Province of Alberta

The 29th Legislature
Third Session

Alberta Hansard

Thursday morning, June 1, 2017

Day 43

The Honourable Robert E. Wanner, Speaker

Legislative Assembly of Alberta
The 29th Legislature
Third Session

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

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Legislative Assembly of Alberta

9 a.m. **Thursday, June 1, 2017**

[The Speaker in the chair]

Prayers

The Speaker: Let each of us pray or reflect, each in our own way. Let us grant upon ourselves and others the courage to continue the work that needs to be done. Let us remain uplifted and find strength when tempted to give up. Allow us to find guidance from our communities, our families, from one another, and from a superior being if one believes.

Please be seated.

Orders of the Day

Government Bills and Orders
Second Reading

Bill 18
Child Protection and Accountability Act

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

Ms Goehring: Mr. Speaker, on behalf of the Minister of Children's Services it's my pleasure to rise today to move second reading of Bill 18, the Child Protection and Accountability Act.

The proposed legislation would improve the way child death reviews are conducted in Alberta, make child protection more transparent and accountable, and help build a stronger, better child intervention system. When a child dies receiving services, Albertans expect our system to take a hard look at what may have gone wrong, implement changes where needed, and prevent similar deaths from happening in the future.

Our government is introducing this legislation because for way too long Alberta's death review system has failed to meet this standard. This was heartbreakingly demonstrated last fall when Albertans learned of the tragic case of a little girl named Serenity. For all of us here in this Assembly that was a clear call to action that we needed to do better for Alberta's vulnerable children. This legislation is about the thousands of children receiving services in every town, city, and village in this province. We owe them a stronger, better system.

That's why earlier this year our government formed an all-party Ministerial Panel on Child Intervention, which I am proud to be a member of. That all-party panel consulted with stakeholders and experts across the province and came together to issue a series of recommendations for improving child death reviews. Those recommendations form the foundation of the legislation being debated here today. As a former social worker before I was elected, I take my responsibility to improve the child intervention system and improve the way we support vulnerable children extremely seriously. I thank all my fellow panel members and all members of the Assembly for the shared commitment to this life-changing work.

Currently the Child and Youth Advocate conducts systemic reviews of death where it believes there is a public interest in doing so. These investigations are discretionary. Under Bill 18 the advocate would be required to review every death of a child up to 18 years old who is receiving services at the time of their death or up to the age of 20 if they received services within two years prior to their death. This goes beyond the panel's recommendation to ensure no child dies in the system without the advocate critically examining the tragedy to see what can be learned and how we can improve.

Mandatory child death reviews would be a first for Alberta and an important step toward creating a system that learns from its mistakes, but mandatory reviews alone are not enough. [interjections]

The Speaker: Hon. member. Rimbey-Rocky Mountain House-Sundre and Minister of Status of Women.

Ms Goehring: We know that a review is only as effective as the quality of information that informs it. In the past barriers to sharing information delayed death reviews, impacted police investigations, and failed Albertans. That's why this legislation proposes breaking down those barriers by requiring any and all bodies with information relevant to a death review to proactively share the material with the advocate. For the first time it would no longer be acceptable to wait until asked because the advocate cannot request information that it does not know exists.

Nowhere is the need for timely, open information sharing more important than between the advocate and law enforcement. Without it, death reviews can be delayed and police investigations could be jeopardized. That's why under the proposed legislation the advocate would be required to communicate with law enforcement and the Ministry of Justice and Solicitor General to see if a review will compromise any ongoing investigations or prosecutions. If police then request a review be delayed, the advocate must check in on the status every six months to see if its work can now proceed. To support this, we'll soon be signing a new information-sharing protocol between law enforcement agencies, the government of Alberta, and the OCYA. This will spell out what information will be shared, when, and by whom.

Albertans expect a death review system that is not only transparent but also holds government accountable. That's why Bill 18 would require the advocate to publicly report to the Legislature every six months, informing the public of those reviews that have been completed and the status of all those that have been delayed or are incomplete.

Timelines have also been lacking in our current system, with reviews occurring years after the death itself. Under Bill 18 the advocate would also be required to complete its death reviews within one year whenever possible, and when this is not possible, it would be required to report this delay so that the public would know why.

The public must also know how government responds to recommendations from the advocate. This legislation would require departments to respond to every recommendation, to share this response publicly, and to do so within 75 days. Albertans need to be confident that their government is not only listening but taking action.

Alberta is a diverse, growing province, and reviews must reflect the cultures of the children involved. At the same time, it's a sad reality that indigenous children are vastly overrepresented in the system. Increasing cultural expertise and ensuring strong indigenous input in death reviews is essential to creating meaningful change. Under Bill 18 every review would include an appropriate expert from the culture of the child who died, and a permanent roster of indigenous advisers would be established to provide advice on both a case-by-case basis and on the advocate's overall approach. For the first time the advocate would also be required to notify the families and community of the child when a review starts and finishes and involve them in the review itself, as appropriate, to give them a voice.

This bill would also propose additional legal protections to help family, front-line staff, and others who participate in an open and honest way. This includes a provision to ensure that individuals who report to authorities will retain their anonymity and afford the same privacy protections included in the Child, Youth and Family Enhancement Act and a provision that would protect a staffperson or family member's identity and ensure that any information they provide the advocate can't be disclosed by the advocate to be used in court. These protections are also used in the fatality inquiry process and other proceedings. This would ensure that individuals have the legal protections they need to provide honest, open reflections that can help drive real change in our system.

The proposed legislation would not alter the current mandate of the advocate. It has played a vital and trusted role in helping support children and youth across Alberta. Under Bill 18 the advocate will retain its current ability to conduct systemic reviews as it sees fit and to review cases of serious injury or sexually exploited youth in need. Protecting and supporting children is one of the most important roles any government or Legislature can undertake.

This bill is an important step towards creating an intervention system that Albertans can believe in. Bill 18 would create and empower an accountable Child and Youth Advocate to head timely death reviews that hold individuals and governments accountable, that operate transparently, and that share information, and, most importantly, to learn from its mistakes. Ultimately, this is not about enhancing processes or strengthening a system; it's about the more than 10,000 children receiving services across our province today and making sure that we do everything possible to ensure that they have a safe, healthy, and happy life.

I would like to take this opportunity to encourage all colleagues across all parties to support this bill, and I look forward to participating in the debate. Thank you.

9:10

The Speaker: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Nixon: Well, thank you, Mr. Speaker. I rise today, of course, to talk on Bill 18. Since Bill 18 was introduced yesterday, I've been studying it more closely, having a look at that bill in great detail. I have to say that at first I was optimistic about this bill but that, unfortunately, I'm developing serious concerns. The more that I look at this bill and the more that experts across the province look at this bill, the more those concerns are piling up.

My concerns were compounded and increased even more when Paula Simons' article in response to the introduction of this bill came out. Now, Paula Simons is very invested and very informed in the child intervention system and child death review. [interjections] I know the members across the way are heckling about me referring to Paula Simons, and that's disappointing because her work on this issue has been particularly effective and has done an excellent job in raising some serious concerns with the child intervention system in our province. Now, she quotes concerns from Mr. Del Graff, who, of course, Mr. Speaker, is the Child and Youth Advocate, whose office is the one who will be expected now to have extensive new responsibilities and higher caseloads. The fact that he has concerns with this legislation should be a second red flag.

Now, I also personally have substantial concerns that this bill does not accurately reflect the spirit of the panel's recommendations, and I will explain why shortly. But let me be clear on this, Mr. Speaker. I am a member of the panel, and this bill does not respect the spirit of those recommendations. There are panel members that will be disappointed in the direction that the government has taken.

Now, the number one issue that was identified by the panel was accountability and transparency when you're looking into the death review process. It was pretty clear that there are serious issues with transparency and accountability within the system, and this bill does not deal with that. In fact, I would contend that in some ways it makes the secrecy problem worse.

Let's start with having some discussions about that. Mr. Speaker, what is the part of Bill 18 about a government department having 75 days to publicly respond to recommendations? Now, I can tell you that I don't see it anywhere in the panel recommendations. Recommendation 1 from the panel included:

> The Advocate, as an independent officer of the Legislature, will report to a Standing Legislative Committee with the appropriate mandate to ensure accountability, as per the Auditor General's recommendation. The committee can also compel department members to respond to questions and present information.

As a panel member the idea was – I want to be clear on this, Mr. Speaker – that the advocate would have a committee backing it up. The Auditor General has a Public Accounts Committee, as you know. The core of this recommendation was the same. The PAC committee is chaired by the opposition, and it can call department members in order to follow up on their implementation of recommendations issued by the Auditor General after a review.

The Auditor General had given two options to consider. One was what the panel recommended, Mr. Speaker, which was that a standing legislative committee similar to PAC – we must be very clear on that – be built into the Child and Youth Advocate, which is the act that we are dealing with here today. The other suggestion from the Auditor General was an audit committee, which reviews the Auditor General's reports prior to its release. This is a good idea. But this isn't about accountability. PAC is about accountability, the number one issue identified by the panel, accountability and transparency.

The committee proposed in Bill 18 is not a legislative committee. Let me be very clear on that, Mr. Speaker. The committee that is being proposed by this government in Bill 18 is not a legislative committee and is a complete contradiction of the recommendation that the panel brought forward. It's an audit advisory committee, extremely similar to the audit committee that the AG is part of. Bill 18 simply says that this audit advisory committee can make its own rules for its meetings. The only teeth here seem to be that the advocate can require a meeting with the committee to bring a matter to its attention.

Now, I recognize that this bill also refers the advocate's annual report to the legislative committee, which will contain its reviews for the year, but that is not timely nor sufficient. The panel wanted a committee like PAC, with established processes to boost accountability – accountability – Mr. Speaker. The advocate himself is quoted as saying: "The only vehicle I have to compel the government to act is public pressure . . . saying they have to 'respond' in 75 days is just not sufficient." That is the person that this government is proposing to put in charge outright saying that, without a doubt, after reviewing the bill, the bill is inadequate. Or as Paula Simons has said, it is actually "a betrayal of public trust."

So for the government to stand here today and in any way express pride in their behaviour is extremely disappointing, particularly when we think of what the subject is that we're talking about, Mr. Speaker, which is children who are dying or being killed in our care. A betrayal of public trust. The minister and the members across the way should hang their heads in shame when they think about that. It is very disappointing.

Now, the publication ban, which has received much talk within the panel, or an attempt to talk – and we'll talk about that in a minute – has received a lot of press and concerns around it. The one thing that was discussed briefly in phase 1 of the panel was rules around privacy and information sharing. Paula Simons was right to point out that the advocate's reports do not share the real names of children. Serenity's real name, the young girl that brings us here today, was discovered through investigative journalism. The advocate's report, which was extremely useful and important, Mr. Speaker, had her name down as Marie.

Paula's concern is that the body now responsible for doing all the reviews – and, by the way, I think it's very important that we have someone ultimately responsible for doing those reviews because, prior to this, do you know how many internal reviews this government and that department had completed? Zero. Zero internal reviews, which is why somebody has to be accountable. This body is not allowed to publish any such information, as other review processes can and as public inquiries can. By the stunt that this government has pulled, they can essentially make it more private, less accountable, less transparent, and be able to limit information to the public.

On the note of public inquiries, I'd like to read a concern raised by the media: I am concerned that the ability to pursue cases through a public inquiry will be hampered because the advocate is now doing these reviews. Again, the number one goal of the panel, stated very, very clearly, was to get accountability and transparency back into the process. This government has taken steps to make it less transparent.

Will the minister please explain the interactions between the Public Inquiries Act and this bill and what the changes will mean? Most of the panel members wanted to revisit the issue of the publication ban and how we balance privacy with transparency, but unfortunately a select few NDP members of the panel keep trying to punt that responsibility back to the department, and the majority of us can't do anything about this because it's a consensus-based model.

Now, Mr. Speaker, interestingly enough, it's only a consensus-based model when it works for the NDP. The only time that we have seen anything resembling votes during the panel process was when the NDP were attempting to shut down the opposition or the external experts. The reason that the publication ban portion is still alive in panel discussions is because the external experts, who have done a great job on this panel – they are excellent experts, very, very professional with lots of wisdom – have sided with the opposition on that panel to make sure that that issue can stay alive. They have worked hard, to their credit, to make sure that the NDP government members on the panel could not stifle the discussion and stop the issue of the publication ban being reviewed and handled appropriately. Instead, if they had not stood with us to do that, the NDP would have swept that under the rug and continued to force through a tremendous amount of secrecy. Very disappointing.

Some panel members are still trying to get this issue on the agenda, and I hope this government will finally let the panel address this issue as a valid concern because it is. The media is saying that it is, the experts are saying that it is, and the opposition is saying that it is. The only people who are not saying that are the NDP in their ongoing work to continue to stifle accountability and transparency within the department.

Now, the staying of investigations is another concern I have. Bill 18 adds new provisions to the Child and Youth Advocate Act that allow the government to pause the advocate's investigations. Maybe all these provisions and expectations in this bill are legitimate, but I'm worried that this is actually just the bureaucrats giving themselves loopholes in order to cover for other bureaucrats, which is another situation that we have seen during panel deliberations. If it wasn't in the act before, why is it in there now? Will the minister please offer us a hypothetical scenario where the assistant deputy minister would ask for the advocate to stay an investigation pending prosecution?

We obviously know that the advocate was able to investigate Serenity's death while a criminal investigation was ongoing. For peace of mind, please tell us a legitimate example where it would make sense to stay the investigation until actual prosecution. If this power is abused, the only recourse would be through the courts, which is a lengthy process and expensive, too, for both parties, which are funded by taxpayers. The court process also is not clear. Does the application to the court have to be accepted and heard? On what basis will the court make its decisions?

I'm also worried about the burdens and expectations placed on the advocate. Apparently, it's going to be the advocate's job every six months to check in with the people staying the investigation to see if he can keep going. If he doesn't hear back within 21 days, he can continue. How about this alternative? The person can only stay the investigation for, say, two months, and unless they renew it, the advocate is automatically allowed to continue, which was the intent of the panel.

9:20

Designated services. There are also questions about whose death the advocate must review. The government says that with this bill it is going above and beyond the intent of the panel's recommendation, which was: "review all preventable deaths of children and young adults who have received a designated service within two years of [their] death." The current review of the legislation, which is before the Legislative Offices Committee, has discussed the definition of designated services at length. A designated service includes a service other than adoption under the Child, Youth and Family Enhancement Act, the Protection of Sexually Exploited Children Act, and the youth criminal justice system. Something interesting here is that the phrase used in this bill is something different: "receiving intervention services as a child in need of intervention." I would like to have the minister explain why the choice was made to go with this language and what the difference is between this and the group of children that the advocate can currently help.

Under this bill the advocate will be reviewing the deaths of children under 20. Legislative Offices just agreed to increase the age of the person the advocate can service to 24.

I acknowledge that this government had a difficult time defining preventable deaths. However, my concern with them going above and beyond the intent of the panel's recommendation is the burden we are placing on the advocate. Does this bill mean that the advocate has to notify the involved family members, law enforcement, DFNAs, and government ministries about a review it has to do of a child that died of cancer but who happened to have contact with intervention workers within two years prior? The government ministries would have to hand over all records of that child if that's the case. Wouldn't this notification of a review add stress to grieving families? Perhaps the advocate should be given some discretion on who is notified based on the cause of death.

At this point I'm willing to keep working with the government because the issue is too important, but I think I've made it clear that I have significant concerns. I've also made it clear that I am not the only one with significant concerns. Many people have raised concerns in the last few days, since this bill was tabled, many people who are not partisan in nature, which should give this government pause, including people like Paula Simons, who has done, nobody

can argue, incredible work bringing the stories of some of the great tragedies that have happened in our system to light to make sure that people can be held accountable and responsible. The Child and Youth Advocate, the individual that this government has chosen to make responsible for all of this, has raised concerns that this legislation will not work for what the government is trying to do and, in addition to that, will actually make it worse, particularly when it comes to transparency and accountability.

Mr. Speaker, I want to be clear. The number one issue the panel has seen is issues around transparency and accountability, issues around the government and the department using privacy not to protect the privacy of individuals that are involved but to protect people from being held accountable for mistakes where children have died. We are talking about an extreme consequence: little children, who I know you care about, Mr. Speaker, and I care about and, of course, all the members across the way care about, who have lost their lives in our care, sometimes in brutally violent circumstances, sometimes where they've asked for help, sometimes where people around them have asked for help, sometimes where it's been reported that they've been physically abused, starving, sexually abused, and nobody has come to help them.

On the case of Serenity, which has been talked about so much in this Chamber, that brought us to this process, let's be clear. There is evidence that somebody reported to authorities that that little girl was being sexually abused, starved, and beaten, and ultimately it would cost her her life. Nobody came to help her. This is what we are trying to solve. By the government in any way attempting to go towards making less transparency, less accountability, to slowing the process down, they are, as Paula Simons said, betraying the public trust. It is so disappointing.

I want to close with this, Mr. Speaker. This government has continued to rise in this House, particularly ministers associated with child services and the Premier, and say that the way they have dealt with Serenity and other cases, to get to the bottom of it, was to make the panel. Yes, the opposition agreed to do the panel in order to deal with those situations, but I want to be clear. This government continues to misrepresent the facts when it comes to that. This panel has not been allowed to deal with the Serenity case. It has been stopped by the NDP. This panel has not been allowed to deal with case-level data. It has been stopped by the NDP. In fact, any time on this panel when I've come close to being able to ask questions and find out answers on some of the mistakes that have been made in the death of that poor little girl, the government members on that panel have moved away from consensus based automatically, all of a sudden, and used their majority on that panel to block that transparency from coming to the public.

The public will not accept anymore any government, anybody in the department stopping accountability and transparency when it comes to kids that are being killed in the care of our province, so if the government wants to continue to go down this road and betray the public trust, there will be consequences because there have to be consequences. The children of Alberta are depending on us. I assure you, Mr. Speaker, that all opposition parties will not go away. We will not let the NDP sweep these issues under the rug. We will continue to stand in this House over and over and over on behalf of the children of Alberta until the situation is finally fixed.

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

Mr. Clark: Thank you very much, Mr. Speaker. I appreciate the opportunity to speak to this bill. If ever there is an issue that will be before this House that should not be politicized, this is it. I know that it's an issue that inflames passions and emotions and that that all comes from a very good place, but when we're talking about children in the care of our province, where the province has become the parent on behalf of all of us in our community, that is the most serious thing, I think, any of us will ever deal with, and it is something, I know, that for everyone in this House, on both sides, is a responsibility that we take very seriously. I also understand and get where the emotion, passion comes from. At the same time, when we're talking about these issues, I would hope we wouldn't heckle one another and talk over one another.

When we're talking specifically about what Bill 18 is and is not, I think it's equally important that we don't make this bill out to be more than what it is. It is a start. It is a small step on a very long road, and I would like in my comments here this morning to frame it in that way, that it is not going to solve every problem. It shouldn't. It would be inappropriate for us at this stage of where the ministerial panel stands to suggest that it would. It would also be, I think, naive to think that we could do such a thing in this Assembly, as much as I know that each of us would really like to.

What we see in child intervention is the result of a very long line of intergenerational trauma, of poverty, of addiction, much of that as a result of residential schools. We need to understand how it is that we got to the place that we are at now and why it is that we are grappling and struggling and not succeeding, flat out not succeeding, and failing children in our society.

I want to be clear. That's not intended as a shot at this particular government or, certainly, at the people who work in child intervention services or child and family services or Community and Social Services or Health or Education or Justice or any of the departments. The vast majority of people I know who work in those departments are tremendously dedicated people, working in conditions and situations that I know I'm not brave enough to work in. I couldn't do it, yet we have people who do step up every single day and do that.

Is this bill perfect? It certainly isn't. Does it reflect the phase 1 recommendations of the child intervention panel? I'd say that mostly it does. One of the things I've grappled with as a member of that child intervention panel and as I learn more about this issue – and I also think about my role on this side of the House as an opposition member – is the comments that we make in this House, the impact that that has on people working in the system, and the contribution that we may make inadvertently, I hope inadvertently, that I hope comes from a good place but which can contribute to a closed culture, a culture of fear, a reactive culture. When we're dealing with situations that are desperately critical, desperately sad, and just outright tragic, there are things where no matter how good the practice may have been, no matter how many safe landings there may have been – there may have been 500 safe landings in a row – the thing that we talk about is the 501st, that didn't go well. Now, that 501st shouldn't have happened.

I will talk about some concerns that I have with the bill and some of the things I hope to continue to see out of the panel because certainly things are not perfect, not as good as they could or should be. I want to be careful and very clear that I'm not excusing certain ways of working, but, you know, I'm grappling with the need to hold people accountable for mistakes and for bad practice. Of course, we do. I don't think anyone would suggest that we don't. But how do we do that in a way that doesn't create or contribute to a culture of fear within child intervention services, child and family services, within Alberta's public service generally?

9:30

I always have questions about the balance, then, between privacy and transparency. Transparency is an important thing. It's what I think, obviously, this Chamber is about. But I think it's important that we're clear on why it is that we as a panel have not been able

to find consensus on the question of the publication ban. Some of the experts on our panel have argued quite forcefully that, in fact, we actually need to change or extend the publication ban based on the changes that were made, I believe, in 2014, coming out of the fatal care series.

The changes that were made to the publication ban to allow for publication within four days of a death of a child in care were well intentioned and solved a problem we very clearly had. There was a frightening lack of transparency, and a lot of things got swept under the carpet that should not have. That transparency, I believe, is absolutely important, but the discussion around the table has been: "Well, have we gone too far? What is the impact on communities? What is the impact on families? These are families dealing with the tragic loss of a child, who need to decide within four days to make a court application. Is that fair or right? Is that appropriate? Are there better ways of doing that?" That's the conversation that we're having around the table. So to see that that has not been able to be resolved by the panel is, frankly, not a surprise to me. Now, I think that we have perhaps kicked the can down the road further than we might like, but it is still an issue. I can assure you that I'm not going to drop that issue, and I know the other panel members won't either. So I'm not surprised to not see that in the bill.

The question about fatality inquiries. Part of the challenge with fatality inquiries is how far in the future they occur relative to the incident. That, unfortunately, can do a couple of things. It can retraumatize people who have gone through a very difficult situation. The recommendations that we find – in fact, there was a fatality inquiry conducted recently for an incident that happened 10 years ago. Well, without question, the practice that occurred 10 years in the past is no longer the practice today. The learning that happened happened very shortly after whatever it was that caused that particular incident. That isn't to say that we should never have a fatality inquiry. Of course, we should. It's not to say that we should never see a name published. We absolutely should. But it doesn't act in a timely way.

What I see in this bill are some initial steps to address some of those challenges. The one-year time frame, I think, absolutely is an appropriate one. The resources required to meet that, I think, are an open question, a very good question. I recognize that procedurally we can't address it in this bill. It is a process that we'll need to go through. I think the OCYA has some very legitimate questions that need answers. There are only seven investigators in his office. He is certainly going to need more than that if we're going to achieve the timelines that we strive for.

Information sharing is obviously a very, very important part of this bill and something that this bill does not fully address, but it takes some steps to do that.

You know, another question I have is on having culturally relevant experts. I think that's a very important part of the bill, and I'm very pleased to see it there.

Then there's designated funding, which is substantially underfunded. The funding gap between the services provided by delegated First Nation agencies, DFNAs, on-reserve and what children off-reserve receive is not right. Some of those challenges fall into that jurisdictional morass of provincial and federal funding, but children find they fall between the cracks of the different bureaucracies, different jurisdictions on-reserve, off-reserve. You know, that's one of those things I think all of us have a moral obligation to address. This bill won't address that, nor would I expect it to.

You know, in hearing from indigenous peoples and DFNAs in particular, some of the stories of band councils having to supplement their budgets – they're very meagre budgets. I'm just astounded at how small those budgets actually are. Some of that is provincial responsibility, but primarily it's federal. That doesn't excuse inaction. Are there opportunities for us to invoke Jordan's principle and say: "You know what? We're going to fund that. We're going to make sure that children are taken care of, that DFNAs have the resources they need. Then we'll go fight with the feds in the background." That's the complexity we're going to manage on behalf of children to ensure that they get the services they need so that we can start to move towards some better outcomes. That's what we should be doing.

Certainly, I will be supporting Bill 18. It's a small step, and I would suggest, if I can offer some advice to the government, not trumpeting this as some massive move forward. It's a small step in response to what we saw coming out of phase 1 of the panel. It's an incremental step. There is much, much, much more work to do. I'm certainly committed to doing that, and I hope that all members of both the child intervention panel and of the Assembly are as well.

One of the areas where I think we really do need to do some work, again reflecting on my role in opposition and all of our roles here as elected officials: what are we doing to contribute to a positive culture within child intervention, recognizing that there are going to be times when things don't work out and that when that happens, we should take that as a learning experience? There may be times where we do need to hold people accountable, where something truly has been missed in a way that is negligent, but I believe that those changes that need to occur are not so much on the front lines of the child intervention workers and the social workers and the remarkable people who work there. Perhaps there may be a case or two where that's not true, but I think that in the vast, vast, vast majority of cases, those are the folks that are really doing what they need to do.

As we saw in our meeting last week, a lot of those people will push the envelope, will colour outside the lines where necessary, will not just find themselves in a bureaucratic box because the situations they're dealing with don't lend themselves very well to bureaucratic boxes. There are some remarkable, remarkable people who do tremendous work and who are willing to go: "Well, I know this isn't the rule, but right now this is what's needed. So if I get in trouble, I guess I get in trouble, but I've helped someone today." How do we in the opposition react when someone has done that, but it doesn't go well? What probably happens is that a question gets asked in question period, a news release is issued, and then there's a great hue and cry: well, they broke the rules, and something bad happened. Well, what about all the other times when they went outside the rules or interpreted things in a way that allowed them to help someone that did go well? That's the kind of culture I think we need to be creating.

I think we've also seen in the panel, earlier on, some evidence of a blocking culture, where people came before the panel, relatively senior, and were asked: "Well, what would you do?" "Well, I don't feel that's my place to say," was the response. "What are you afraid of?" That, to me, was evidence of a very closed culture, a culture of fear. When you have people in an organization, especially higher up, who perpetuate a culture of fear, that's not good. That's not the kind of responsive system that I think we want to try to build.

So Bill 18 is a start. It's a small step. It's a step in the right direction. It's not everything, nor should it be everything at this stage. What it tells us is that we have so much more work to do. You certainly have, Mr. Speaker, my commitment to do that work.

Thank you.

The Speaker: Under 29(2)(a), are there any questions for the Member for Calgary-Elbow?

Seeing and hearing none, the Member for Lethbridge-East.

Ms Fitzpatrick: Thank you, Mr. Speaker. I stand in support of Bill 18, and I'm really pleased to do so. I want to thank the Member for Calgary-Elbow for his very thoughtful and helpful comments.

I'll begin by saying how privileged I felt to be asked to participate on the Ministerial Panel on Child Intervention. There are some experienced and thoughtful people on the panel who have brought their expertise to thoroughly review our recent and past history of child intervention and to provide recommendations to address the problems and deficiencies within the process.

9:40

Although I was not in the country when the panel was initially established, I have not missed a meeting since the very first meeting, when they began the process, and I was certainly engaged in every single presentation that was given. The information presented kept me even more alert to the issues which have caused all of this legitimate concern. Since February we have been meeting and have heard from a very diverse group of presenters. Their presentations have been informative, challenging, and sad, sometimes all at the same time. The perspectives which have been shared have really provided a very fulsome picture of what is going on, what went on, and what should go on.

There are a number of items which were brought forward and considered very carefully, a number of things that stood out in every presentation, issues such as having all the relevant voices at the table, transparency in the system. It should be effective, culturally appropriate, and improve information sharing. There should be a single entity responsible for the child death review.

Now I will speak to a few of the recommendations from the panel to the minister. The first recommendation was to identify the primary authority for the child death review, and that is the office of the Child and Youth Advocate, the OCYA. Within the proposed legislation this would actually, as has been said before, exceed the intent of the recommendation made by the committee in that it is "requiring reviews of all deaths of children under 20 years old who were receiving services or had within two years prior to their death." This bill will empower the OCYA, require that all relevant recommendations from past death reviews be referenced in child death reviews, and enable the advocate to direct recommendations and observations as it sees fit. As proposed in this legislation, the advocate would report to the Speaker of the Legislature for referral to an appropriate standing committee.

The issue of accountability and transparency is also included and is certainly foremost in this bill. Section 9.1 directs:

> (3) The Advocate must
>
> (a) complete the review under subsection (2) and make the report of the review . . . within one year from the earlier of
>
> (i) the date that [the office of] the Chief Medical Examiner provides notification of the death under section 32.1 of the Fatality Inquiries Act, and
>
> (ii) the date that the Advocate first collects information from the Registrar of Vital Statistics under subsection (7) about the death of the deceased person . . .
>
> (4) The Advocate must report to the Speaker of the Legislative Assembly every 6 months in accordance with the regulations
>
> (a) as to the number of completed reviews.

Now, I think those are good things, and I'm certainly going to have further comments in different parts of either the Committee of the Whole or third reading.

I want to say that I'm not God, but I can do the best that I can do as part of this panel. We as a government can do the best that we can do. Every single front-line worker who works with children at risk is not God, and you do not know what may happen that may change circumstances. You can't predict the future. I will not take vigilante action against front-line workers. I believe that our job is to look at how the system works, how the process works, and do legislation that will support the work that needs to be done. I believe that that was what we were trying to do on the panel, and that's what we are trying to do with the bills that we are moving forward.

As the Member for Calgary-Elbow said, this is a first step, and I think it's a pretty good first step. Some people may not agree with that. That's their opinion, and I respect that, but I have been focused, just like most of the members of the committee, to do the best job that we can. I certainly want to see that continue. I know that we've got meetings scheduled until the end of July, so we're continuing to work on this.

As I said, there's lots in the bill, and I'm going to have more to say later, but I just wanted to begin by saying how much I support this bill. I recognize, as did the Member for Calgary-Elbow, that it isn't perfect, but it is a really good first step. So I encourage all to support this bill and move it forward.

Thank you.

The Speaker: Any questions under 29(2)(a) for the Member for Lethbridge-East?

Seeing and hearing none, the hon. Member for Calgary-Hays.

Mr. McIver: Thank you for recognizing me, Mr. Speaker. I'm pleased to stand and talk about Bill 18. I think it's important to acknowledge at least at some length how we got here. I think it's important to acknowledge that kids in care haven't had the government's best for a long time. They didn't have the government's best under the previous government, and they haven't had the government's best under this government. I think it's important to say that out loud because this is a shared responsibility.

You know, Mr. Speaker, very often this issue of children in care gets ignored and has for years until it hits the headlines in the media. I heard the Member for Lethbridge-East, who sits on the children in care committee with me, talking about how this is a good first step. Well, maybe it is. Maybe it's a first step, but this is the 20th or 30th first step we've taken, and I think that as Members of this Legislative Assembly we have to commit to sticking with it this time to get from the first step to the second step and the third step and actually make things better for kids in care rather than waiting another six months or another two years or until the next headline with another child terribly treated and then have another first step. At some point we have to get past the first step.

I would half agree with the Member for Lethbridge-East because I think this is half of a first step. There is some good stuff in this legislation, but it's not as good as it could have been, based on what the committee actually recommended to the minister. Let me just say that the last wake-up call we got was from Paula Simons from the *Edmonton Journal*. Isn't it sad that we have to wait until we get a message from the media in print on the front page of the paper with ugly and very, very disturbing details about the death of a four-year-old child? When I think about that, I think about the responsibility we have to make this better.

Mr. Speaker, we in the opposition have been doing our best to co-operate and push this thing forward, but I have to say that it has been an uphill battle since day one. You know, we started and demanded in this House a committee to make the treatment of children in care better. We pushed the minister, we pushed the Premier – we pushed the Premier, we pushed the minister over and over and over again – and you know what? Sadly, the biggest achievement we've had so far is getting one incompetent minister fired on this file, so we've moved on to another minister. I suppose

that's a small accomplishment. But it won't be felt or seen or heard by children in care, so that isn't really a step forward for children in care. It only is a step forward for the Legislature, we hope, in giving ourselves a better chance to come to a better conclusion on this file, this very important file.

9:50

Mr. Speaker, after we got the first minister fired, who was sitting on his hands, the second minister and the Premier finally agreed to not the right answer but a sort of right answer. The right answer would have been an all-party committee where we could have called in witnesses and had more of an even playing field while we discussed this. We could have actually as a group done this, and we could have done it in such a way that the report at the end of the all-party committee's activity would have been one where no one, including the government, could hide the most uncomfortable details in a minister's office. But the government instead opted for a ministerial panel.

Even then, Mr. Speaker, it was an uphill battle with the opposition members. The government didn't want to have any official records of the meetings. We had to actually take to videoing the meetings and streaming them ourselves until, unfortunately, sad to say, we browbeat the minister and the government into doing half the right thing. They still don't video stream the meetings, but they do audiostream the meetings. It's very sad that it took the sustained, long-term effort on behalf of the opposition parties to get the government to even begin to be transparent, to even begin to be accountable to Albertans for how we treat children in care. We did that, and it wasn't pleasant. We did it because it's important, because children in care matter.

We've moved along the path. Mr. Speaker, let me say that this whole thing started this time around – again, this isn't the first start. This is the 20th or 30th half of a first step, but this half of a first step started because of the case of Serenity. To date in the committee we haven't been allowed to talk about Serenity. Why do we want to talk about Serenity? So that we can talk about how she came to meet her brutal fate. We want to talk about Serenity so that we can make sure that no other child lives in the same place. So far we have not been allowed to do that. I can hardly tell you how disturbing that is.

The Speaker: Take your time, hon. member.

Mr. McIver: Furthermore, we don't get to talk about the changes with the staff on the ground that experienced what led up to what happened with Serenity. Yes, I know there will be government-side members that will say that we did have people that work in administration looking after kids that spoke to us, but when we asked them questions that actually would have helped, that would have been useful, questions like, "What would you do differently, and what needs to change in the system?" we universally got pretty much the same answer: well, I don't really want to say. So they've been silenced. They've been silenced.

An Hon. Member: Maybe it's because you were recording them.

Mr. McIver: I'm sorry. I know this is uncomfortable for government-side members. It's uncomfortable for us, too, because I acknowledged right off the start that these kids weren't looked after as well as they should have been under our government either. But whether it's uncomfortable or not, now's the time to talk about it.

Mr. Speaker, when we asked those staffers, those hard-working administrators, what should change with the system, they pretty much universally said: well, I don't really want to say. They've been muzzled. They've been silenced. I don't know how overtly or how subtly, but they all had the message: don't rock the boat.

[Ms Sweet in the chair]

Well, if we aren't going to rock the boat, we should all go home. This process needs to be about rocking the boat because the boat is on the wrong path. The boat needs rocking. Kids in care are not being looked after as well as they should be, yet the government is hanging on to the don't-rock-the-boat mantra. It's not a good mantra. It didn't work for our government, and I can assure you that it won't work for yours. It won't solve the problem.

Madam Speaker, it's important that we do rock the boat. It's important that we rock the boat because that's the only way we're going to get to the bottom of this. It's the only way we're actually going to, in the light of day, point at who and what went wrong, how it went wrong, and make it better. There's plenty of blame to go around, but the blame isn't nearly as important as talking about the problem so that we can make it better.

I think I heard somebody use an expression that we don't want vigilante action against the staff. Of course not. No one is calling for that. I think the Member for Lethbridge-East used that expression. No one on the committee has called for that. Nobody in the opposition is calling for that. What we are calling for is to exercise the expression that the best disinfectant is sunlight. Unless we shine light on what has gone wrong, we are not putting ourselves in a position to make it go better.

Children are depending upon us, folks. Bill 18, unfortunately, doesn't get there. There are some good things in Bill 18 that surely we're supporting. Unfortunately, it's probably only half as good as it could be. I asked the Premier about it yesterday. I expressed to her that we're still not allowed to talk about Serenity.

I also heard the Member for Lethbridge-East say that she hasn't missed a meeting. Well, I missed one, and the opposition missed one because, Madam Speaker, we weren't invited. I'm getting a dirty look here, but I'm telling you that the fact is that we were not invited to one of the meetings. That's a fact. You know what? Whether it was an honest mistake or not, we weren't invited to one of the meetings, and that is a concern.

The fact is that until we can actually talk to people that are on the ground – and you know what? Again, the Member for Lethbridge-East talked about vigilante action, but I can tell you that the opposition hasn't talked about that. We've talked about making it better. We've talked about asking people on the ground: what's wrong, why can't you do better, and how would you change the system?

You know what? I really sense that they want to help. The people that work in Children's Services: I really sense that their hearts are in the right place. I really feel that they care about the kids that are under their charge. I really believe that they want those kids to do well and that they want to be part of the solution. Again, Madam Speaker, when given the chance to address the committee, they went silent. I don't blame them for that. Somewhere along the way they got a message that to rock the boat will be detrimental to their employment health. That's the only thing that makes sense to me.

Ms McLean: It happened under your government and the culture of it.

Mr. McIver: Again, I know I'm making the government-side people uncomfortable. They should be uncomfortable, and we should be uncomfortable on this side, too, because we all own this. Those kids in care belong to all of us.

Ms McLean: Your disingenuousness is making me uncomfortable.

Mr. McIver: We all have a responsibility, Minister of Service Alberta, all of us do, including you. [interjection] The minister can chirp if she wants, or she can wait her turn and get on her feet and talk about solutions, as I am doing.

Ms McLean: We're actually acting.

Mr. McIver: No, you're not.

Madam Speaker, I know that the Minister of Service Alberta hasn't got on her feet, and she wants to chirp from where she is, but I'm telling you that I think it's important. If she wants to talk about this, she should stand up instead of running away from the issue. It's not a pretty issue, and we all know that.

I asked the Premier yesterday about the issues that under the ministerial panel are not being addressed and are under the notation of no legislative change required. I would have more comfort with that if the minister said: here are some of the changes we're going to make under regulations instead of legislation. But they haven't revealed that.

You know what? This is the problem with regulations. I understand that regulations are an important part of the legislative process, but regulations can be changed at the stroke of a pen in a cabinet meeting. I think the people of Alberta want to know after this process – and the government should remember that they were browbeaten into this ministerial panel. They should actually take note of that and know that the people of Alberta want to know what we're going to do to make how we look after children in care better.

When a good part of the recommendations of the panel are buried under the heading no legislative change required and there are no details about what regulations are going to be put in place, then of course it takes us back full circle to where we could be back to another half first step again two years after Paula Simons or some other journalist puts something in the headlines of the media. And that's not something that any of us should want, on any side of the House, because, at the end of the day, we're all responsible.

10:00

So I would implore the government, as we go forward, to be a little more open, a little more transparent, a little more accepting of the facts. Again, the facts aren't pretty, but we're not going to get past the facts that aren't pretty until we talk about them out loud.

Again I asked the Premier in the House yesterday what changes, you know, were made on the nonlegislative agreements, and she couldn't name a single one, stating that six weeks was too short. Apparently, it was plenty long for a consultation on a labour bill that affects everybody in Alberta, but it's not long enough to make a single change for children in care. I don't accept that.

You know what? The Premier said to me yesterday in question period, "Your government dragged their feet on this, too," and she's right – she's right – which is part of the reason why we're here. Again, the fault of this, if there is fault, isn't on one side of the House; it's on both or certainly on all of us that have been in government. We need as a team to admit it, we need as a team to talk about it out loud, and we need as a team to get past it.

Now . . .

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak under 29(2)(a)? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Nixon: Thank you, Madam Speaker. I thank the hon. Member for Calgary-Hays for his comments and also for his service on the panel. It is appreciated. He touched on one issue, which is what I keep hearing from this government – and I think it's greatly unfortunate – and that is the issue around the accusation that the opposition wants to have a witch hunt. Nothing could be further from the truth.

Let me be clear on what we're talking about when we say responsibility and accountability. Madam Speaker, as you know, I'm a dad of three children, a very proud dad of three children. I take that responsibility seriously. In fact, I have said many times in this Chamber and elsewhere that that job is my number one job, to be a dad. I love that job. I'm the dad of a little girl, who, certainly, I want different things for than what happened to Serenity.

When we talk about responsibility and accountability, it's because our system is so broken that right now we're judging whether a child has success in our system based on whether they're murdered or not. That's a problem. I don't think about my children and their success being based on whether or not they've been killed in my care. I have very different dreams for my children, and I expect us as a government and as a society to have very different dreams for the children that have been put into our care.

When we are talking about responsibility and accountability, Madam Speaker, I think it's important to be clear that we're not talking about going after an individual worker who may or may not have made a mistake. We're talking about years of recommendations – years of recommendations – as the hon. member has said, under different governments, multiple governments now, that have come forward to make the system better so that we no longer evaluate it on whether a child has been raped or killed in our care.

The people that need to be responsible or accountable for that are us. It's this government right now because they have the privilege of being the government, and the responsibility and the accountability mechanisms that we are trying to put in here are to hold government accountable, to hold the authorities accountable for why they're not fixing the mistakes that over and over and over are seeing some children die tragic and violent and terrible deaths in our care. We're trying to get responsibility and accountability not just for this government but for this side of the House when it's government in 22 months if Albertans give us that privilege. It's about making us responsible. Somebody has to be responsible for these children.

Right now in my household, for my three children, my partner and I are one hundred per cent responsible for our children, and if something terrible happens like with Serenity inside my household, I sure hope that somebody is going to hold me responsible and accountable as their parent. We are responsible for these children in our care. It is not our responsibility to accept responsibility or punishment for the terrible crime that may have taken place with that child but to accept the responsibility that we have to fix the system to make sure that it doesn't happen to another child.

What you learn – and this is why I want to hear some comments, if I could, from the hon. member – when you participate in a panel like this and you start to do all the reading, what really strikes you are the stacks and stacks and stacks of recommendations that have happened for years and that nothing has happened with them. For me, that is what we're talking about, being responsible and accountable. Albertans expect us to be responsible and accountable for what's happened to these children and to make sure that it's not happening again. And the actions by this government, by not going all the way with the recommendations of the panel, are in my view dodging that responsibility and accountability.

I'd like to hear a little more from the hon. member, if he would, on that topic.

The Acting Speaker: Thank you, hon. member.

The Member for Calgary-Hays.

Mr. McIver: Thank you, Madam Speaker. Thank you to the Member for Rimbey-Rocky Mountain House-Sundre, who's been a valuable member of the panel, as have the government-side members – as have the government-side members – and the other opposition parties.

I agree with what he said as a parent and a grandparent myself. If we don't get this right, we can point at each other all day long, but at the end of the day we all ought to point at ourselves, which is why I'm doing my best to make this as uncomfortable as I can so that there's nowhere to hide for any of us, so that we get to solutions on these things because children are still in care. Children are still – you know what? Many get good outcomes, which is fantastic. But this is about reducing and, hopefully, eliminating the bad outcomes. We're not going to get there unless we face up to it. So we continue. We continue.

Here are some things, you know, in the legislation, according to the Alberta government report, where no legislative change is required.

> OCYA will advise all families engaged in the child death review process that they have access to supports throughout the review and support connection to the same. Families may access culturally relevant supports as needed. Ensure the family has a designated individual . . . to support the family to navigate the system . . .

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak to second reading? The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you very much, Madam Speaker. I'm pleased to speak to Bill 18, the Child Protection and Accountability Act. I've been around for a few years and have been involved in both the 2014 child death review panel as well as, obviously, hearing and reading reports over the last decade on children in care who have died and have been reviewed by the Child and Youth Advocate. It was roughly, I think, seven or eight years ago, after considerable pressure from the public and from the opposition parties, that the PC government finally agreed to make the Child and Youth Advocate independent, not simply reporting to the minister and telling the minister what the minister wanted to hear and having the unfortunate perception, if not the reality, that reports were sanitized to not offend or embarrass the minister of the day. So I give credit that the PCs, after so many years of not being willing to face the music, created an independent office called the office of the Child and Youth Advocate. That was progress.

I think it's fair to say that we all recognize that there is a particular population of people who are most vulnerable in this society, that are most disadvantaged, that come out of homes that are most broken and vulnerable. Violence, drugs, poverty, a host of issues create the conditions in which parents cannot cope or cannot deal responsibly with their responsibilities. Given that roughly 10,000 children are reviewed annually by child services, they somehow have to make assessments in each case on whether these children would be better in or out of their homes and, if out of their homes, where out of their homes, in kinship care, in foster families, guardians of the government initially. In some cases all of these alternatives prove to be unsatisfactory for various reasons. Either the child can't cope with the particular situation, or the family can't cope with the child, or some combination of social and environmental circumstances requires the child to be again disrupted and moved to different situations.

10:10

With that having been said and the dominance of First Nations folks in this population and our long history of betrayal and abuse in terms of services for First Nations and the intergenerational trauma that we've heard so much about, in part thanks to more and more awareness and a government today who has been courageous enough to highlight this important, long-standing trauma and the long-standing impacts of this trauma on the kids and the families, what we've come to today is the review panel, that I think has to acknowledge that critically important work, very sensitive work, traumatic work for those of us who hear stories either at the panel or in our everyday lives, in our offices about things that aren't what they should be.

I guess that with the view that we are, in fact, just three months into this review and the government has already come forward with significant changes to the process and the focus of the child death review, I am mightily encouraged by having a bill before us already. I did not expect this until the fall. It's not perfect, but it's a big step forward in terms of clarifying a unified approach instead of three different organizations reviewing deaths, overlapping, creating some perception of gaps, conflicting in some ways, redundant in resource use.

All of this is to say that this is progress. We're now going to have the office of the Child and Youth Advocate review all deaths, whether in care or within two years of leaving care. That's progress. We're going to see, for example, more timely reporting. He or she, whoever the advocate is, has to report within six months on the progress of every death that they're reviewing. They are going to have to complete a report within one year instead of in some cases seeing these dragged out for years and years, with tremendous ongoing suffering within the family, who can't resolve issues completely without closure and the help of the office and its report. We're going to see cultural advisers for the first time required in every case of a death review. These are signs, to me, of a government that's listening.

I think it's important in the context of this whole complicated business of dealing with children to think about the various impacts on these children and families, whether it's their biological family, their family of guardianship, the influences of their community, their school culture, Alberta Health Services and their involvement with that child and family, the social services system and its involvement, the police and their involvement with that family, not to mention the fact that these families grow in a cultural context, a social and economic context that is creating the conditions for significant risk, significant disadvantage. So to blame one system, I think, is really to miss the point, and to focus all of our attention on one system is to miss the point. Every aspect of government and community, not to mention the federal government, which has a huge role here, has to be working together to focus and hone their supports on families and individuals that are at risk.

It may be the case, as our hon. colleagues in the Wildrose and Conservative parties have said, that there isn't enough transparency in these reportings either from the office of the Child and Youth Advocate or in terms of the panel work that we're doing. It may be that there is a need for more recording of statements, perhaps, and more access to the panel discussions by the whole population of Alberta. But, frankly, Madam Speaker, we are a very effective panel, from my point of view. We're hearing from everybody we can think of. We've had in camera sessions that enable people to speak their minds with confidence and confidentiality. Whether they're past employees of child and family services, whether they're DFNAs, designated First Nation agencies, whether they are police, whether they are adoptive families, guardians, we've had a wide range of people tell us the good, the bad, and the ugly about what they've experienced. Some of them are very ugly stories, and they have not minced words about what they see and what they try to do.

I think, all things considered, that in my 12 years here I see significant progress. I don't see a perfect bill. I see a tremendous amount to be grateful for in terms of a ministry that is putting tremendous resources into and a willingness to be open and transparent with anything that we request. I guess I would argue that we're in a process. It's a complex process. It's focused on one tiny aspect of what we've considered to be important in terms of child and family services, and we're making that better, and we will continue to hone that. There may be some good amendments that we will put forward in the next stage of the bill in terms of greater transparency, more accountability for people at the top of the ministry, but this to me is significant progress. Based on second reading and the principles of what we're trying to do here, I have significant satisfaction.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak under 29(2)(a)? The hon. Minister of Indigenous Relations.

Mr. Feehan: Thank you, Madam Speaker. I'm very interested in what the member has been speaking about. He made reference to the fact that there had been difficulties over the years with the reports from the children's advocate. They haven't always been listened to. At least this is a step forward and progress in the future. I'd be interested in hearing a little bit more about his experience with why it didn't work with the previous children's advocates. I know that reports came out from John Mould and John Lafrance indicating significant difficulties in the past. Many of the things that are being moved forward right now are reflections of things that have been asked for for many years, and I know that the member has experience with those previous children's advocates and has some depth of knowledge. We'd like to hear a little bit more about that.

Before I sit down, I also want to add that he has made reference to some of the structural issues, noting that this one ministry cannot solve the problem and that there is a much larger and greater demand out there to change real circumstances in the lives particularly of indigenous people, as I'm concerned about, in order to reduce the number of children coming into care. So I'd be interested as well about some of the other larger structural changes that the member might like to see as we move forward in trying to build on the work of this particular act and to do so much more than what we're doing in this one instance.

Thank you.

The Acting Speaker: Thank you, hon. minister.

The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Madam Speaker, and thank you to the minister for those insightful comments and questions. I have been working in prevention services for 25 years, and it's very clear to me that we as a society have not embraced prevention. We have not looked deeply at the origins of illness, disability, premature death, injury in a serious way that tries to get at root causes. We deal with symptoms. We deal with crisis very well. I guess it's been frustrating for me and for many in this culture to say, "Yes, prevention is where we should be going," and then seeing the budgets go 95 per cent towards crisis and intervention after the fact. The opioid crisis affecting First Nations in a big way is a symptom, another symptom that we're going after in a big way well after the problem has shown itself.

I want to say with respect to the previous child and youth advocates that they did their best under the circumstances that they were given, given the political realities of reporting to a minister, of being paid for by the minister's budget, being overseen by the minister's staff, being subject to the political whims and sensitivities that were there. Was the Child and Youth Advocate doing their full scope and role? No. They couldn't. I would argue the same thing is happening with other advocates in our province: the Health Advocate, the mental health advocate, the Seniors Advocate, and now the disability advocate. If we're serious about wanting to advocate for special groups and vulnerable groups, they have to be independent.

10:20

I've seen tremendous progress since this Child and Youth Advocate became independent in terms of the depth and the clarity and the hard-hitting nature of the reports that force government, like this particular panel has been forced, to review things and look for change and find out why changes aren't being made when the Auditor General himself has made recommendation after recommendation after recommendation. All this to say that the process of I guess I would call it administrative change, political change has to come about through a progressive increase in pressures and the political will that comes not only out of the office of the minister but comes out of the public and all the bodies that are adding to the pressure to do the right thing.

With respect to some of the many challenges that we're now moving into, phase 2 on the panel, looking at the more systemic issues that relate to child and family services in the province and how we could improve those and reduce the failure rate of those taken into care, prevent those in some cases from getting into care, supporting families in their own locations, supporting First Nations people in kinship care and following up with these families after the death of a child, I mean, that's another area where we are simply ignoring . . .

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak to second reading?

Seeing none, I will call on the Member for Edmonton-Castle Downs to close debate.

Ms Goehring: Thank you, Madam Speaker. I would like to close debate on Bill 18.

The Acting Speaker: Thank you, hon. member.

The hon. Member for Edmonton-Castle Downs has moved second reading of Bill 18, Child Protection and Accountability Act, on behalf of the hon. Minister of Children's Services.

[Motion carried; Bill 18 read a second time]

Government Bills and Orders
Committee of the Whole

[Ms Sweet in the chair]

The Deputy Chair: I would like to call the committee to order.

Bill 17
Fair and Family-friendly Workplaces Act

The Deputy Chair: We are currently on amendment A9 as moved by the hon. Member for Drayton Valley-Devon. Are there any comments, questions, or amendments to be offered in respect to amendment A9?

Seeing none, I will call the question.

[Motion on amendment A9 lost]

The Deputy Chair: We are now on the original bill, Bill 17. Are there any comments, questions, or amendments? The hon. Member for Cardston-Taber-Warner.

Mr. Hunter: Thank you, Madam Chair. I rise to speak to Bill 17 and I would like to propose an amendment at this time.

The Deputy Chair: Thank you, hon. member. Your amendment will be referred to as A10.

Mr. Hunter: Thank you. I move that Bill 17, Fair and Family-friendly Workplaces Act, be amended by adding the following after section 98:

> Review by committee of the Legislative Assembly
> 98.1 Within 5 years of the coming into force of Part 1 of the Fair and Family-friendly Workplaces Act, a committee of the Legislative Assembly must begin a comprehensive review of the amendments made by that Act to the Employment Standards Code and its impact on Alberta's economy, and must submit to the Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

Now, Madam Chair, by opening up the Employment Standards Code, the NDP have afforded an opportunity for socioeconomic policy research unlike ever before. We have a baseline measure, the current employment standards. If the NDP are not willing to review this before we implement these changes, then we absolutely need to review them after they have been in place for five years. By making changes to the employment standards, we have an opportunity to have the bureaucrats and the university professors and think tanks step up, monitor changes, study the changes, and quantify their effects on Alberta's economy. Such studies would then be able to be rolled up in a major study by the Legislative Assembly by 2022, a full five years from now. The NDP should be happy for such an amendment because the academics will get jobs measuring the changes.

Knowing that a review and a report will be coming in five years will give some peace of mind to employers and employees that in five years if there are negative, unintended consequences to this act, they will be examined and hopefully fixed. Some union members may find errors or omissions and changes that will need to be made within the next five years. This will provide them with this opportunity. By having this report, those changes can be captured and implemented at that time.

This amendment changes nothing about the bill. It just encourages the next government to review what effects this bill brought upon Alberta. Like the Minister of Labour said – and she often used references to some fairly awesome '80s songs, I must add – it might have been over 30 years since this legislation was reviewed. This amendment ensures that it won't be 30 years for the next review, and the review of those effects will be recorded for all government to see and study. Good decisions can be made on public policy for themselves.

This is a good amendment, Madam Chair. There is nothing scary or dangerous that upsets the main piece of the NDP legislation agenda here. There is good governance. If the Legislative Assembly is confident that Bill 17 is good for Albertans, the Assembly will pass this amendment. If Bill 17 is not good for Alberta and the NDP fail to pass this amendment, they acknowledge they will be embarrassed by the economic impact data that would populate this five-year report. I challenge the NDP to support this amendment, that brings about good governance and does not affect the NDP legislation agenda contained in this bill.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to speak to amendment A10?

Seeing none, I will call the question.

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

[Several members rose calling for a division. The division bell was rung at 10:29 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Ms Sweet in the chair]

For the motion:

Anderson, W.	Gill	Loewen
Cyr	Hanson	Stier
Drysdale	Hunter	

Against the motion:

Anderson, S.	Jansen	Phillips
Bilous	Kazim	Piquette
Carlier	Kleinsteuber	Renaud
Carson	Larivee	Rosendahl
Clark	Littlewood	Sabir
Connolly	Loyola	Schmidt
Coolahan	Malkinson	Schreiner
Cortes-Vargas	McLean	Shepherd
Dach	McPherson	Sigurdson
Drever	Miller	Sucha
Eggen	Miranda	Swann
Feehan	Nielsen	Turner
Fitzpatrick	Payne	Woollard
Goehring		

Totals:	For – 8	Against – 40

[Motion on amendment A10 lost]

The Deputy Chair: We are back on Bill 17. Are there any members wishing to speak to the bill? The hon. Member for St. Albert.

Ms Renaud: Thank you, Madam Chair. It's my pleasure to rise and speak to Bill 17, Fair and Family-friendly Workplaces Act. Yesterday in this House – well, the last few days, actually, it's been really disturbing to hear some of the things coming from across the way talking about folks who belong to unions. They've been referred to as union thugs, all kinds of names, and they seem to believe that we are responsible to union bosses. I'm not sure what exactly that means, but, you know, given their propensity for conspiracy theories, like, climate change related, I'm not too surprised.

I'd like to share a little bit about one of my union bosses. I was the executive director of the Lo-Se-Ca Foundation for many years and managed a staff of about 150 people. We had a number of folks with disabilities that had located and secured inclusive employment. Two of those fellows – one had Down's syndrome; the other one had cerebral palsy – were employed by Superstore in St. Albert. Guess what? They were in a union. [interjections] I know. They were really bossy, too.

But the really great thing about the union, chatting with them over the years, is that they learned a lot about democracy, and they learned a lot about what their rights were. So not only was it a great experience for them, working there, being employed there, but they were also protected. While many people with disabilities in inclusive employment set-ups will often lose hours or lose positions when there are problems in the economy or things shift, these two folks did not. They were included. They were supported by the union. I just wanted to give you an example of a union boss.

The other thing that I was a little bit disturbed about was the constant reference to cherry-picking. You know, they want to say: "Well, if you just pull this part out, we'll vote for it. Totally in

favour of it. Pull this part out. We like it." Here's the thing. It's inclusive legislation. It's about employment, and there are many, many pieces that go along with that for people that belong to unions and people that don't belong to unions. I'll tell you that for many years I managed a staff of about 150 people, so I got to know the labour standards fairly closely, and I'll tell you that they were shamefully outdated, shamefully. Now, most employers in this province understood that and went over and above, but there are certainly some that do not. It is incumbent on us to update that.

But I get why the previous government steered away from this. They did so because it takes some political capital to do that, and they were not willing to do that. Clearly, this group is not willing to do that either, so it makes sense that they're going to join.

The piece that I was really happy to see is – and I'll tell you that the community of people with disabilities and their allies have been lobbying and advocating for many, many, many years to have section 45 repealed altogether. Finally – finally – section 45 is going to be gone if we approve this legislation. Section 45 was a minimum wage exemption for people with disabilities, so employers were able to apply for this permit to pay people less money. Although in the last few years it hasn't been used very often, historically it has been, and it has been used to support things like enclaves of people that do contract work for businesses. It's been used in place of a training allowance for people with disabilities. What it did was keep people down. I'm incredibly thankful that this is in this legislation.

10:50

Last week I heard somebody say: well, why not just pull that piece out? Why would you pull it out and deal with it separately? We need employment legislation and labour legislation that is inclusive of all people. Whether you have a disability or not, whether you work with a union or not, it has to be inclusive. Constantly wanting to pick out pieces that you're okay with or that your base is okay with is not only disingenuous; I think it just doesn't do service to the people that work in those situations. I for one am extremely happy that we are going to support, I am going to support this legislation.

I wanted to say one other thing. It's been tough listening to some of the things that come out of this place from the other side. I don't think they realize sometimes that when they're assigning these really nasty labels to people who work in unions, these are men and women that were present when your children were born. These are men and women that were there when you took your last breath. These are people that work in the community supporting folks with disabilities. These are home-care workers. They're firefighters. These are emergency workers. These are first . . . [interjections] Keep yammering away. That's A-okay with me.

An Hon. Member: He's calling them sewer rats.

Ms Renaud: You're calling us sewer rats?

Mr. Hanson: Nice try.

Ms Renaud: You know, it's unfortunate . . .

The Deputy Chair: Hon. members.

Ms Renaud: These guys like to stand up and call names.

The Deputy Chair: If we can speak through the chair, please.

Ms Renaud: Let's focus on the point here, and the point is that this is inclusive legislation, and I'm incredibly proud to support it. You should be embarrassed about the things that you're saying about men and women, Albertans who work hard every single day to raise their families, to make this a better province, to make this a stronger province. You know, you're just painting them with a brush. You're stereotyping them. You're generalizing.

The Deputy Chair: Hon. member, through the chair, please.

Ms Renaud: Oh, sorry. Sorry, Madam Chair.

Mr. Nixon: She had a lot of trouble with the rules. It's disappointing.

Ms Renaud: Yeah. I like the rules. I do stick to the rules, so I will go through the chair.

You know, I wanted to say that they like to tell us that they want to work together, they want to make things better, but early this morning I saw two panel members stand up and speak. They both say that they are working towards the same goal, the same legislation, the same end product, yet one of them will call the other disgusting and then expect to have a healthy working relationship when they go back to the panel table. That is disingenuous, Madam Chair.

Those are my comments about it, and I'm happy to support this legislation.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak? The hon. Minister of Status of Women and Service Alberta.

Ms McLean: I was just wondering, Chair. Questions or comments: is that . . .

The Deputy Chair: We're in Committee of the Whole, so you have 20 minutes to speak.

Ms McLean: Oh, okay. No. That's fine. Thank you.

The Deputy Chair: The hon. Member for Calgary-Greenway.

Mr. Gill: Thank you, Madam Chair. On behalf of my colleague from Calgary-Hays I would like to move an amendment, that Bill 17, the Fair and Family-friendly Workplaces Act, be amended in section 9, in the proposed section 12(2)(b), by adding ", unless the deduction would reduce the wage of the employee below the minimum wage to which the employee is entitled" after "authorized to be deducted by a collective agreement that is binding on the employee."

The Deputy Chair: Thank you, hon. member. Your amendment will be referred to as amendment A11. Please go ahead.

Mr. Gill: Thank you, Madam Chair. This amendment, if passed, will ensure that any working individual cannot have their pay reduced below minimum wage because of union dues.

Now, I know that as soon as our caucus introduces an amendment which pertains to unionized employees, many members from the government will assume that this is an attack on unions, but it's not, actually. The individual at or near minimum wage can least afford any form of wage reduction from union dues or any other reasons, right? I'm sure a number of members from the government side will rise and speak to all the benefits these individuals receive from being part of a union; however, that conversation is for another day.

Minimum wage earners are among the most vulnerable working people in this province, and anything we can do together as elected officials to ensure that the take-home portion of their wage is as high as possible is something, I think, everyone would support, and

we all should support that. At the end of the day, this amendment generally seeks to ensure that no individuals in Alberta will be paid below minimum wage, no matter where they work. I know my staff had sent this across to the minister's office ahead of time because we feel that this is a positive amendment and are hoping for the minister's support. I think that ensuring that all working Albertans get to legitimately make the minimum wage is a rather straightforward action.

I hope all members of this Assembly support it because, at the end of the day, this government's intention is to, you know, fight for everyday Albertans. So let's show them that we're protecting you. I'm hoping that I can get the support of all the members of this Assembly.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member. Just to clarify, you are moving the amendment on behalf of the hon. Member for Calgary-Hays?

Mr. Gill: That's right.

The Deputy Chair: Thank you.

Mr. Gill: Thank you.

The Deputy Chair: Are there any members wishing to speak to amendment A11? The hon. Member for Edmonton-Decore.

Mr. Nielsen: Thank you, Madam Chair. I thank the member for bringing the amendment forward and, I guess, you know, maybe some kudos, trying to protect workers on the lower end of the scale. Of course, I would love to see more enthusiasm with regard to bringing up that minimum wage to begin with. But on first look at this, as far as I know, this is not occurring in any other jurisdiction anywhere in Canada and would also violate the legislation around the Rand formula. So at this time I am not able to support this amendment and would encourage folks in the House to not support that as well. We can't be allowing these types of changes.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to amendment A11?

Mr. Coolahan: Just briefly, Madam Chair. Thank you for the amendment, but it's not an altruistic amendment. Let's face it. It's meant to sort of display that people have to pay union dues even if they are making minimum wage. What the members need to understand is that a lot of union dues go into defence funds so that members can access a lawyer if they require one. Someone on minimum wage is not going to be able to pay their own lawyer. That's what a lot of union dues are used for, defence.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to amendment A11?

Seeing none, I will call the question.

[The voice vote indicated that the motion on amendment A11 lost]

[Several members rose calling for a division. The division bell was rung at 10:59 a.m.]

[One minute having elapsed, the committee divided]

[Mr. Sucha in the chair]

For the motion:

Anderson, W.	Gill	Loewen
Cyr	Hanson	Stier
Drysdale	Hunter	

Against the motion:

Anderson, S.	Jansen	Payne
Bilous	Kazim	Phillips
Carlier	Kleinsteuber	Piquette
Carson	Larivee	Renaud
Connolly	Littlewood	Rosendahl
Coolahan	Loyola	Sabir
Cortes-Vargas	Malkinson	Schmidt
Dach	McLean	Schreiner
Drever	McPherson	Shepherd
Eggen	Miller	Sigurdson
Feehan	Miranda	Turner
Fitzpatrick	Nielsen	Woollard
Goehring		

Totals:	For – 8	Against – 37

[Motion on amendment A11 lost]

The Acting Chair: We are back on Bill 17. The hon. Member for Bonnyville-Cold Lake.

Mr. Cyr: Thank you, Mr. Chair. I appreciate the opportunity to speak. I do want to move an amendment. I would like to discuss it.

The Acting Chair: That will be referred to as amendment A12.

Please proceed, hon. member.

Mr. Cyr: Okay. I unfortunately gave my only copy to you. If I could get that, please, Mr. Chair. Thank you very much.

The Member for Bonnyville-Cold Lake to move that Bill 17, the Fair and Family-friendly Workplaces Act, be amended by striking out section 112.

Now, in that section what we've got is a government that is moving the threshold for the carding process from three months, which is 90 days, to six months, which is 180 days. Now, at this point I haven't heard from the government a good reason to be moving the process by 100 per cent to a higher threshold.

If for some reason we were to hear that we had a higher threshold than other provinces to make this vote happen, then that would be a justification that we could probably see. Let's say, for instance, that we had an 80 per cent threshold that we needed to meet where, let's say, Nova Scotia has 40 per cent. Then what happens is that we can say: well, because we've got such a high threshold, the unions should be given an opportunity to be able to make that 80 per cent threshold. Now, what we've got, though, is a very low threshold when you look at all of the provinces across Canada. Actually, from the reading I can see – and the government can correct me, but I would say that from what I can see here, we're tied with the lowest several of the provinces, reaching the threshold at 40 per cent. This amendment deals with that, saying that we've got a very acceptable range, which is 40 per cent.

My question is: why do we need to increase it from 90 days to six months? I think it's reasonable to say that it looks like what we're trying to do is to more or less allow the unions an unfair time frame to be able to influence the workers that may not want a union to go into their facility. That's where possibly we could see badgering or intimidation being brought forward, and this, obviously, is not what I would hope the intent of the government is, to bring an undue influence.

Ninety days seems to be a very reasonable time frame that a union can use. What their goal here is is to go in and make sure that the employees are educated on the benefits of a union. Then what we've got is the employer saying that this is what we believe that we've got without the union here. Then within that 90-day period we end up with a vote that's held, and we're able to see whether or not that entity is able to bring forward a vote for a union.

Now, what we end up seeing here, as many of you know, is that the longer we create this process, the more strife we've got inside of the process. If you look at some of the – well, let's go with the last federal election. I would argue that because of the length of time of that federal election, there were just a lot of people that stopped even caring about it after a while – that's a shame – which is why focusing this to 90 days gets everybody on task. It gives everybody the ability to be able to get to those employees. It gives everybody the ability to say: this is the right direction for us.

What happens here is that by the government saying that we want to unilaterally double this time frame, we are actually creating strife in the workplace. I don't believe that's what the government's intent is. I believe that their intent is to say: let's give a fair representation of being able to get this information to the employees. But in the end, I have not heard from the government as to why 90 days isn't sufficient.

So I encourage the government to strike section 112 from the bill. I encourage the government to go back to the 90 days so that we can actually have a fair time frame that has worked for, as the government continues to state, 30 years.

Thank you, Mr. Chair.

The Acting Chair: Thank you, hon. member.

The chair recognizes the Member for Edmonton-Decore.

Mr. Nielsen: Thank you, Mr. Chair. I thank the member for bringing the amendment forward. I know you pointed out that there are some jurisdictions, of course, that don't have these numbers in place, but there are also jurisdictions that do have them in place.

The reasoning behind the six-month period that was brought in, Mr. Chair, was with regard to employees that work for companies that are very, very large, vast in the number of employees that are there, as well, possibly, in multiple locations around a jurisdiction. This allows a reasonable amount of time for folks to consider whether they want to unionize or not because of geographical location, the numbers of employees. Essentially, I guess what I'm saying is that this is not a new practice by any means. It's pretty much almost Canadian mainstream now.

At this time again I'll thank the member for bringing it forward, but I won't be able to support this and will urge folks in this House to not support it as well.

11:10

Mr. Cyr: Well, I'm sad to hear that they're not looking to support this amendment. What we've seen here is a unilateral approach to dealing with everybody within Alberta. So what you've done is that you've said that because there are exceptions to this, because they may take time, let's treat all of the businesses in Alberta the same way. Let's say, for instance, there is a business out there with 10 employees. Suddenly what we've got here is that six months is just way too long.

What we need to be looking at here is: if you wanted to bring forward something that said, "Because of the length of time it takes for some of these larger companies to be able to get to the employees, possibly anybody over 300 employees," and I am picking a number out of the sky, "is a company that would be allowed to apply to the minister for an additional three months," that, I think, people would be able to accept, but by unilaterally deciding that six months for everybody – a one-fits-all, if you will, approach is not okay. That's why I'm saying that the government should put this amendment forward and then deal with it later on.

Thank you.

The Acting Chair: The Member for Edmonton-Decore.

Mr. Nielsen: Thanks, Mr. Chair. I appreciate the comments from the member. By extending the timeline from 90 days to six months, this in no way inhibits any kind of activities, meaning that, you know, if you have a smaller employer, it's going to have to drag out to six months. The process still goes as it does now, just as at 90 days. It just allows for that room for the larger groups of employees. Again, there's nothing inhibiting anything smaller. This is just simply something that's already being done in other jurisdictions to allow for the larger and more diverse geographical locations of employers.

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

[The voice vote indicated that the motion on amendment A12 lost]

[Several members rose calling for a division. The division bell was rung at 11:13 a.m.]

[One minute having elapsed, the committee divided]

[Mr. Sucha in the chair]

For the motion:		
Anderson, W.	Drysdale	Hunter
Cyr	Gill	Loewen
Against the motion:		
Anderson, S.	Jansen	Payne
Bilous	Kazim	Phillips
Carlier	Kleinsteuber	Piquette
Carson	Larivee	Renaud
Connolly	Littlewood	Rosendahl
Coolahan	Loyola	Sabir
Cortes-Vargas	Malkinson	Schmidt
Dach	McLean	Schreiner
Drever	McPherson	Shepherd
Eggen	Miller	Sigurdson
Feehan	Miranda	Turner
Fitzpatrick	Nielsen	Woollard
Goehring		
Totals:	For – 6	Against – 37

[Motion on amendment A12 lost]

The Acting Chair: We are back on Bill 17. The hon. Member for Edmonton-Centre.

Mr. Shepherd: Thank you, Mr. Chair. It's a pleasure to rise today to speak to the bill. You know, if you'd asked me, say, just over a week ago how much I thought I had in common in my beliefs with Mr. Lorne Gunter, a columnist with the *Edmonton Sun*, I would have guessed that number to be very, very low. In fact, if you'd asked me to draw a Venn diagram of our relative positions on social and political issues, I'm not sure those two circles would have touched, let alone been on the same page.

However, Mr. Chair, as of last week it appears that I was, in fact, mistaken. There is indeed a small sliver of agreement that exists between us, a sliver that contains perhaps agreement that puppies

are adorable, that "with his do-nothing budget and early election call, Jim Prentice merely confirmed Tory arrogance and cynicism" – we agreed there – and lastly, that the bill that we have before us today, Bill 17, Fair and Family-friendly Workplaces Act, is, in fact, "pretty bland" and "merely brings Alberta . . . into alignment with federal law and – more importantly – with recent Supreme Court decisions on leaves and job security." Indeed, as Mr. Gunter noted, the changes that this bill is proposing "are already standard practice at many (most?) Alberta businesses."

Mr. Chair, there is nothing extreme about this bill. Of course, no one would know that from watching the members across the aisle, who have apparently dedicated themselves to lighting their hair on fire in order to decry some aspects of this bill as the continuing advance of some kind of socialist apocalypse. Frankly, I've lost track of the number of times we've heard the words "radical" and "ideological." Now, this isn't unusual. It's actually been a pretty common tactic of some on the right of the political spectrum to try to shift the goalposts that define the political centre. For decades there have been various organizations on that right end of the spectrum who have worked to try to paint common-sense and compassionate policies as being extreme, as being part of some sort of scary socialist plot, in order to portray their own extreme ideologies in a much more moderate light.

11:20

Now, Mr. Chair, Bill 17 is not extreme. It simply brings Alberta in line with standard policy across Canada. Bill 17, unlike the views of many of the members opposite, is moderate and mainstream. It is not in any way radical or extreme. What's extreme is the view of the Member for Cardston-Taber-Warner that there should be no minimum wage.* What's radical are the views of the Member for Innisfail-Sylvan Lake on the realities and effects of man-made climate change. What's truly ideological is the apparent belief of the Member for Strathmore-Brooks that government should never, regardless of economic circumstances, take on debt and his apparent belief that employees who benefit from the work of a union on their behalf should be able to leave it to others to pay for it. Now, of course, the view that you should be able to enjoy all the benefits of systems that are built through collective effort without contributing yourself isn't that uncommon for those who hold a libertarian view of the world.

But, that said, indeed what was well outside the mainstream and indeed outside any reasonable interpretation of rights in our country was the previous government's attempt to threaten prosecution and financial penalties for anyone other than a union official or a government employee to suggest that unionized government employees participate in or consider what they deemed an illegal strike.

Mr. Hanson: Point of order, Mr. Chair.

The Acting Chair: Hon. member, a point of order has been called.

Point of Order
Allegations against a Member

Mr. Hanson: Yeah, just a point of order, Mr. Chair, under 23(h): "makes allegations against another Member." The member very clearly said that the Member for Cardston-Taber-Warner made a statement in the House that he believed that there should not be a minimum wage, and I would like to challenge him to, you know, produce the *Hansard* remarks that show that the Member for Cardston-Taber-Warner actually said those statements. Otherwise, I would ask him to apologize and withdraw that statement.

Thank you.

The Acting Chair: The hon. government whip.

Cortes-Vargas: Mr. Chair, I mean, if what we need is the *Hansard,* then we can provide the *Hansard* if we can come back to this.

The Acting Chair: Hon. members, at this time I do not have the benefit of the Blues to refer to or the citations which have been referred to, so at this moment I'll view it as not a point of order. But I do caution members about any disagreements on statements of the facts here as well.

Hon. Member for Edmonton-Centre, please proceed.

Mr. Shepherd: Certainly, Mr. Chair. I will take that under advisement. Thank you for your caution.

Debate Continued

Mr. Shepherd: Mr. Chair, I will return to my remarks. Now, indeed, as I was saying, previous legislation brought forward by the previous government which looked to restrict the free speech of individuals regarding unionized government employees participating in or considering what they deemed an illegal strike: that was extreme, ideological, and radical.

This bill, Mr. Chair, is none of those things. It's simply a long overdue alignment of Alberta's employment and labour standards with the rest of Canada, and the fact that it's taken this long for these changes to be introduced speaks to the cowardice and the skewed priorities of previous governments, who apparently had time to pass constitutionally fraught legislation that threatened the pensions and freedoms of government employees but none to ensure the protection of tens of thousands of workers across our province.

That said, Mr. Chair, now that our government is taking action to bring our employment standards into the 21st century, I've been glad to hear members across the aisle state that they're one hundred per cent in support of these changes, or at least they are in principle.

You know, I've heard more than one member of the Official Opposition opining that all employers they know already look after their employees and treat them well and wondering if it's therefore necessary to enshrine these requirements in legislation, which, frankly, leads me to question whether if, knock on wood, they had formed government in the last election, they would have had the will to provide Alberta workers with the same protections enjoyed by workers everywhere else in Canada. Mr. Chair, it's not enough to say that most workers are protected, that most employers are reasonable and compassionate. All employees in Canada deserve to be protected no matter where or by whom they are employed.

Now, Mr. Chair, last night I had the opportunity to visit Action for Healthy Communities. That's an organization in my constituency that supports new Canadians as they are settling in our city and helps to ensure that they are able to thrive here. Last night I had the opportunity to go to Action and to speak to a group of new Canadians about my work as an MLA and how I and all of us can be of help to them. After I spoke, there was a second presentation, from the executive director of the Alberta Workers' Health Centre, an organization dedicated to educating workers, both unionized and non-unionized, about their rights, particularly in the areas of health and safety.

Now, I mention this presentation for a few reasons. First of all, the presenter, when I spoke with him, noted that they've been running a program specifically targeted to new Canadians, a program that's been funded through a penalty that was paid by an employer after the workplace death of two Chinese temporary foreign workers in 2013. Now, I recognize that we're not here discussing health and safety regulations, but I think it's important

*See page 1519, left column, paragraph 16

to recognize that new Canadians and temporary foreign workers are particularly vulnerable to exploitation by employers. And this is true across the board, not just in terms of health and safety but also in terms of having access to sick leave, being able to take time off when needed to look after their children or other family, being paid the full value of their overtime, or being held responsible for a dine and dash or a gas and go.

Now, new Canadians are more likely to find themselves in somewhat precarious employment, and due to the challenges of learning a new language and culture, they are also more prone to exploitation. Sadly, there are some employers, admittedly nowhere close to a majority but some, who will attempt to exploit these workers and offer less to them than perhaps most Albertans enjoy. This bill ensures, first, that it is legally required for these employees to be granted the same rights enjoyed by employees in every other jurisdiction in Canada and, secondly, that if employers fail to meet these standards, there are administrative penalties that can be applied. Information about these employers, any employer who contravenes the code, will now be able to be published, and there is an enhanced ability to recover earnings that are owed to an employee. That's something that is going to make life better for many Albertans.

Now, the second reason that I mention the presentation that I saw last night from the Alberta Workers' Health Centre is to address the issue of consultation. Members across the aisle have repeatedly risen to claim that our government failed to conduct adequate consultation before bringing this legislation forward. They've complained about the number of consultations and who was able to take part. To be clear, Mr. Chair, this is not an issue that has never seen study before. Previous governments, in both 2007 and 2014, conducted reviews of the codes, but, as with their studies on health and safety protections for farm and ranch workers and so many other issues, those studies were simply shelved, with no action taken, because they lacked the simple courage to provide Alberta workers with the same rights that are enjoyed by all Canadians. Those governments did not have the courage or the will.

Again, Mr. Chair, these are rights that every other jurisdiction brought into place, some in response to rulings of the Supreme Court over the course of nearly 30 years, that were simply overlooked, ignored, and not addressed by previous governments in Alberta. Well, our government went through the information from those previous reviews. We looked at the court rulings. We looked at the norms and practices from every other jurisdiction in Canada. We then held face-to-face round-tables to hear from all stakeholders who might be affected, including employers, business associations, labour groups, and advocacy organizations on both sides of the political spectrum. We ensured we had all perspectives at those tables. We reviewed 400 written submissions and 5,000 responses to an online survey.

11:30

Now, Mr. Chair, to return to the presentation that I was speaking of from the Alberta Workers' Health Centre, after it was completed, the executive director of that organization came to speak to me and expressed his thanks and his appreciation for how our government conducts consultations. He talked about how much they appreciated being included and heard at the round-tables to shape the regulations being developed under the Enhanced Protection for Farm and Ranch Workers Act. He spoke of how happy they've been to see government valuing and including the voice of workers on par with all other stakeholders in considering labour legislation, something previous governments repeatedly failed to do. He noted that in the past it was generally not the case, that previous governments had a tendency to listen to the same voices, those who were loudest in the room, and not take the opportunity to ensure that all voices were included at the table.

So, Mr. Chair, I am proud of this piece of legislation. I am proud of all aspects of this piece of legislation.

We've heard from the members across the way considerably about their opinions on unions within the province of Alberta. Indeed, they seem to have a very well-developed and not terribly positive ideology developed about unions in the province of Alberta. They've had much negative to say.

They've been very adamant that we not besmirch employers in the province of Alberta, Mr. Chair, and indeed I agree with them on that. We have many, many, indeed a majority of wonderful employers in this province that are truly concerned for the welfare of their employees and truly want to do their best by them and provide them with good, healthy working conditions and fair and accessible alliance.

I would say the same for our unions in this province. I have been a union employee. I have been a private employee. I have seen good employers. I have seen good unions. I've seen poor employers, and I have seen some poor unions. It does not serve us well in this House, Mr. Chair, to paint either with a broad brush, to indulge in ideology, indeed to some extent I would say tinfoil hattery, about either group. Some of the opinions that have been expressed in this House on this particular issue I have found, to borrow a word from the Member for Rimbey-Rocky Mountain House-Sundre, disgusting.

That said, Mr. Chair, the changes that are brought forward in this legislation, I believe, are reasonable and balanced, and, as I noted early, Mr. Gunter seems to agree with me. Indeed, in the opportunities I have had to discuss this with constituents, with Albertans, indeed at my niece's barbecue birthday dinner the other week with some members of my family, in explaining how this legislation works and the intent and the realities of other jurisdictions across Canada, I have not encountered anyone who does not find that these changes are reasonable and fair.

We are not here, Mr. Chair, to tilt the balance in one direction or another. We are here to restore a fair floor on which all Albertans have the opportunity to be treated equally, to access the rights that all other Canadians enjoy, to be able to have the time off to look after their family when they're ill, to indeed take time off when they themselves are ill. Indeed, we are here talking about the rights of mothers to be able to look after their children, to take the full maternity leave that is available to them under EI, all things which, again I will state, I have serious doubts would have been priorities should any of the other members across the aisle had formed government, looking at the history of how Conservative governments in this province have chosen to operate.

Mr. Chair, I also truly believe it is fair and it is balanced in our approach to the rights that are available for union certification, keeping the secret ballot, and allowing a vote to take place should there be less than 65 per cent of workers who have signed a card. In the case that after hard work and discussion more than 65 per cent have signed a card, I think it is reasonable that we grant that union.

Indeed, as has been discussed in this House, there can be intimidation in that process, and it happens on both sides of the table. We on this side of the House are not singling out one group over the other, unlike members across the aisle, who seem to consistently disparage unions, which work hard to represent the people of this province, to serve their interests. I'm very proud to say that we are indeed keeping the private and secret vote just as it was unless they're able to get a supermajority, which I don't think is unreasonable. Mr. Ken Kobly of the Alberta Chambers of Commerce agreed that it was a reasonable compromise. These are steps which are going to provide, I think, a more fair and balanced

workplace for all Albertans despite the protestations of those across the aisle.

We are not hiding anything in this bill, Mr. Chair. I am standing proudly in this House for all aspects of this bill, aspects which are all connected, all related, all to do with labour and employment standards, all to do with the kind of workplaces and opportunities that employees have, unlike other governments in Canada, which would bring forward large omnibus bills on unrelated subjects, covering a ridiculous range of topics. In this circumstance this is not an omnibus bill. It's a large bill, absolutely. It would not be so large had not previous governments taken 30 years to look at making badly needed updated changes.

Frankly, Mr. Chair, this could have been a much, much less painful process if, as these rights were introduced in other parts of Canada, as the Supreme Court had brought in rulings, previous governments would have taken those changes in stride, if they'd had the courage to face those who would stand against them or those who they were concerned about, who were perhaps making donations or other things, which kept them from making motions or moving forward on these changes. These changes could have been implemented over time.

But that is no argument, Mr. Chair, for why these rights, that are enjoyed by other Canadians all across our country, should be withheld a moment longer from the people of Alberta. It is high time these changes were made. It is high time this legislation was brought forward and passed in this House.

I will be proud to stand as a member and vote in favour of this legislation as it stands. Thank you, Mr. Chair.

The Acting Chair: The hon. Member for Cardston-Taber-Warner.

Mr. Hunter: Thank you, Mr. Chair. The member opposite from Edmonton-Centre used the word "courage" quite a few times. You know, I was just thinking about it, as he said that word multiple times – I think that the reality is that an act of courage on the part of many of the members over there would have been to recuse themselves from this conflict of interest because they talk about these things that they're in complete conflict of interest on. That would've been courageous. The kind of stuff that was coming out of the member's mouth there, I just thought – you talk about courageous out of one side of your mouth, but you're not willing to be courageous and actually recuse yourself from the things that you are doing.

The other thing that I wanted to say as I was listening to him – you know, the reality is that I talk to a lot of members . . .

The Acting Chair: My apologies for interrupting. I've just been advised that in relation to policy anything that's been referred to the Ethics Commissioner should not be referenced in the House until deliberations have been concluded.

Mr. Hunter: Okay. Thanks very much for saying that. I appreciate your giving me that information.

You know, Mr. Chair, I was thinking about this issue and about the problems that we're facing with this . . . [interjections]

The Acting Chair: Hon. members, the Member for Cardston-Taber-Warner has the floor.

Please proceed, hon. member.

11:40

Mr. Hunter: Now, I was thinking about the problems with this bill, and I talked to lots of businesses out there. I keep on hearing on that side that "everybody we talked to" – the Member for Edmonton-Centre said: everybody I've talked to is in favour of this. You know what? I would have to say that that member needs to get out a lot more because the people I talk to are very upset about this bill. In fact, many of the people that I talk to say that this is the absolute worst bill that this government has brought in. [interjections]

The Acting Chair: Hon. members. I hesitate to interrupt, but I want to . . . [interjections] Hon. members, the Member for Cardston-Taber-Warner has the floor. Please allow him to have his opportunity.

Please proceed, hon. member.

Mr. Hunter: Thank you, Mr. Chair. Anyways, what I was trying to say was that in talking with the job creators, there is a symbiotic relationship between the job creators and those who have jobs. That symbiotic relationship is defined by our labour laws. It is not unreasonable for us to take their considerations as well as those of the employees into account.

As I listen to this, to the arguments that I've heard over the last few days about this, I remember a story that was told to me many years ago. I thought that it would be applicable here. It's the story of a young boy that went to his mom and wanted to have some fish pets. His mom decided to go and get him a bowl and water and fish, and said: "You need to feed these fish. You need to take care of them." The young boy for a long time kept on feeding the fish, and mom was happy with the situation, and then the fish started to . . .

An Hon. Member: Unionize.

Mr. Hunter: That was funny.

The boy decided that he wanted to start feeding the fish arsenic, and he would feed little bits of arsenic to the fish, and his mom came to him one day and saw what he was feeding to the fish and said: "You can't do that. If you feed that to the fish, they're going to die." He said: "No, mom. I've been feeding this to the fish for a while now, and you know what? They haven't died." She said, "Listen, if you keep on feeding this to the fish, they're going to die." Now, the mom had some information here that the young boy didn't.

The problem with this government is that, as I've watched this government for the last two years, I do not think they realize that if you continue to feed this economy the arsenic that you are, the job creators are going to leave, and they have been leaving. In fact, for the last two years we've dropped $24 billion of investment. The Conference Board of Canada: you can't argue with those numbers. You keep on talking about how the Conference Board of Canada says: 3.3 per cent increase in the economy. They say that we've dropped $24 billion in the economy. A death by a thousand cuts is still a death. What happens is that they keep on piling onto Albertans.

They keep on telling Albertans: "They didn't do it right in the past. They don't know what they're doing. We'll do it better now." How many times have we heard that from a government of an NDP or a Liberal ilk? It is amazing how many times we've seen it.

We've seen what has happened in Ontario, and continually this government goes down that road. It's almost like they think: "You know what? No. Mom, we can keep on giving them the arsenic. The fish won't die." But they did die in Ontario. They're leaving. High energy prices over there. The cost of business has skyrocketed, and they're leaving. They just can't do it anymore. These are the job creators. You are supposed to be the champions of the employee. Do you not realize that there is an actual symbiotic relationship between the employer and the employee?

The issues that we are dealing with here have real consequences, Mr. Chair. Unfortunately, I do not believe that this government is taking those consequences into account. They refuse to do economic impact studies, which would actually tell them in

advance, based upon other jurisdictions that have done these sorts of things, what the consequences to the economy would be. They refuse to do it. I've asked them numerous times: will you please do an economic impact study? And they say: "No, no. We know what we're doing. Trust us. Scout's honour."

In the end, we continue to lose jobs, a hundred thousand jobs lost, two years. You're absolutely right. We have been in a low oil price economy. This has caused us a lot of problems, but you're not helping. You're not helping when you bring forward this kind of omnibus, sweeping legislation to this kind of . . . [interjections] You know what? If I could just pull out the legislation now and show you the size of the book, you'd realize that it is actually an omnibus.

An Hon. Member: Size doesn't always matter.

Mr. Hunter: That was actually funny, too.

Mr. Chair, I rise and I want to speak to this Bill 17. In an employee-employer relationship there is straight time for wages, but there is also overtime. The employer can ask an employee to work longer hours for compensation. On the other side, the employee might be so motivated and in need of extra work that they might wish to work the overtime and offer to work the overtime to the employer. One is employer driven; the other is employee driven. Provisions need to be made for both of these scenarios. Employers need to have the flexibility to reward that overtime.

I heard the government side of the House say just the other day that one size does not fit all. Well, one size does not fit all in overtime legislation as well. Having all overtime, no matter what the circumstances are, rewarded by 1.5 times the wages lacks that flexibility. So I wish to move an amendment, Mr. Chair.

The Acting Chair: That'll be amendment A13, hon. member. Please proceed.

Mr. Hunter: Thank you, Mr. Chair. I move that Bill 17, Fair and Family-friendly Workplaces Act, be amended in section 15(c), in the proposed section 23, by adding the following after subsection (4):

> (5) Notwithstanding anything to the contrary in this Division, an employee and employer may agree that the employee may work overtime hours in order to have time off with pay and the employer shall provide time off with pay instead of overtime pay, which shall be paid at the employee's wage rate at a time that the employee could have worked and received wages from the employer.

Now, Mr. Chair, there are many employees who request to work an hour or two extra a day in cases where they want to have a longer weekend or a certain day off without using their holidays. Albertans are known for their hard-work ethic, and we shouldn't discourage it. This would no longer be able to happen under this bill. The NDP wanted a fair and family-friendly workplace, and this amendment helps make Bill 17 more fair and family friendly for the Albertans that have a get 'er done attitude.

Not being able to bank hours instead of getting time and a half in pay can inhibit families who want that time together. If an employee wishes to work now instead of later and it is agreeable with their boss, who are we to say that we cannot do this? The agreement is consensual. Why would someone cap and restrict and demotivate the employer by forcing the one-fit pay option at 1.5 times the hours? An employer is less likely to let an employee work now instead of later if they have to grant the employee 1.5 times the hours in lieu. Governments want their income taxes, right? Well, an employer just might try to bypass income tax and just do it under the table instead. Is that what the government wants? With income taxes falling because of fewer people working, the government needs those tax dollars flowing to pay for their spending. We all know how much governments, especially NDP governments, love to spend, but this amendment would still protect workers in that if their boss asked them to work longer now instead of later, they are protected and receive 1.5 hours in return. This protects workers while also allowing workers to have the choice of when they want to do overtime work.

11:50

We do not know the situation of every person in every job. We should not legislate as though we are all-knowing and that everyone is the same. With changes to the global economy happening and the growing high-tech and technical skills markets in Alberta, employees want the flexibility and have the increasing need to be able to work at the same time as people in Tokyo, Hong Kong, Mumbai, or London. These provisions of this amendment allow that international collaboration and teamwork on projects. This keeps the spirit of the NDP bill while improving it to protect workers' choice.

I look forward to receiving the support of my hon. colleagues from the government bench on this amendment. Thank you, Mr. Chair.

The Acting Chair: Any other members wishing to speak to amendment A13?

Mr. Cyr: I would like to thank my hon. colleague for bringing this forward. This actually is a bill that is – the part that has been brought forward by the government on this is overtime. I understand why they're wanting to go in that direction, but I will tell you that this is something that will change the field that I used to be in, which is accounting. What happens is that we compress our time from about January till May. We spend a lot of our hours in that time doing a lot of overtime. What happens in the accounting industry is that it slows down remarkably when you hit June, July, and August, and then the corporate part takes up some time in September, October, November, and December. So what happens for the accountants is that you work a lot of hours, but you can take a lot of the summer off. It actually is a system that has worked for years very, very well. The time-in-lieu system is what makes it work so well.

When we have the government tinkering in this area, my concern is that we're going to start seeing accountants move away from full-time employees. They're going to bulk up during that tax season time frame. So instead of having the normal, say, 15 or 20 employees that we used to sit at, we'd end up with 30 or 40 employees for January, February, March, and April. And then what would happen is that you would lay everybody off because, in the end, your business can't support them through those other months. I can only imagine that there are other professions out there that are going to be dramatically impacted by this change in the way that we deal with time in lieu.

So I encourage you to support my fellow member. This is actually a thoughtful amendment that is going to solve problems before the government has to go in and fix it. This needs to be fixed.

Thank you.

The Acting Chair: Are there any other speakers to amendment A13? The hon. Member for Edmonton-Decore.

Mr. Nielsen: Thank you, Mr. Chair. I was just a little bit delayed coming in here.

I appreciate the member across the way bringing in the amendment here. This pretty much circumvents what we're trying to create, which is already pretty much a standard in most if not all

of the jurisdictions in Canada. Overtime is overtime. An employer controls that overtime, okay? I know in the past with my members I've always counselled them: never build your life around overtime because it's always here today, potentially gone tomorrow. That's the right of the employer to give overtime when it becomes necessary for the business, as they should.

The other little concern I have is that if we did accept this amendment, potentially workers that are in precarious positions could now be, shall we say, compelled to take a lower option rather than being paid rightfully for the overtime work that they have been asked to work. I don't think anybody on this side of the House is prepared to put those folks in that position.

Again, I will thank the member for the amendment here. I won't be able to accept this and support it at this time. You know, this is about making sure that everybody has a level standard right across the board, and this certainly would not create that level standard.

The Acting Chair: Hon. members, pursuant to Standing Order 4(3) the committee shall now rise and report.

[Mr. Sucha in the chair]

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

Mr. Dach: Thank you, Mr. 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 Acting Speaker: Does the Assembly concur in the report? Say aye.

Hon. Members: Aye.

The Acting Speaker: Those opposed, say no. That report is carried.

The hon. Deputy Government House Leader.

Mr. Carlier: Thank you, Mr. Speaker. We had very interesting work this morning, but I wish now to adjourn and reconvene at 1:30 this afternoon.

[Motion carried; the Assembly adjourned at 11:56 a.m.]

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