair. We've brought forward a couple of amendments today, and to my huge chagrin many of our amendments, as thoughtful as I thought they were, have not been looked at or, I think, brought forward in a way that strengthens this legislation.

One of the things that I wanted to talk about for just a minute – we keep hearing this, and I'm going to repeat this again just for the sake of going over it because I think it's worth saying again – is that the government keeps saying that they have maintained the ability for workers and unions to have their say through secret ballot. But what they keep forgetting to say along with that is that the target has moved to 65 per cent. What that means is that once that target is hit, that secret ballot is gone, absolutely gone.

It's interesting that they followed along with one of the provinces that's actually changing back, which was Manitoba. In Manitoba, when a union presents cards signed by employees that claim to support the union and it forces automatic certification of a union, for example, then if more than 40 per cent of the employees are signing the cards, it triggers a vote. But if it goes to 65 per cent – and we don't know how that 65 per cent comes to be – then all of a sudden union certification happens without having a vote.

I'd like to say again, for at least the 10th time today, that in a majority of the cases – and this is coming from the brief that I quoted from yesterday. This actually talks about how it strengthens unions.

In a majority of cases the percentage of employees supporting a union increased from the time cards were signed until the certification vote was held. This suggests [that] a secret ballot vote would support those who feel intimidated to sign certification cards, but at the same time, such a process would not negatively impact those who wish to vote in favour of a union.

That's just a comment to everybody who keeps saying that the secret ballot is there. It is not. It is not there. There is not a trigger for it now. It's been moved to 65 per cent.

Having said that, in terms of the amendment I would like to move that Bill 17, Fair and Family-friendly Workplaces Act, be amended in a section in the proposed section 27 by adding the following after subsection (5):

(6) A trade union must disclose on a semi-annual basis to the employees it represents the details of any expenditure of union dues remitted pursuant to this section.

We know that with union dues the money is going to be collected whether a person wants them to be collected or not. A person may not opt out of those dues unless for religious purposes.

The Chair: Hon. member, can you clarify which section you're amending to make sure that we're reading from the same information?

8:00

Mrs. Aheer: You betcha. "Be amended in section 111."

The Chair: Section 111. That's what I've got. All right. And then "in the proposed section 27"?

Mrs. Aheer: Section 27. Yes.

The Chair: Perfect. All right. Go ahead.

Mrs. Aheer: I apologize. Sorry for the confusion. It's late.

Anyway, as I was saying, the money from these dues goes to the union no matter what. People do not have the option to opt out. They cannot change the way that those dues are collected unless it's for religious reasons. In those situations, then, a person who is paying their dues can donate them to a charity of their choice. I think that's just fine. But if the money is going to be collected no matter what – the person has absolutely no say on where their dollars are going – don't you think that in order to be transparent to the folks that you are collecting dollars from, on their behalf, supposedly, you should at the very least be transparent?

You already shot down an amendment to make sure that dollars are not going towards partisan events. That's already been shot down. This government said no to that, and I don't understand why. There's absolutely no legitimate reason for doing that. Obviously, it would be prudent for this government to at least show where the dollars that you are collecting are going. Where are the dollars going? You're already taking away the secret ballot from people. Within the working people of this union, who are forced to pay these dues, would it not be appropriate, then, for the trade union, for example, to disclose to the employees where the dollars are being spent? I think that's a very, very reasonable amendment. In fact, it strengthens the union because the union is able to tell the folks where their money is going.

If I was to make a comparison, it would be to look at the government. The government is responsible for being transparent. All of us are responsible to be transparent about how our dollars are spent. Most certainly, all of our expenses are listed. We have to make sure that we take into account our gas, our mileage, what we spend on in our offices. Everything is disclosed so that the public is able to look at all of our expenses and make sure that as MLAs we are spending our dollars appropriately. In the past people have been caught not spending that money appropriately, and that's a good thing. That's part of the accountability.

Now, I brought up an amendment earlier about accountability as well with respect to division 19, that has been taken out of this legislation, which automatically makes it impossible during an illegal strike – that the union cannot be decertified even if they have an illegal strike, which was a good consequence. In fact, I don't even know how many times that actually happened. I don't think it did because the unions would automatically know that if they overstepped that line, they would be held accountable and could be decertified. That section has been removed by the government. Division 19 has been struck from the legislation. Great job on accountability, folks. I'm sure that Albertans are going to love that.

Here's another opportunity for the government to remain transparent. Simply, all it says is: "disclose on a semi-annual basis . . . [the] expenditure of union dues." I don't understand why that would be a big deal. I would think that on behalf of the unions that would strengthen the legislation.

We've already seen in this legislation – we tried to give the government the option to do the compassionate care separately, and this would have put that legislation through right away. We've said I don't know how many times that it's separate from the labour code changes and should be treated as such. It's a very reasonable request. Then what ends up happening is that you end up being able to put those into action right away.

If there is bereavement, if somebody is losing someone, if they've lost a child, if a child goes missing, or any of the other things that are listed in the legislation to protect workers from unions, then we have to make sure that that is invoked right away. Why would you wait till January 2018 to make sure that if somebody is suffering from domestic violence – at this point in time it's not in the legislation. Wouldn't you want that to happen tomorrow? We could have passed that last week. We could have passed it when the hon. Member for Olds-Didsbury-Three Hills brought it forward this afternoon and said: let's divide the bill; let's take care of compassionate care because it's obviously important – it's a good idea – and have unanimous consent of the House and have compassionate care taken care of. But, no, the government is putting that piece of legislation, that was supposedly the most important, to January 2018.

You can imagine why we're asking this government to show transparency, and we're asking them to ask the same thing of the unions, to show transparency. All of us campaigned on this. The government campaigned on this, we campaigned on this, and now you're removing the ability of unions to be transparent on several different levels. I would like to understand, again, if somebody can explain it to me, why it is that the government wouldn't want to make sure that that is disclosed. We ask that of ourselves. We ask that of ourselves. As a business owner I have to declare how I spend my money, where it goes. I mean, I have to pay my taxes. I have to do all those things. It is a requirement.

I really believe with all my heart that this is one of those things that the government can do to lead by example and make it transparent so that the unions are responsible for disclosing this to Albertans. It is imperative so that it shows transparency on behalf of the unions. For the unions themselves, it strengthens their ability for their legislation.

Already, like I said, the fact is that the trigger for having a secret ballot has been removed, so if you've changed that and you've taken away a person's right to democratically vote for their decision to be part of a union – like I said earlier, if somebody came in here tomorrow, to the Legislature, and told us that we were not allowed to vote or that a certain number of things triggered a vote only under certain circumstances, and somebody was trying to intimidate me to sign a card to say that I should vote for this person, I think all of us would stand up together unambiguously and say: that's not going to happen in a province or a country, for that matter, that believes in democracy.

So why would you allow that to happen to workers in unions? Why would you change the legislation so profoundly that you're in essence taking away the secret ballot? How is that possible? You're following behind a province that is actually right now making changes to go back from that target. If you look crossjurisdictionally at all of the other provinces, they're at about 40 or 55 per cent, but the vote is required. The vote is required because if everybody agrees or if you get the majority of the vote, you strengthen the union. It's just common sense. So I don't understand. [interjection] It is laughable. I'm glad you're laughing because I think it's quite interesting, too, and I think it's really interesting that any time we bring around legislation for transparency, the government laughs.

Again, I can bring up Bill 34, the electricity bill for the Balancing Pool. This government removed the words “accountable” and “transparent” from the legislation verbatim. They removed those words from the legislation so that the Minister of Energy can bring in all sorts of infrastructure and renewables under the wire without letting Albertans know what's going to happen. They therefore had to pay out the Balancing Pool, after spending \$705 million of the Balancing Pool money, because they completely and intentionally removed that language from the legislation.

So we've got that over there, not to mention the fact that the carbon tax was never campaigned on by this government, and neither was Springbank dam, I might add. There are so many things that have happened that bring questions.

Why not lead by example and ask of the unions the same things that you would ask of any of us who are in this House? When I was elected, I had to disclose everything about my businesses, everything about everything I owned, the whole package. Quite frankly, and like I said earlier today, I'm so grateful that the Ethics Commissioner's office is as patient with me as they are because we call them all the time. But as I've said before, I would much, much rather err on the side of asking too much than taking for granted that I can just do whatever it is that I want to do. Like I said, they've been extremely patient with me, and they are gracious enough to answer every single e-mail that we send to them, specifically around things with regard to the Ethics Commissioner.

8:10

Basically, that's what we're asking here. Within the legislation this is an ethical piece that asks the unions to disclose to all Albertans how it is that they're spending the dues. I think we are being responsible by asking them to do that. The question, I guess, should be: why wouldn't you ask them to do that? Why wouldn't you? [interjections] Where is it disclosed? Where can I go see that? Where are the union dues disclosed? I don't know where I can go and see that. I don't believe that it is. What I'm asking is that the trade unions have to disclose on a semiannual basis to the employees so that the employees can see where their union dues are going, because they have to pay them. They're forced to pay them. There is no opt-out. So give them the benefit of understanding where the dollars are going. I think it's a reasonable request.

In fact, I would be surprised if any worker in a union would say, “Oh, no; that's okay; just take my money and do whatever you want with it,” although that's what the government seems to do all the time anyway. They forget that taxpayer dollars aren't theirs, that they actually belong to the taxpayer. Maybe it's the same thing with the unions because they are leading by example.

Instead of actually calling for transparency – and I'm surprised that this wouldn't have been in your own legislation. Why didn't you add this into your own legislation? Why wouldn't you call for transparency? This government is the one saying that in 30 years the legislation hasn't been changed. Well, don't you think transparency and accountability should be a major part of that change in the legislation? Then all of the people that vote for this legislation can stand on that pillar knowing that they've looked at absolutely every aspect to make sure that the workers that they're trying to protect in this legislation are truly protected.

Any other company – if a company ever charged for things outside of the scope of what goes on in that business, they would have to disclose that. You would have to disclose anything that's outside of the scope of the fees or the benefits or anything else. So unless you have a very good reason for not wanting to disclose or not making sure that the unions are disclosing, it just doesn't make any sense. It's a very common-sense amendment.

You know, if the government was sincere about the legislation, again, why not split the bill? Why pull out division 19? You have division 25, and as the Minister of Labour said – and she said it very eloquently – there is a penalty, but that penalty can easily be fund raised for. That penalty: the AFL can step in, the union people can step in, or anybody can step in and fund raise and keep that fight going on and on and on while a business goes under. So how does a worker go back to work when the business is destroyed, and how does the business function without its workers? That's not possible.

Division 25 takes care of the penalty, but is it severe enough? Is it the right penalty? I believe the Member for Barrhead-Morinville-Westlock said that earlier. There is no balance there. You have this one way to penalize unions for misbehaving, yet you've taken away the accountability piece whereby they could lose their certification if they illegally strike against the company that they're working with. Why would you remove that? There's another piece of accountability that is completely wiped from the slate. I don't understand. It's not fair. It's not family friendly. It does not take into account the workers. How is it that you can justify standing up for the workers when you're allowing unions to be able to illegally strike and potentially have those folks lose any opportunity to get back to work again, especially if that business goes under?

Did you know that a small percentage of unions have had 100 per cent of their certified cards go through, and then when it came to the vote at that time, they had 100 per cent go against the union? It's actually a really small per cent. It's not that big. Quite often when the cards go through, the vote goes through, and it's very aligned, but there are 32 that have been put in the data that, for sure, when they voted, voted against unionizing. Thirty-two accounts. Four of them had 100 per cent that signed their cards and 100 per cent voted against the union.

An Hon. Member: Table it.

Mrs. Aheer: I did yesterday. It's this one. Maybe you should read it.

I was going to say that one of the things that would be really, really impressive is to see the government bring forward pieces of legislation that actually invoke transparency. [Mrs. Aheer's speaking time expired]

Thank you. [interjections] I know; you're so sad.

The Chair: Hon. members, we've had a request for unanimous consent to revert to introductions briefly.

[Unanimous consent granted]

Introduction of Guests

The Chair: The hon. Minister of Service Alberta.

Ms McLean: Thank you, Madam Chair. It is my privilege to introduce to you and through you to all members of the House Brett Barden. He has joined us today to visit the Legislature. He is the executive assistant to the national president of the Telecommunications Workers Union, United Steelworkers Union local 1944. He is very proud of the work that unions do on behalf of their members and the representation that they provide, and I'm sure he's finding the conversation extremely interesting. If I could ask all members to provide him the warm greeting.

The Chair: Just for the information of members, I did get some questions yesterday regarding whether we are allowed to revert to Introduction of Guests when in committee. Technically, by the rules, we're not to do that. We can't actually waive the standing

orders when in committee. However, the past practice of this Assembly has been to allow the introduction of guests when in committee, so that's why we're proceeding this way, just so everybody is aware. You don't have to send me notes anymore.

Bill 17

Fair and Family-friendly Workplaces Act

(continued)

The Chair: I'll recognize the hon. Member for Calgary-North West.

Ms Jansen: Thank you, Madam Chair. Wow. Where to start picking through this tossed salad of factlike statements?

Mr. Rosendahl: Word salad.

Ms Jansen: Word salad.

It's almost as if they had watched the movie *Sharknado* and now they're experts on weather systems. I'm going to give away the ending for you: the sharks don't actually travel in tornadoes. So there's that. [interjections] Spoiler alert.

Now, I was interested to hear the words of the Member for Chestermere-Rocky View and, of course, before her the words from the Member for Grande Prairie-Smoky. Fittingly, both of these members spoke about the need to not waste the time of the folks here in the Legislature. I say "fittingly" because both of them are responsible for 99 per cent of the heckling that happens when questions get asked in this House.

An Hon. Member: Ninety-nine per cent?

Ms Jansen: That's what I said. [interjections] Oh, wait. This is the part, Madam Chair, where I say: "Those people across the aisle are yelling at me. I'd like it on the record. Blah, blah, blah." [interjections] And the guy in the Panama hat is over there, too. [interjections] Oh, you can't make this stuff up.

I did want to address some things that are not just concerning to me. I think that they're concerning to a lot of people as they listen to this. I've heard words like "nasty" and, you know, a lot of really negative wording around unions. I look at this amendment and I look at some of the other amendments that the members have brought forward, and I don't believe that they are presented with the idea of making legislation better. I don't believe for a minute that if we'd split this bill to begin with, they would have liked anything in either part because they haven't liked anything we've done. The public has; they haven't.

8:20

I will say this. It's all about, from my perspective, the vilification of union members. Now, you can say "union bosses," and you can use that term as many times as you like – and you do over and over again – but what you are really talking about are the thousands and thousands of Albertans who belong to unions in this province. And let me tell you that I talked to some of them at the Building Trades function I went to tonight. I'll tell you what. You create all the narrative you want about unions being in the back pocket of the NDP. These guys were my sign guys in 2012 and 2015, and they are still with me today, not because of the party I belong to but because they're loyal and because they want to support good people with good ideas.

And I'll tell you what some of these guys said to me. They were talking to me tonight. They were hurt, and I'll tell you why they were hurt. They were hurt because there were a whole bunch of these guys who, in the wake of the Fort Mac fire, opened up their

homes to people with nothing, who were fleeing from Fort McMurray with not even a wallet in their pockets. As they left, their fellow union members reached out and offered them food and lodging and sympathy and a shoulder to cry on and a lot of other supports. When you blather on across the aisle about union bosses, you're really talking about all of these Albertans who help each other out through thick and thin. What you're saying is: "If you've got any association with a union, there is something wrong with you. You're doing something wrong." I've heard the term "crooked." I've heard the term "nasty."

The Member for Grande Prairie-Smoky is quite fond in question period of yelling the most egregious stuff across the aisle, rarely gets called on it, and now stands up in the House holier than thou and explains to all of us what it means to be dignified in this House. We're not buying what you're selling.

An Hon. Member: Snake oil.

Ms Jansen: That is snake oil.

They talk about all fluff, no substance. It's funny when they talk about that because every amendment I have seen put forward this session by the folks across the aisle is designed to divide. It's not designed to make anything better that we have worked on so far. It is simply an effort to poke away at this government, using the kind of language that is divisive, and then when someone has the nerve to even make a sound across the aisle and sometimes even when we don't, you want it on the record that you were heckled. In all my years in here I have never seen that kind of behaviour.

You know, they talk about how outrageous it is that the NDP government wanted to take big money out of politics, and from what I've seen of their unite the far right social conservative parties, there's a lot of big money floating around there. In fact, we never really had a conversation in this province about super PACs until they started doing that stuff across the aisle. So there's a lot of hypocrisy floating around in here.

I will just say that when Albertans are watching this, they're not looking to you as saviours from a union. They are looking to you and wondering why you are insulting their fathers, their mothers, their husbands, their wives, and their kids. When the dust settles on all of this, you will not come away looking good. You will come away looking like what you are, which is bullies, because when you talk . . .

Mr. Cooper: Point of order.

The Chair: Hon. member, we have a point of order.

Point of Order Allegations against Members

Mr. Cooper: Thank you, Madam Chair. I rise to speak to 23(h), (i), and (j), making allegations against another member. I think you'll find that making an allegation – unfortunately, I don't have the Blues handy, but what the member said is: what you are is bullies. That is a very clear allegation against members on this side of the House. It certainly is not going to add to the debate and very clearly was directed at members of this side of the Chamber and is not likely to create order inside this Chamber. The member is very aware of the words that she chose. She's very aware of how that is going to affect the Chamber. It is mildly ironic that she would choose to make an allegation like that in the middle of the comments that she is making. I ask that she withdraw and apologize.

The Chair: The hon. Minister of Justice.

Ms Ganley: Thank you very much, Madam Chair. Obviously, things are getting a little heated in here, but I think that this probably falls under the category of dispute as to the facts. The hon. member was obviously not making an allegation against any one specific member but talking generally about a group of people and about the behaviour of that group of people. You know, there's a big difference between taking a personal attack on one individual person and talking about the behaviour of a group of people, which can be in some instances, I think on both sides, a little bit over the top.

Madam Chair, I mean, in this case, certainly, as I'm sure you're no doubt familiar with, we've seen a lot of this behaviour today. I think, you know, at the end of the day, there is that distinction – and it exists – between talking about one specific person and talking about a group of different people. I think that in this case the hon. member is simply trying to point out the absurdity of the behaviour of complaining about the behaviour of one side while simultaneously doing pretty much the same thing.

The Chair: Any others wishing to speak to the point of order?

You know, there are some concerns about the way words are used, and in my mind there is a difference between saying, "You are something" or "You are engaging in a certain behaviour," so I would suggest to the hon. member that it would be better to rephrase that particular statement.

Debate Continued

Ms Jansen: All right. On that theme, when you look at a group of people who make about \$50,000 a year and they're working hard and they're paying their taxes and they're doing their job, and a group of people set upon them who make \$150,000 a year and that group has power, influence, money, organization, and a voice across the province, that is the essence of bullying behaviour. Is it not?

I would just say, in closing, Madam Chair, that there are a lot of folks in this province watching this discussion unfold right now. I realize your frustration. You thought you'd get a lot of steam out of this issue, and it's falling flat. You're frustrated, and you probably want to go home early because you're kind of getting trounced a little bit on this.

I will say this. We will cut you some slack, and you do your amendments. You do you – and you'll continue to do that – and we will go back to all the union members in this province and say: that's okay because you actually know who really has your back.

8:30

The Chair: I'll recognize Grande Prairie-Smoky.

Mr. Loewen: Thank you, Madam Chair. Now, what we're talking about here right now is the amendment, the amendment that says:

- (6) A trade union must disclose on a semi-annual basis to the employees it represents the details of any expenditure of union dues remitted pursuant to this section.

Now, if you were listening to the previous speaker, Calgary-North West, speak, I would probably presume that you have no idea that that's what she was speaking to. What was most priceless about her speech was that it related to decorum in this House. Of course, a point of order was called on the words she used. She had to change her words. Obviously, when she used the word "hypocrisy," it was very well meant. I'll leave it at that.

But there is one thing I'd have to take particular exception to. There were lots of things to take exception to in that speech, lots – lots – that were not true, inaccurate, and meant to be inflammatory. One thing I have to say, Madam Chair, is that when the government

suggests that we don't care about union members, that is false. That is not right. That is incorrect. The suggestion was made that I obviously don't care about my son, who is a union member. My son is a union member. You don't think I care about my son? How about my two sisters-in-law, that I love so much, too? Do you think that I don't care about my sisters-in-law that are members of unions, that actually are union representatives?

An Hon. Member: Then do a better job of representing them.

Mr. Loewen: That's not true, and I take personal exception to any suggestion of that sort.

We are talking about a bill here. In fact, we're talking about an amendment here to bring transparency, to protect union workers so they can see where their money goes. We're talking about this amendment here, Madam Chair. As we've said before, separate the compassionate parts of this bill. We'll pass them immediately. There was a suggestion that we wouldn't do it. Try us. Just try us. Put it to the test. Split the bill. Bring it forward. Prove that we won't do it. We will. We said that we will. It'll happen. But this government won't do it because they don't care about the compassionate parts. They care about the labour parts and their big union friends. They don't care about the workers. They don't care about the union members. They care about their union bosses. That's clear. And to suggest that I don't care about my son and my two sisters-in-law is absolutely false. I take deep exception to it. It's not true. Let's get back to the bill.

Thank you.

The Chair: Edmonton-Ellerslie on amendment A7.

Loyola: Thank you very much, Madam Chair. As always, it's a pleasure to get up in this House and speak to bills that we have before us. In this particular case, I'll be speaking to the amendment brought forward by the Member for Chestermere-Rocky View.

As has been pointed out by members from the other side of the House, I was a union member. They've said it very clearly: the Member for Edmonton-Ellerslie used to be in a union. From that side of the House, not this side of the House. Well, on this side of the House everyone knows, too. And I'm proud of that. I'm proud to have been a union member.

I'll be honest with you. In the union that I was in, I felt that it needed better leadership. Now, don't get me wrong. The leadership that it had: they were good people. But one of the things that I wanted to do was to get involved in my union, and I decided that I was going to work on the bylaws committee. So I put my name forward, and I was selected, voted to be on the bylaws committee. Eventually I then decided to put my name forward as the vice-president of the union. I campaigned, and the members elected me to become their vice-president.

An Hon. Member: Did you say "elected"?

Loyola: I was elected. Not only was I elected, but I was elected with about 71 per cent of the vote.

See, this is the amazing thing about democracy. When you campaign, you talk about your ideas. I used to spend every lunch hour. The lunch hour was what I had free because I had to work during business hours. I wasn't doing anything wrong. During my free time I was going out there, and I was talking to other members of the union, and I was saying: hey, this is what I would like our union to be as we move forward. I got elected.

Then, at the suggestion of many members – they were, like, "Rod, you should run for president of the union." And I said, "Okay; I can do that." I decided to put my name forward. At the

next election I put my name forward and ran, campaigned about the ideas, where I wanted to see our union go, where many people had suggested to me they wanted to see the union go. Gladly I put my name forward, and – guess what? – I was elected. I say this because, to me, unions are probably one of the best examples of democratic institutions that we have in our society. This is what's really important here, right? Members have an opportunity to vote for their elected representatives.

So when the members from across the way start talking about union bosses – and I even heard a couple of times the derogatory name-calling, calling them "union thugs." That's shameful. I mean, we want to maintain a certain level of decorum in this House. We're talking about people. We're talking about colleagues of mine. So it's very important that I just share with the members across the way: please, let's be respectful, right? If you want to call them – and it's really strange, this whole thing of "union boss," because as far as I know, a boss isn't elected to run a business. Am I right? They run a business, and it's their right. They're job creators. They're doing their part for this society, but they're the boss, and nobody questions them. What they say goes, right? They're not elected.

Then I'm wondering: "Okay. Here we've got an institution that's democratic, and people elect their leadership. They have a president and a vice-president and a treasurer and a secretary and perhaps many other positions in the union leadership, the directors of the union, and they're all elected." So I think that the whole concept from the members from across the way, the wording "union boss," is perhaps a little bit – it's a misconception. And "union thugs" is derogatory. I would suggest to the members across the way – many of them I respect a great deal; I would never say something bad about any member – to please refrain from using that kind of language so that we can maintain a certain level of decorum in this House.

8:40

Now, the other point that I wanted to make about unions – and I already mentioned that unions have a treasurer, right? Guess what? The amendment that we have before us from the Member for Chestermere-Rocky View is suggesting that a union "must disclose on a semi-annual basis to the employees it represents the details of any expenditure of union dues remitted pursuant to this section." From my experience – now, I've already mentioned that I've been the president and vice-president and on the board of the Non-Academic Staff Association. I was also part of the chemical, energy, and paperworkers union for a time, another union that I'm very proud to be associated with, which over time has now become Unifor.

But what's really important is that the treasurer – and again I'm speaking to my experience and the unions that I've been in, and I know that this happens in many unions – does a financial report at every monthly meeting. So the amendment that the hon. member is proposing would actually mean less disclosure than what's actually currently happening in most unions, right? You know, I would almost dub this the go-to-a-union-meeting amendment.

I think it's really important that people understand – and by no means am I trying to man-explain; I'm just sharing information with the hon. member – that disclosure is part of the democratic institution of the union, and they communicate what they are spending and how they are spending it at every possible opportunity. I'll never forget that the treasurer in our union – and I've heard this about other unions as well, that the treasurer will always say: "The books are open. If any one of you members wants to come and see what we are spending our money on, what the union dues are that are coming in, what we're spending on, the

books are open for you, membership. Come on in. You're a member of this union, and you have the democratic right within our union structure to know what we are spending our money on because it's your money."

Again I go back to the fact that unions are democratic institutions, and the other important part that I want to suggest is that unlike a corporation, where you have to be a stockholder and you can vote based on the amount of stock that you have in that corporation, a union is quite different: one member, one vote. You know what? I've always been a supporter of that concept: one union, one vote. The reason why I say that is because I've been part of other governing structures – you know, nonprofit organizations or people that are trying to get a nonprofit off the ground or this or that – and people sway away from that idea of one person, one vote. They're, like: oh, well, I'm part of another organization that's going to be part of this group, and I represent 100 people, so I want to have 100 votes to my name. But in a union: one person, one vote. Very democratic.

Disclosing how much money the union is spending and what it's spending on is always connected to the vision of the union. This is another point, that I'm just going to finish up on, this whole concept that, you know, very eloquently members from the other side were talking about, individual rights over the collective rights and the whole concept of opting out from paying your union dues. But then I would ask: well, then, would you opt out of the benefits that the union is getting you because you're a part of that union? I want people to think about this. What are all the rights, the workers' rights, that we've managed to establish?

Sorry. I've got my union hat on, and like I said, I'm not ashamed of it. I'm not ashamed of it. I'm proud to have been a union member, right? What are all the benefits that workers have now and will have when we pass this piece of legislation? I'm so proud of everything that unions have been able to accomplish, you know, since the onset of the Industrial Revolution. Think about it.

And by no means am I suggesting that the members across the way would support this, but think about it. Back in the day children that were eight years old were having to work in factories. This still happens in some places in the world. Children. I have an eight-year-old, and I think to myself: oh, my God, if my son, who is eight years old right now, were subjected to the kinds of things that people in the past were subjected to. Now, I'm not saying that the owners of the factories and the businesses were bad people because of it. They were just following the existing laws of the land, much like now.

The owners, the bosses, the people who run – and don't get me wrong. I understand that these are our job creators. They need to be respected, but we also need to have balance. We need to have balance between the job creators and what they're doing in order to benefit our society and help our economy grow and the rights of the average individual who works for those businesses. When we establish the right balance between those two things, we're going to have a healthy democracy, sustainable communities that thrive, where individuals that live in neighbourhoods have children that go to school, and people are living at a good standard. A good standard of living: that's what we're after, that balance.

Now, when the laws of the land don't reflect the balance that should exist, then that's where the problem lies, and employers, a majority of employers – don't get me wrong. Members from across the way have made the point that there are lots of employers out there that do more than what they should under the current legislation. I get that. That's wonderful. That's beautiful. But not all of them do. Some of them just try to meet the bare minimum.

This is our opportunity. By passing this piece of legislation in this session, we are going to bring the standard up and just have us

match other jurisdictions across our great country. To quote my good friend from West Yellowhead, what's wrong with that?

Thank you, Madam Chair.

The Chair: West Yellowhead, go ahead.

Mr. Rosendahl: Yeah. Well, boy, I could have fun with this. I've been involved in the union for probably 35 years, and I'm proud of it, very proud of it. I've had many positions in the union, many, whether it was president of the labour council or the vice-president of the union at the mill. I had many positions: shop steward, general shop steward, presenting grievances to arbitration, all these things. I've done that, representing our union brothers and sisters throughout West Yellowhead, throughout Alberta and Canada, when I represented members at the Canadian Labour Congress, and I was proud of it.

8:50

But I'll tell you what is really disappointing. When I hear about the way in which we look after our money, I'm really concerned about some of the I call it silliness, because people don't understand. And echoing my brother – because in the union movement he is my brother. They're brothers and sisters, and they're treated as such. Okay? That's the way it is in the union movement. But when we look at the money side of it, the member mentioned about the treasurer and the treasurer's reports done monthly. I'll tell you what. My last job was a trustee. What does a trustee do? There were three of us. We oversaw the books of the union. We oversaw every nickel and dime that was spent. Every nickel and dime that came into the union we also recorded and made sure that it was correct.

This amendment here flies in the face of what we did. You don't obviously understand. When we filled out our reports, who did we answer to? Our membership. Any time any of our members had a concern or a question about some spending or something like that, they could come and see us, and we would open the books for their perusal. That is good union stewardship, looking after the money, and that's important.

When you look at amendments like this, this is silly, because we do all those things already in accounting to our members on what the money is used for, where it's going at any time. We did that whether it was at the local level with the union. We did that at the labour council. We did that at the federation. We did that at the Canadian Labour Congress. Every nickel and dime is accounted for and where it goes. And you know what? Every member has a right to vote on it. You can't spend any money until the union members okay it. That's the way it works.

So for anybody to say anything else or put out amendments like this is silly, and I can't support it. Thank you.

The Chair: Any other speakers to the amendment? The hon. Member for Barrhead-Morinville-Westlock.

Mr. van Dijken: Thank you, Madam Chair. I stand to speak to the amendment, which would propose:

- (6) A trade union must disclose on a semi-annual basis to the employees it represents the details of any expenditure of union dues remitted pursuant to this section.

Judging from what I'm hearing from across the way, these members would support that. They are claiming that all unions are doing this. So, then, why would it not be included in this legislation?

We have other items where we've identified that most employers are participating in many of the different aspects of the employment standards. I've heard from members across the way that most are, but maybe some aren't, and it's important that we close that loop.

Now, I believe that this amendment is helping to close that loop to ensure that trade unions are being accountable and transparent to their membership.

I believe that the amendment is actually solidifying what the members across the way from the governing party are identifying as already happening. So I don't understand. You know, I believe it would be wise, then, to include it in the legislation. If you see that there's value in making sure that that accountability and that transparency are there, then why would you not include that in the legislation?

We've heard from members who believe that what's being proposed is not being proposed to improve the legislation but that it's just picking and picking and picking. In reality, this amendment is just ensuring that there's accountability, just to be sure that that will continue to happen. To hear members say, "Well, this is already happening, so it would be silly to include it" would be the same thing, essentially, as saying, "Well, we don't have to do all the good work that's going on with regard to the Employment Standards Code in this legislation because most employers are doing that."

In conclusion, I would just love to see this be part of the legislation that's being proposed at this time to ensure that everybody is held to a standard of transparency, especially when we're dealing with employees' money where it is mandated that they have to give it to the union. It's part of making sure that that accountability and that transparency will continue to go on. That's part of why legislation occurs, to ensure that good practice continues.

I've heard from many with regard to: well, this is already being done. I would encourage everyone, then, to support the amendment as it is written.

Thank you, Madam Chair.

The Chair: Any other speakers to amendment A7?

Seeing none, are you ready for the question?

[The voice vote indicated that the motion on amendment A7 lost]

[Several members rose calling for a division. The division bell was rung at 8:57 p.m.]

[One minute having elapsed, the committee divided]

[Ms Jabbour in the chair]

For the motion:

Aheer	Loewen	Smith
Cooper	Panda	van Dijken
Ellis	Rodney	

9:00

Against the motion:

Anderson, S.	Goehring	McPherson
Babcock	Gray	Miller
Carson	Hoffman	Nielsen
Ceci	Horne	Phillips
Connolly	Jansen	Renaud
Cortes-Vargas	Kazim	Rosendahl
Dach	Kleinstauber	Schmidt
Dang	Larivee	Schreiner
Drever	Littlewood	Turner
Eggen	Loyola	Westhead
Feehan	Malkinson	Woollard
Fitzpatrick	McKitrick	

Totals:	For – 8	Against – 35
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[Motion on amendment A7 lost]

The Chair: We've had a request to revert to Introduction of Guests.

[Unanimous consent granted]

Introduction of Guests

(reversion)

The Chair: The hon. Minister of Health.

Ms Hoffman: Thank you so much, Madam Chair and to my colleagues, for this opportunity to introduce on her birthday my mom, Sylvia Hoffman, who's in the gallery.

Some Hon. Members:

Happy birthday to you,
Happy birthday to you,
Happy birthday, dear Mom,
Happy birthday to you.

Ms Hoffman: Thanks, everyone. Aw. Isn't that nice.

My mom is Sylvia Hoffman, and with her this evening are her husband, David Gordon, as well as – and feel free to stand when I say your names, please – my uncle Larry Tebbutt, my cousin Kyler Tebbutt, my very good friend Jeannette Gysbers as well as her husband, Ed Boraas, who's also a good friend, and their children Tyko Boraas and Anika Boraas as well as my auntie Jenny Yakimik and my uncle Mel Yakimik. Thank you all for being here tonight. Thank you, guys.

Bill 17

Fair and Family-friendly Workplaces Act

(continued)

The Chair: All right. Back on Bill 17, are there any further questions, comments, or amendments? The hon. Member for Calgary-Lougheed.

Mr. Rodney: Well, thank you very much, Madam Chair. May I say: happy birthday, Mom. God bless you.

Madam Chair, I rise for an amendment. I have the requisite number of copies here, and I will begin by passing it off to the page. If it pleases the chair, I could simply read it as it is while it's being distributed or take my seat until you give me further permission.

The Chair: I'd prefer having a chance to look at the original first.

Mr. Rodney: Okay.

The Chair: This will be amendment A8.

Go ahead, hon. member.

Mr. Rodney: Okay. Does it please the chair for me to read this?

The Chair: Go ahead.

Mr. Rodney: Okay. I move that Bill 17, Fair and Family-friendly Workplaces Act, be amended in section 81 in the proposed section 125 as follows: (a) in clause (c) by adding "receives" after "requests" and (b) by striking out "or" at the end of clause (c), by adding "or" at the end of the clause (d), and by adding the following after clause (d):

(e) refuses a leave to which that individual is entitled under Divisions 7, 7.1, 7.2, 7.3, 7.4, 7.5 or 7.6.

Now, that's the legalese, Madam Chair. We will put this away and speak a little bit of English now if I may.

I first of all want to thank the minister for a couple of conversations that we've had on this, just in this evening session

and going back to this afternoon. Truly, this amendment is very much in line with the spirit in which the bill is actually written. What we're simply trying to do with this amendment is fill in what we see as possible gaps in the protection of people who are seeking leaves. I trust that we could actually get all-party support on something like that because – let's face it – there's a whole lot in this bill that we do agree with and are happy to support.

Those of us in our PC Party know that the overwhelming majority of business owners are forthright, honest, and decent people. I appreciate the comments of the previous speaker who said that most often, indeed, that is the case. Their hard work is what makes Alberta great. It makes it one of the most prosperous jurisdictions in the world to live in and created that Alberta advantage that we've enjoyed. We expect that for most of our business owners we don't actually need these rules because they would respect their employees' requests for leaves.

But, of course, Madam Chair, there are exceptions. That's what this is about. The government acknowledges this in the proposed section 125, which restricts punitive action being taken against workers who request leaves. Again, in commonspeak, what is this amendment really about? It's intended to simply reinforce some of those protections by adding that these punitive actions may not be taken against people that have received some measure under the act and not just requested it. We believe that we're closing the door on adverse effects that may be felt after leave has been granted. Further, by adding that adverse effect on their employment is also prohibited in cases where they've refused the leave, we are making sure that leaves are used for what they're intended for.

We're hoping that this clause will actually stop employers from pressuring employees to go on leave if that employee does not wish to leave. Perhaps we all have had experiences or at least known people who have been pushed into that situation against their will. It might sound like a little bit of an unusual concern, but there have been instances in which this has happened in the past, and we just want to avoid it in the future. So if someone is in a situation where they don't want to take a leave because they do want to keep working and they're completely able to keep working and they want to support themselves and it's medically okay and all the rest, we don't want them feeling pressured into taking a leave that they don't want.

In conversation with the minister a question was asked: does this happen elsewhere? I'll give two examples. From the Ontario Ministry of Labour: can a person be fired for taking leave? I'll just quote this section.

No. If you are eligible, you have the right to take a leave.

You are entitled to be reinstated to the same position you held before your leave if it still exists, or to a comparable position if it does not.

Your employer cannot intimidate you, fire you, suspend you, reduce your pay, punish you in any other way or threaten any of these actions because you take or plan to take any of these leaves.

If this happens, contact the Ministry of Labour.

That is from Ontario.

Now, this is from the Canadian Labour Code, RSC, 1985, c. L-2. It's section 209.3(1).

No employer shall dismiss, suspend, lay off, demote or discipline an employee because the employee is pregnant or has applied for leave of absence in accordance with this Division or take into account the pregnancy of an employee or the intention of an employee to take leave of absence from employment under this Division in any decision to promote or train the employee.

These are just a few of the examples to which this would apply. I understand that some would say that this is already covered. But – let's face it – for people in positions like this, we truly want to

make sure that there's no uncertainty whatsoever. I believe this amendment will close some gaps in protecting employees from adverse effects on their employment because they seek to take a job-protected leave.

I hope, Madam Chair – and I'll end with this – that I can count on the support of all sides of this House because, truly, this is beyond politics. It's beyond anything partisan. It's about protecting our employees in the spirit in which the bill is being given.

Thank you for the opportunity.

9:10

The Chair: The hon. Minister of Labour.

Ms Gray: Thank you very much, and thank you very much to the member opposite for bringing forward a genuinely well-intentioned amendment looking to potentially close a gap that may exist in this bill. Because he was able to chat with me about it earlier, I've been able to really consider it and determine that it is, in fact, redundant. Under the current Bill 17, the way it's been written now, someone would not be able to be forced to take a leave. I've been able to confirm that with the help of some of the people who helped to draft this legislation.

So with this amendment being redundant, I will not be supporting it, but I do appreciate the intention, and I certainly encourage continued collaborative efforts going forward. Thank you very much to the member.

The Chair: Any other members wishing to speak to amendment A8?

Seeing none, are you ready for the question?

Hon. Members: Question.

[The voice vote indicated that the motion on amendment A8 lost]

[Several members rose calling for a division. The division bell was rung at 9:11 p.m.]

[One minute having elapsed, the committee divided]

[Ms Jabbour in the chair]

For the motion:

Aheer	Loewen	Smith
Cooper	Rodney	van Dijken
Ellis		

Against the motion:

Anderson, S.	Goehring	McPherson
Babcock	Gray	Miller
Carson	Hoffman	Nielsen
Ceci	Horne	Phillips
Connolly	Jansen	Renaud
Cortes-Vargas	Kazim	Rosendahl
Dach	Kleinsteuber	Schmidt
Dang	Larivee	Schreiner
Drever	Littlewood	Turner
Eggen	Loyola	Westhead
Feehan	Malkinson	Woollard
Fitzpatrick	McKitrick	

Totals:	For – 7	Against – 35
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[Motion on amendment A8 lost]

The Chair: Back on the main bill. Are there any further questions, comments, or amendments with respect to this bill? The hon. Member for Drayton Valley-Devon.

Mr. Smith: Thank you, Madam Chair. You know, it's always interesting. We all come to this House with different backgrounds. It's my pleasure to rise and speak to Bill 17 tonight and to the amendment that I'm about to propose to the House. It's always interesting to take and to listen to the backgrounds and the stories and the diverse perspectives that we have on the bills that are before us, in this case the Fair and Family-friendly Workplaces Act.

I was interested – I won't say riveted, but I was fairly interested – in the comments from the Member for Edmonton-Ellerslie on his background as a union member. Of course, Madam Chair, I've never been a part of a union, but as a member of a professional association that bargained for me collectively and that often acted in part of its capacity as a union, although we would never call ourselves that, it was interesting to be able to listen to his perspective on how things work in his life when it comes to his union experience and to Bill 17.

I rise today to bring forth a notice of amendment on Bill 17. I will provide you with the original and keep a copy here. I'll wait until you let me know that I can go on.

The Chair: This is amendment A9.
Go ahead, hon. member.

Mr. Smith: Thank you, Madam Chair. With this amendment I move that Bill 17, Fair and Family-friendly Workplaces Act, be amended by striking out section 112 and substituting the following:

112 Section 33(a)(ii) is amended by adding "provided none of the applications for membership were obtained by unsolicited visits to employees' residences," after "certification was made."

Madam Chair, I alluded to this in my comments just a little bit earlier, but for 30 years I was a member of a professional association and proudly a part of it. At times it drove me crazy; at times I was very proud of the organization. That's probably life. I appreciated the fact that that organization bargained collectively on my behalf and that it could represent us as teachers when we were working and trying to decide how to fairly represent us before our employers. So I believe that as an MLA I'm not against unions. I see the value of a union. I believe that the people that are part of unions, the men and women in my constituency, are hard working, that they deserve the ability to exercise their right to freedom of assembly and, therefore, their right to bargain collectively, and as their MLA I will represent that position to the best of my ability.

9:20

I believe that portions of Bill 17 are worthy of our support, especially those that govern and talk about maternity leave and parental leave and compassionate leave, et cetera. This amendment that I bring before the House this evening I believe talks about the balance that the Member for Edmonton-Ellerslie referred to in his comments earlier. Workers have the right to bargain collectively and to be paid fairly. That's important. We do not live in a society that is in the 1750s or the early 1800s, where workers' rights were sorely neglected and abused. Workers have the right to expect to be treated fairly regarding their hours and their wages, their working conditions, et cetera.

Unions are one way that workers can protect themselves from a business that is more concerned with their bottom line than with respecting the rights and the safety of their workers. This, I believe, everyone in the House can agree on. But workers also have rights to be individuals and to be protected from any organization that would impinge on their individual rights, including when that organization is a union. When unions go astray, just as business goes astray at times, when unions impinge on the rights of workers, then we must find, in the words of the hon. Member for Edmonton-Ellerslie, that appropriate balance, for just as we expect an

appropriate balance between the rights of the worker and the business, we would also expect an appropriate balance between the rights of the worker and their relationship with the union.

Bill 17 is called the Fair and Family-friendly Workplaces Act, and this amendment, Madam Chair, is asking to fulfill the spirit of this piece of legislation by ensuring that the unions, when trying to introduce a union into a workplace, will respect the privacy rights of any potential member or worker, that when an individual chooses to consider the joining of or the creation of a union within their workplace, they do not give up their privacy rights. This amendment is an attempt to draw some boundaries around the process of certification of workers.

When and where is it appropriate for a union representative to try and get a worker to sign a union certification card indicating their desire to be part of a union? Where would it be appropriate for those conversations to be held, to occur? We know we need to have that balance. We want to ensure that the workers have an opportunity to clearly and without pressure and coercion consider whether they choose to have a union enter into their workplace, but where and when would that be appropriate? There are times and there are places when it is absolutely appropriate and where they should be free to be able to consider and to have those conversations and to be able to sign, but there are also times and there are also places when it is inappropriate, and this amendment deals with that issue. This amendment would place restrictions on union representatives when it comes to the residence of the worker. I believe this to be completely reasonable.

The family home is sacrosanct. As the old saying goes, a man's home is his castle. Home is the one place that a person can call their personal refuge. It's that harbour in the storm of life. It's the safe place, where the rest of the world has to ask permission to enter. It doesn't matter whether you're the government or you're a church or whether it's your neighbour or whether it's the workplace or whether it's the union or whether it's any other organization; they must in normal circumstances take second place to the privacy that you have within your home. This is the safe place for the family, where the rest of society needs the permission of the family in order to be part of that family life.

If the state believes that it must intrude into that family life and enter that family home, then it must have just cause. Madam Chair, only in rare circumstances, for most people, if it chooses to try and enter into that family privacy – they must have sometimes even a warrant. Your neighbour and any person in the general society must either be invited onto your property or they must ask permission. Now, in the rough-and-tumble world of union politics sometimes this is forgotten.

We are all individuals, and we all have the right to privacy. We all understand that while we are part of the larger society and we must work within the confines of the law within that society, we are also individuals. We do have the right to determine when our privacy will be invaded. Governments and society sometimes have to have restrictions placed on them in order to maintain that. But let us be clear. It is a right that we have, a right to privacy.

This is not granted by the state. It's not at the whim of any government. Our right to privacy is enshrined in our laws and our Constitution because we are people, because we are humans. Our Constitution says: "whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law." As we were developing our Constitution, there was a great deal of debate as to whether that sentence should be in our Constitution. While some placed that into the Constitution because they believed that it was important to have the traditional concept of God within the concept of our rule of law, others understood it to mean this, that our rights can be restricted by the state but that we do not derive them from

the state. They come from, in some people's minds, God or, as others interpret it, simply outside of the state or the government.

If the state can give you your rights, then the state can take them away. We are trying with this sentence in our Constitution to understand that our rights are not at the whim of any one particular government or state. We allow the state great power over us, but even it has restrictions, as outlined by our Charter and as they apply to our natural rights. This amendment simply tries to uphold the natural rights that we have as given by God, if you believe, or as simply a part of what we have because we are humans, we are Albertans.

9:30

Now, this amendment places some restrictions that we place on any group, whether it be the state or a union or any other organization, when it's trying to sign up members. When you're trying to sign up a member, this should be a voluntary process, and it should respect the right of any individual to the freedom and the privacy to be able to say yes or no for the reasons that they choose to have and not to be harassed or coerced unnecessarily in order to have that signature on that card or that agreement to join that organization.

There is a place and there is a time for this activity of signing someone up in order to see if they would like to be a union member, but it should only occur at the residence of the worker if it is by the choice of that worker. Yet we know that in the rough-and-tumble world of union politics sometimes this right to privacy is forgotten. Sometimes the pressure to sign and the tactics used to try and ensure that that occurs cross the line. We know that you cannot solicit a worker while you are at work. You cannot do that. It would make sense to this MLA that you cannot and should not be able to solicit unless you have been invited into that home or onto that property in order to do that.

This amendment, I believe, finds balance. This amendment places the power in the right hands at the right time and in the right place. The decision, I believe, must be in the hands of the worker and only the worker, and they must be the ones that request a visit to their house. That is why I fully anticipate that the members across the House will support this amendment. They understand, I'm sure, that while we may all support the right of workers to belong to a union, we also support the right of Albertans to the sanctity and the privacy of their home, that unions, in their sometimes overzealous desire to sign up members, should respect the right to the privacy and the sanctity of their homes, and that they would not abuse, in their desire to see a union in a workplace, the sanctity of that home.

Just as we have drawn a boundary around the workplace, so we draw a boundary around the home. I believe that the support of this amendment, Madam Chair, will allow for that appropriate balance. It keeps the workplace out of the home, yet it still allows, in a reasonable fashion, for the union workers or for the workers that desire to be a part of a union to have those conversations. There is nothing in this amendment that stops the union from calling meetings to encourage people to come and hear why they should be a part of a union, to sign a card that certifies a union, the desire of that worker to be a part of a union. There is much that allows and supports the concept of a union. It just draws a boundary and says that the home, that place where everyone has the right to live and to be private and to take care of their family and to not be bothered by any organization, union or otherwise . . .

Loyola: Can we ban Wildrose's campaigns from coming to our door?

Mr. Smith: You know what? I bet you that if I add that to this amendment, there would be a lot of Albertans that would support it.

But you know what? I think this is a reasonable amendment, and I think that if you think through this, you can see that it strikes the appropriate balance, Madam Chair, that it still allows for the certification process to move forward, but it allows for the worker to continue to work on the job site and to be able to come home and not have to think about the politics of unions or the job. It allows them to focus on their families and the things that are important in life that lie outside of the job and probably the more important things in this life, as far as I am concerned.

Thank you, Madam Chair.

The Chair: Before I recognize Edmonton-Decore, we've had another request to revert to Introduction of Guests.

[Unanimous consent granted]

Introduction of Guests

(reversion)

The Chair: The hon. Minister of Environment and Parks.

Ms Phillips: Well, thank you, Madam Chair. It's a great pleasure to introduce to you and through to all members assembled Mike Rezanoff and Jeff Sloychuk. They are both from Building Trades, Mike from Building Trades accounts and Jeff from the carpenters' union. Jeff has been a long-time contributor to the New Democratic Party and to the labour movement in Alberta and then the labour movement in the Yukon and now the labour movement in Alberta again and personifies the spirit of the organizer. Both of these men stand up for working people each and every day of their working lives, and we're all better off for it.

Thank you, Madam Chair.

Bill 17

Fair and Family-friendly Workplaces Act

(continued)

The Chair: On amendment A9, the hon. Member for Edmonton-Decore.

Mr. Nielsen: Well, thank you, Madam Chair. I'd like to say that it's a pleasure to rise to speak to this amendment, but unfortunately it's not actually, really, a pleasure. We've heard some comments throughout the debate on Bill 17 that have been quite disparaging towards people that, you know, come from the labour movement. My good friend from Edmonton-Ellerslie, as he stated, is very proud of his background roots, and I, too, am very proud of my background roots and do not make apologies for them.

I've had the opportunity to be involved in some organizing drives, and to be painted, quite honestly, as somebody who's invading the privacy of somebody's home – I can certainly attest to the fact that I very respectfully come up to the door, ring the doorbell, find out if it's a good time to speak and if by chance we could schedule a time to sit down, whether that be in the individual's home, whether that be in a coffee shop or wherever else they would kind of like to meet.

Madam Chair, you know, I find some of these comments like "the rough-and-tumble world of union politics" to be very, very stereotypical comments and quite offensive. I think anybody who happens to be a union member in this province would also find this quite offensive. I'm very, very disappointed in the member for bringing these types of comments forward. Again, you know, the

Member for Calgary-North West had pointed out about this repetition of comments that we seem to continue to get because you happen to be associated with a union membership and maybe involved in going out and educating individuals about the benefits of joining a union. As I said, I've always been very, very respectful of people's time and where they would like to meet to have those discussions.

Madam Chair, I am certainly not going to support this amendment that was presented, and I very strongly urge members of this House to not support this amendment.

9:40

The Chair: Any other members wishing to speak to amendment A9?

Mr. Cooper: Madam Chair, I would like to take a chance on a motion to rise and report progress.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Madam Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 17. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Aye.

The Deputy Speaker: Opposed? So ordered.

Mr. Cooper: Seeing the wonderful progress that we've made this evening, in the spirit of co-operation I move that we adjourn the House till tomorrow morning at 9.

[Motion carried; the Assembly adjourned at 9:43 p.m.]

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