



Province of Alberta

The 29th Legislature
Third Session

Alberta Hansard

Monday evening, December 4, 2017

Day 60

The Honourable Robert E. Wanner, Speaker

Legislative Assembly of Alberta The 29th Legislature

Third Session

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Jabbour, Deborah C., Peace River (NDP), Deputy Speaker and Chair of Committees
Sweet, Heather, Edmonton-Manning (NDP), Deputy Chair of Committees

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Anderson, Wayne, Highwood (UCP)
Babcock, Erin D., Stony Plain (NDP)
Barnes, Drew, Cypress-Medicine Hat (UCP)
Bilous, Hon. Deron, Edmonton-Beverly-Clareview (NDP)
Carlier, Hon. Oneil, Whitecourt-St. Anne (NDP)
Carson, Jonathon, Edmonton-Meadowlark (NDP)
Ceci, Hon. Joe, Calgary-Fort (NDP)
Clark, Greg, Calgary-Elbow (AP)
Connolly, Michael R.D., Calgary-Hawktown (NDP)
Coolahan, Craig, Calgary-Klein (NDP)
Cooper, Nathan, Olds-Didsbury-Three Hills (UCP)
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (NDP),
Government Whip
Cyr, Scott J., Bonnyville-Cold Lake (UCP)
Dach, Lorne, Edmonton-McClung (NDP)
Dang, Thomas, Edmonton-South West (NDP)
Drever, Deborah, Calgary-Bow (NDP)
Drysdale, Wayne, Grande Prairie-Wapiti (UCP)
Eggen, Hon. David, Edmonton-Calder (NDP)
Ellis, Mike, Calgary-West (UCP)
Feehan, Hon. Richard, Edmonton-Rutherford (NDP),
Deputy Government House Leader
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Fitzpatrick, Maria M., Lethbridge-East (NDP)
Fraser, Rick, Calgary-South East (Ind)
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Deputy Government House Leader
Gill, Prab, Calgary-Greenway (UCP),
Official Opposition Deputy Whip
Goehring, Nicole, Edmonton-Castle Downs (NDP)
Gotfried, Richard, Calgary-Fish Creek (UCP)
Gray, Hon. Christina, Edmonton-Mill Woods (NDP)
Hanson, David B., Lac La Biche-St. Paul-Two Hills (UCP)
Hinkley, Bruce, Wetaskiwin-Camrose (NDP)
Hoffman, Hon. Sarah, Edmonton-Glenora (NDP)
Horne, Trevor A.R., Spruce Grove-St. Albert (NDP)
Hunter, Grant R., Cardston-Taber-Warner (UCP)
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Loyola, Rod, Edmonton-Ellerslie (NDP)

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Payne, Hon. Brandy, Calgary-Acadia (NDP)
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Piquette, Colin, Athabasca-Sturgeon-Redwater (NDP)
Pitt, Angela D., Airdrie (UCP),
Official Opposition Deputy House Leader
Renaud, Marie F., St. Albert (NDP)
Rosendahl, Eric, West Yellowhead (NDP)
Sabir, Hon. Irfan, Calgary-McCall (NDP)
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Starke, Dr. Richard, Vermilion-Lloydminster (PC)
Stier, Pat, Livingstone-Macleod (UCP)
Strankman, Rick, Drumheller-Stettler (UCP)
Sucha, Graham, Calgary-Shaw (NDP)
Swann, Dr. David, Calgary-Mountain View (AL)
Taylor, Wes, Battle River-Wainwright (UCP)
Turner, Dr. A. Robert, Edmonton-Whitemud (NDP)
van Dijken, Glenn, Barrhead-Morinville-Westlock (UCP)
Westhead, Cameron, Banff-Cochrane (NDP),
Deputy Government Whip
Woollard, Denise, Edmonton-Mill Creek (NDP)
Yao, Tany, Fort McMurray-Wood Buffalo (UCP)
Vacant, Calgary-Lougheed

Party standings:

New Democratic: 54 United Conservative: 26 Alberta Party: 2 Alberta Liberal: 1 Progressive Conservative: 1 Independent: 2 Vacant: 1

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| David Eggen | Minister of Education |
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| Christina Gray | Minister of Labour, Minister Responsible for Democratic Renewal |
| Sandra Jansen | Minister of Infrastructure |
| Danielle Larivee | Minister of Children's Services |
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| Jessica Littlewood | Economic Development and Trade for Small Business |
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Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Coolahan
Deputy Chair: Mrs. Schreiner

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| Cyr | McKitrick |
| Dang | Taylor |
| Ellis | Turner |
| Horne | |

Standing Committee on Alberta's Economic Future

Chair: Mr. Sucha
Deputy Chair: Mr. van Dijken

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| Carson | McPherson |
| Connolly | Panda |
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| Fitzpatrick | Schreiner |
| Gill | Taylor |
| Gotfried | |

Select Special Auditor General Search Committee

Chair: Mr. Shepherd
Deputy Chair: Mr. Malkinson

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| Gill | van Dijken |
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Standing Committee on Families and Communities

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| Drever | Orr |
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| McKitrick | |

Standing Committee on Legislative Offices

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| Gill | Pitt |
| Horne | van Dijken |
| Kleinsteinuber | Woollard |
| Littlewood | |

Special Standing Committee on Members' Services

Chair: Mr. Wanner
Deputy Chair: Cortes-Vargas

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| Cooper | Nixon |
| Dang | Orr |
| Jabbour | Piquette |
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| McIver | |

Standing Committee on Private Bills

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| Babcock | McKitrick |
| Drever | Rosendahl |
| Drysdale | Stier |
| Fraser | Strankman |
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| Kazim | |

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Ms Fitzpatrick
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| Carson | Loyola |
| Coolahan | McPherson |
| Cooper | Nielsen |
| Ellis | Schneider |
| Goehring | Starke |
| Hanson | van Dijken |
| Kazim | |

Standing Committee on Public Accounts

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Standing Committee on Resource Stewardship

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| Kazim | Woollard |
| Kleinsteinuber | |

Legislative Assembly of Alberta

7:30 p.m.

Monday, December 4, 2017

[Ms Sweet in the chair]

The Acting Speaker: Good evening, everyone. Please be seated.

Government Bills and Orders Second Reading

Bill 30

An Act to Protect the Health and Well-being of Working Albertans

Mr. Gotfried moved that the motion for second reading of Bill 30, An Act to Protect the Health and Well-being of Working Albertans, be amended by deleting all of the words after “that” and substituting the following:

Bill 30, An Act to Protect the Health and Well-being of Working Albertans, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Alberta’s Economic Future in accordance with Standing Order 74.2.

[Debate adjourned on the amendment November 30: Mrs. Pitt speaking]

The Acting Speaker: Are there any members wishing to speak to the referral amendment? The hon. Member for Airdrie.

Mrs. Pitt: Thank you, Madam Speaker. I rise today to continue my speech on Bill 30, An Act to Protect the Health and Well-being of Working Albertans. Here we are again at 7:30 at night in this family-friendly Legislature in the dying days of the legislative session dealing with an omnibus bill, and once again it’s major legislation that is important to both employees and employers. For that reason alone, it requires and deserves thorough scrutiny, for that is our job in this Legislative Assembly.

Bill 30 is 147 pages of significant changes to two acts, the Workers’ Compensation Act and the Occupational Health and Safety Act. The NDP has decided to combine its proposed amendments to these acts in one bill yet again. They even came up with a title theme that makes it appear that all of these amendments should be together, yet this government could have easily kept them separate, just as it did for its two marijuana bills, which we do appreciate.

Let’s look at the common-sense way of dealing with these changes. Recently the government introduced Bill 29, which only amended the Traffic Safety Act to deal with marijuana and impaired driving. Two days later it introduced Bill 26, which amended the Gaming and Liquor Act to include cannabis. Separating the bills in this fashion allowed members of this Chamber to focus on the specific objectives of each of these bills, extremely important when we’re making smart decisions in this Legislature. It allowed for good debate, positive amendment proposals, focused debate, Madam Speaker.

However, when it comes to sweeping labour legislation, the NDP seems to have a pattern of choosing a different track. First, we had Bill 6 for farm workers. This bill has a rich history of controversy, as I’m sure everyone in this House remembers, initially due to the fact that the NDP chose not to consult with the very people its proposals would significantly impact. But let me point out another trend. Bill 6 was introduced on December 1 and was before the House for all of four days. I think you can certainly call that fast-tracking, Madam Speaker.

Now, let’s turn to the comprehensive labour legislation this government introduced last spring, once again in the dying days of session. That was Bill 17, a 252-page bill, that was before this House for three days longer than Bill 6. Yes, seven days: that’s all the time that was afforded for a massive piece of legislation, which, just like Bill 30, also amended two comprehensive acts, the Employment Standards Code and the Labour Relations Code.

To recap, Bill 6, at 12 pages, was before the House for four days, and Bill 30, a whopping 252 pages, was before this House for seven days. Now we have another comprehensive labour bill before us, and there are only a few days left before this House rises for Christmas. Maybe, I suspect, we’ll be here longer than that.

Not only is this government not the least bit worried about pushing through sweeping labour legislation at the last minute and invoking closure when the debate gets dicey for the government, but it continues to see consultation as a nuisance. With Bill 6 the government thought it was unnecessary, and then thousands of farmers turned up on the steps of the Legislature. Then with Bill 17 it held sham consultations with business organizations. The minister assured everyone that these were fulsome consultations, yet we learned that many business leaders had been pleading with her to meet with them prior to introducing the legislation. She refused to do so until some went public with her refusals. Then she held meetings after she introduced the legislation and claimed that they were part of her original consultation, but business leaders called her on that, too.

For Bill 30 the NDP instead chose to consult through a comprehensive web survey, yet that survey only provided options the government wanted to see implemented. In other words, it was designed to get the answers it wanted, not what Albertans wanted. Where’s the proof of that? Well, the bill was presented last Monday, and today influential business organizations like the Alberta Chambers of Commerce are urging the government to send Bill 30 to committee to allow for a thorough review. And now with my colleague the hon. Member for Calgary-Fish Creek bringing this referral motion forward, we have a true test for this government. What will they do, Madam Speaker?

This is the third piece of labour legislation that we fully expect to see pushed through this House in quick order. I will hold out a small bit of hope that this government will do the right thing. The NDP has a chance, a chance to prove the opposition wrong and do the right thing by Albertans. It can agree to this motion. Referring it to committee is the only way to properly assess Bill 30, and the government knows it. If it doesn’t agree to it, clearly it’s not interested in having Bill 30 scrutinized at all. What does this tell you, Madam Speaker?

Perhaps I shouldn’t hope that they will do the right thing, but I can’t help it, and I will hold out hope. If just this once the NDP government takes the advice of the Official Opposition, it may find that spending time consulting with stakeholders pays off not just in legislation that better reflects Albertans but that Albertans will appreciate them for it as well. I can promise you that Albertans will notice. They could also pull the bill and split it into two, one for WCB changes and one for OH and S.

The choice is theirs, Madam Speaker, and I will hold out hope that this government will do the right thing and vote to refer this bill to committee, where it can be properly scrutinized, where experts can be brought to the table. They can testify, can offer help, changes. They can ensure that the majority of Albertans will have input into this piece of legislation. They can be assured that this is the right thing for Alberta, not just what they think is the right thing but what Albertans think is the right thing, which I can assure you is the most important thing that we as legislators should be doing in

this House. I would hope that I wouldn't need to remind the government that they are here on behalf of Albertans.

They can prove here today that they're here for all of us, all Albertans, all of the people that we represent by passing this motion to put this bill to committee, where it can be properly scrutinized. Heck, it could even be a quick process. But let's invite everyone to the table. Let's allow everyone to have a voice on such a massive, sweeping change of legislation that affects so many people in this province. We can really make sure that some of the good things are put forward, that some of the harmful things can be thoughtfully debated. Proper evidence could be brought forward, Madam Speaker, so that Albertans will feel confident in the legislation that is passed in this House, not only by their government but by opposition members as well.

I would urge all members in this House to vote in favour of the motion by my hon. colleague for Calgary-Fish Creek to refer this to committee. If the government truly feels that this is the right thing for Alberta and that the people of Alberta want to see these changes, then that evidence will be clearly shown in a committee setting, and all members can have input as, after all, we're all representatives of the people that have elected us to be here. That's an important role, which I know many of us take very, very seriously. We need to see the bill in committee. We need to bring experts forward.

7:40

We need to have proper scrutiny of Bill 30, and perhaps, maybe, the government will see that this bill is actually two bills that should be separated. That would certainly be a recommendation from the opposition. I think it would be a fair thing to do, to separate WCB and OH and S. It would certainly create a more fulsome debate. It would be a lot easier for Albertans to engage with, when there is a focus and an area of direction. But, hey, maybe that's not what comes out of committee. I don't know. We don't have that opportunity.

That's why it's important for members of this House to support the referral motion to bring this forward in a committee setting, where we can do the right thing by Albertans for Albertans.

With that, I thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak under 29(2)(a)? The hon. Member for Edmonton-Decore.

Mr. Nielsen: Thank you, Madam Speaker. Just a quick comment with regard to the consultation. I think that saying that consultation is being treated as an inconvenience on this side is not exactly overly respectful to the multitude of folks that participated. With anywhere from employers and workers and labour groups, municipalities even, health and safety technical experts as well as safety associations, you know, I don't think we necessarily want to be placing their comments that they've put forward with regard to this bill – I mean, more than 1,300 online surveys, 90 written submissions, with over 200 stakeholders participating, and that's just in occupational health and safety, not to mention the over 1,700 questionnaires, 200 written submissions, 67 workbook responses for WCB, and then the 60 responses to the panel's own report.

I think that this is, you know, some very good information that has been put forward for consideration with this bill. I would just maybe ask members to keep that in mind when we talk about their submissions being treated as inconvenient.

The Acting Speaker: The hon. Member for Airdrie.

Mrs. Pitt: Thank you, Madam Speaker, and thank you to the hon. member for your input, certainly something that's available online.

I think that it's important to mention that the document says that it received input from Albertans over a nine-week period. That's 45 business days. I can appreciate that there was some consultation that took place. However, this is not information that is shared with all members in this House, and to ask members of this House to support or trust the word of the government and the feedback that they received, that is not open to everyone in this Assembly, is not exactly a good example of responsible governance.

Thank you.

The Acting Speaker: Are there any other members wishing to speak under 29(2)(a)? The hon. Member for Bonnyville-Cold Lake.

Mr. Cyr: Thank you, Madam Speaker. You know, I have to say that we mentioned earlier the daylight savings time act. We decided that we would move that to committee because it was so important to Albertans to hear about an hour difference on one side or the other of the day. And you know what? My constituents actually were very vocal when it came to daylight savings time, both for and against. So just to hear that we spent all that time on daylight savings time, which is definitely important to a lot of Albertans, but not be able to speak with a more thorough consultation about worksite safety seems strange.

You've said 1,300 online surveys, 90 written submissions, eight in-person, facilitated round-table discussions involving 200 stakeholders representing employers, workers, OH and S professionals, work and safety associations and academics. And you know what? Of course, I agree. You don't want to demean these people for what they've done. But you sure didn't give them enough of an opportunity to speak. You gave them, it looks like, a survey where you got the answers you were looking for. I've seen your surveys before. They are terribly misleading. They are trying to get to answers that you're hoping to get to so that you get some overwhelming affirmative of yea or nay to the questions that you're trying to ensure, that more or less fill out the opinion you've brought forward.

So when we look at the scope of this, we could do better. I think that's really what my colleague is saying, that we can do better. We can actually do a better job of consulting with Albertans. From what I understand, the committee that reviewed the Daylight Saving Time Act had – and somebody can correct me if I'm wrong – 14,000 online responses. This is less than 10 per cent of what we did with daylight saving time. It tells you that we have the ability to outreach to Albertans. Why wouldn't we?

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak to the referral amendment? The hon. Member for Cardston-Taber-Warner.

Mr. Hunter: Thank you, Madam Speaker. I rise this evening to speak on the motion for referral of Bill 30, An Act to Protect the Health and Well-being of Working Albertans, moved by my colleague the Member for Calgary-Fish Creek. When it comes to Alberta's workforce, nothing is more important to me and the members on this side of the House than protecting these hard-working men and women. That is why it is paramount that we not rush this bill and that we get it right for the people it is intended to protect. Put in the simplest terms, the OHS Act and the WC Act have not been revised since 2000, over 17 years ago. What is the harm in taking a few extra weeks to ensure that due diligence is complete? Let us put the lives of Alberta workers ahead of ideological agendas and an unrealistic timeline. The best way to do that is to refer this bill for further study by committee.

Madam Speaker, anyone who has been in my constituency in southern Alberta knows that you'll find some of Alberta's hardest working, compassionate, and caring people there. Whether you're just visiting, new in town, or your family dates back to the early pioneers in the mid- to late 1800s, you're always treated like family and made to feel welcome. That's because where I come from, we look out for each other. There are all kinds of communities in the south brought together by religious conviction, athletics, vocation, hobby interests, and the list goes on. But when faced with adversity, we circle the wagons round each other. We look out for each other. No one gets left behind. That's the Alberta way, and that's the spirit that this bill should be written with.

Unfortunately, Bill 30 fails to accomplish this goal on a number of fronts. In the short time I have been given to meet with stakeholders since this bill was first read, it's become clear that their interests have not been accounted for or they have been flat out ignored. For that reason, this bill should be referred to committee for review so that we have an opportunity for all members, both sides of the House, to be able to hear the concerns and the wishes of the people who are being represented in this bill. That's the best way to be able to vet this bill and to make it so that it's open and transparent.

Madam Speaker, this bill in its current form will severely jeopardize Alberta's path to recovery. I want to say that again. I truly believe that the unintended consequence of this bill could potentially cause severe problems for the recovery that Alberta is on.

The existing and future success of Alberta's employers rests on their ability to recruit and retain talented employees from around the country, even from around the world. A large portion of this success will be a result of a system in place to compensate injured workers that is effective, efficient, and, most importantly, sustainable. However, Bill 30 doesn't address the real problems here. One of the biggest failings of the current system is not the amount of money or level of benefits distributed but how the rulings passed impact employees and employers, including the burden of proof required by employers or the new provision for WCB staff to use creative licence and solutions.

Creative licence sounds like a fancy progressive term, but when boiled down, it really translates to lack of consistency. When we are dealing with the livelihood of Alberta's workforce, the last thing we can leave subject to interpretation is how money and benefits are distributed. When making rulings, a significant amount of responsibility will be placed on case managers and their level of skill as advocates. Instead, we should be relying on precedents and standardized procedures to ensure that the needs of claimants are met and dealt with fairly and impartially.

7:50

Madam Speaker, we also can't have the appearance of the WCB picking winners and losers when it comes to claims. Standardization of process will eliminate any chance of worker resentment towards colleagues and the WCB system. If two workers with equal claims are treated differently during review, there will likely be an appeal process that follows. This will cause unnecessary strain on our system. With a system that brings in \$1 billion worth of payments from the 160,000 some-odd businesses in Alberta to the Workers' Compensation Board, I think it's extremely important to make sure that this does not inflate, and I'm concerned about this bill inflating those numbers to the point where it cannot be sustainable.

The workers' compensation system is built on the tenets of the Meredith principles. These state that employers will pay for the workers' compensation system and share the liability for injured

workers, with the understanding that injured workers get the benefits they deserve while they recover but are unable to litigate their employers. To be effective, the Meredith principles require that all decisions made on a claim be done impartially, based on sound evidence, legal precedents, policy, and an impartial process. For this to take place, the Workers' Compensation Board appeals process must – and I repeat: must – remain at arm's length from the government. This is to avoid any real or perceived government intervention and influence.

However, this bill gets a failing grade when it comes to influence. Here is just one example. The occupational disease and injury advisory committee is to be established under the minister and consists of a select number of members with distinct qualifications. First, the director of medical services, occupational health and safety, will chair the committee. That makes sense, to have occupational health and safety and medical services personnel on there. Next, the board should designate someone who is a physician: again, reasonable given the nature of the claims the board will see. Another committee member must be from the Department of Health, also a worthy addition. Fourth, an employee of Alberta Health Services, designated by Alberta Health Services. Next, an employee of Covenant Health: obviously, an organization with some expertise in the field.

What about the sixth provision? The committee may also include three persons appointed by the minister. Why would the minister need to appoint three members of a committee this small? Furthermore, what would said members bring to the committee? Each of the previously mentioned appointees have an existing level of involvement in the WCB or the OH and S field. However, these three appointees have no requirements for them besides being appointed by the minister.

The problem we have here is twofold. First, there is certainly political injection into this committee that was not there prior. Second, there is no merit-based approach for appointees from the minister's office. Similar to the issue I raised earlier about creative licence, I see a lot of opportunity here for creativity on the part of the occupational disease and injury advisory committee.

There are significant concerns, Madam Speaker, with enshrining the obligation to return an injured worker to work within the Workers' Compensation Act. Provisions already exist within human rights legislation, and this is a situation where we see a disconnect between human rights and workers' compensation legislation, which would be detrimental to both workers and employers. Having a different standard in the WC Act creates conflict between the two pieces of legislation, and applying the same standard is redundant. It already exists and applies to Alberta employers. That's taken from the Industry Task Force release on Bill 30.

Talk about removing the cap for maximum allowable earnings: this will make it impossible for the government and the WCB to accurately cost out the program. This will rise . . .

The Acting Speaker: Hon. member, I hesitate to interrupt. We are on the referral amendment, not the bill, so I'm just wondering if you could please speak to the referral instead of the content of the bill.

Mr. Hunter: Thank you, Madam Speaker. I appreciate the comment, and I will make sure that I get back to talking about the referral. I wanted to make sure that I gave context so they understood why we need to make sure that we bring this back to a committee to be able to study it. In order for us to be able to understand why it's so important, I have to give context. This is the reason why I'm giving this information.

I have no doubt that the members opposite, especially the minister, have taken the time and done everything they can to try to make this the best bill possible. The problem is that there are over 160,000 businesses in the province of Alberta, and because of that, we need to make sure that we get as many of their perspectives on this bill as we can in a transparent, open, committee forum, that will allow these businesses to be able to present their information. Then we can have an all-party discussion about which are best practices and what actually should be brought forward.

Now, I also want to point out that according to the Alberta Chambers of Commerce one of the more significant indirect effects of Bill 30 will be the rapid onset of the new legislation, that small and medium businesses will be unable to afford. Many parts of this bill will come into effect only a few short weeks from now, January 1, 2018. The remainder of the bill will come into effect on July 1 and September 1 of the coming year. The chamber recommends, like the members of this side of the House, that the government refer this bill to a committee to be further reviewed. This will allow us to meet with stakeholders from the business community about how to best implement the new legislation without causing lasting damage to local businesses.

The truth is, Madam Speaker, that we do not want to have unintended consequences for our businesses, especially right now, in this current economic downturn. Businesses have been hit on multiple levels with legislation from this government, that has caused them a lot of struggles in their business. Yes, we are in a downturn in the economy, and, yes, that will cause pressure to be on businesses, but the problem is that this government has compounded the situation. They've compounded the situation with minimum wage increases, they've compounded it with the carbon tax, and they've compounded it with labour legislation previously introduced as well. The list goes on.

Now, one of the things that I believe is important, Madam Speaker, is the vetting process. We're supposed to be sober thought for the ideas of what makes a better society that we live in. I want to describe to you what I experienced in watching the federal process, where what they have is the opportunity to bring forward bills, but those bills are vetted quite rigorously through committees – they are all-party committees – where they have the opportunity to be able to bring forward stakeholders, and those stakeholders have an opportunity to present not just to the governing side but actually to all parties. Then the opposition sides have the ability to say: "You know what? I know that maybe this doesn't work for the government's agenda, but this is actually a good idea, and a plethora of stakeholders is telling us that this is a fantastic idea. We need to look at this." And if the governing side says that this isn't a good idea, then they can take it to the press, and they can start drumming up important public opinion.

That is a process, I believe, that will get you closest to the right answer. And when we send it to committee, at least in this context, we send it to committee in order to be able to, again, bring it to the closest approximation of a good bill, that would be good for the majority.

Once again I will say this: the problem that we've seen in the past has been the unintended consequences. I would have to venture to say that the reason why these unintended consequences have been popping up so much is because they refuse to do an economic impact study. We have asked numerous times on this side of the House: has an economic impact study been done?

8:00

Now, I don't know whether or not members opposite feel like they know better than what the professionals would be able to present in an economic impact study, whether they know what is

better for Albertans, or whether or not they've done an economic impact study and the information is so terrible that they're not willing to share it with us. Either way, it does not work for Albertans, what they're trying to accomplish. I would say that it's extremely important that we send this to committee so that at least we come closest to an approximation of a good bill that will actually help.

I've heard the Minister of Economic Development and Trade say: our number one responsibility is creating jobs. For two and a half years we've heard him say this.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak under 29(2)(a)? The hon. Member for Bonnyville-Cold Lake.

Mr. Cyr: Thank you, Madam Speaker. I believe my colleague has some really, really good points. He's really trying to bring understanding on why committees are so important to this House. I believe that he didn't have enough time to get that point forward, and I think that we should let him have the time that he needs to explain further to this Assembly why referral motions are so important.

Thank you, Madam Speaker.

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

Mr. Hunter: Thank you, Madam Speaker. It actually is my pleasure to be able to stand and speak a little bit more to the importance of sending this bill to committee.

Now, I will say this much, though. Sending it to committee is not the silver bullet. In fact, there was a situation, actually, a week ago, where I was in a committee, and there was an interest by stakeholders to be able to come to this Resource Stewardship Committee. They wanted to be able to present what they felt was important in their own industries to this committee. The committee, unfortunately, refused to see these guys and made a point of it.

Committees are not actually the silver bullet. But I will say again, going back to the point, that we want to come to the closest approximation of a good bill that will actually help, as I was saying earlier, accomplish what the Minister of Economic Development and Trade is looking for, which is to get Albertans working again.

We have a little over 160,000 businesses in Alberta that contribute to the Workers' Compensation Board and, from what I understand, 200 stakeholders representing in a round-table discussion. The problem with that is that that equates to one-tenth of 1.25 per cent of the businesses that are actually out there. So when we talk about a fulsome consultation process, I can't see how this government can say with a straight face that that is considered fulsome.

Now, the other thing that I wanted to point out about this process of consultation is that I would be very interested to see, after they presented the bill, what kinds of letters the members opposite are receiving in their offices, in their constituencies. I can tell you that in my office, Madam Speaker, I'm receiving e-mail after e-mail from concerned businesses on how this will affect their ability to keep the people who they consider their friends, even family employed. How can the Minister of Economic Development and Trade achieve his desired goal of keeping Albertans working when the Minister of Labour is taking his feet out from underneath him?

It doesn't make sense. The ministers need to get together. They need to talk about common goals so that they can actually get Albertans back to work, which was the number one responsibility of this government. They've said this many times.

Now, when I was going through the technical brief of this bill, I asked the person that I was going through the technical brief with to give me empirical evidence about why they were doing the changes they're doing, especially with the WCB, and they presented an empirical study called the Joint Health and Safety Committee Education and the Value of Bipartite Co-operation in the Health Care Sector in British Columbia, Canada, 2005. It's interesting because that same study I actually quoted in one of my speeches earlier. That same study says:

Mandatory Joint Health and Safety Committees for workplaces with 20 or more employees were legislated in BC in 1977. Nonetheless, despite the long-term existence of JCs, in the BC healthcare sector in 1998 the injury rate was 54% higher than the average rate for all workers in BC. And, from 1997 to 1999, direct claims costs were \$180 million in BC healthcare.

In other words, at best . . .

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak to the referral amendment? The hon. Member for Lac La Biche-St. Paul-Two Hills. It's the new lane in between your seats. I don't know why I can't get it.

Mr. Hanson: That's fine, Madam Speaker. Thank you very much. I rise to speak to the referral amendment on Bill 30, An Act to Protect the Health and Well-being of Working Albertans. Now, that's a title that you can't really argue with, right? I mean, how are you going to vote against that?

Now, I understand the desire to do good and look after our brothers and sisters in the workforce. I came from a construction background. I worked out in the oil and gas industry and construction industry for upwards of 35 years. And I'll tell you how safety has changed in the time from when I started my apprenticeship to when I left as a consultant. I worked out in industrial where coveralls weren't mandatory, safety glasses weren't mandatory, and gloves weren't mandatory, but if you were working with a welder, you know, you learned pretty quick to put them on.

Even something as simple as wearing a face shield while you were running a grinder wasn't mandatory. They were all there in the tool shacks, and you could go and get them, free issue, glasses and safety masks, but a lot of guys didn't use them. It's like: "Oh, yeah. I'm tough. I can do this." I for one liked to use the glasses. I used glasses and a face shield. The trouble with a face shield is all that grinding dust would get on top, and then you go to look up, and it would all fall on your face anyways.

What I'm saying is that industry itself has been taking care of workers and trying to teach that mentality of safety. At times they've had to force it on people. At one point there were getting to be so many eye injuries even with safety glasses that they went to the monogoggles that were a real pain when you were trying to work, especially in a warm environment. You'd get all fogged up and that. Again, as we went along, now safety glasses are mandatory. Hearing protection is mandatory. Fire-retardant coveralls out in the oil field is a mandatory piece of equipment now. So everybody has evolved, and it's all been due to – at some point or another the incidents get to a certain point where the companies say: "You know what? Enough is enough. Everybody has to do this."

I know that you were not supposed to go back to the bill itself, but I'd just like to point out something. You know, I've been working in the management capacity at least for the last 25 years, and every morning on all of my job sites we always did a safety meeting. One of the very first things every day was: you have a right

to refuse unsafe work. This has been in our construction industry for as long as I can remember, yet here I see it on page 20 of the manual coming up again. So I just get a little confused that some of this stuff is coming right out of the occupational health and safety manual. It's already been there, and I don't understand why it's in this legislation.

So I really think that we could probably reduce this thing a fair bit if we send this to committee and get some industry and safety – safety is an actual industry all on its own, especially in oil and gas right now, so there are a lot of experts out there that could help with this. I can tell by looking at it that there wasn't enough consultation done on this because there are things in here that don't make a lot of sense. Anyway, like I said.

8:10

Now, another thing came up when I was in the oil and gas industry. I had an engineer come up and talk to me one day, and she said: "Why is it that we're doing these exact same projects all the time, yet the price seems to escalate all the time? It can't be just from material. We should be finding efficiencies and getting better at it." So I explained to her how things had changed in just over about a two-year period, where on a 50-man crew each man was spending close to an hour and a half a day just filling out safety paperwork. We'd do a safety meeting in the morning. Then each group would go out to their area, and they'd do a tailgate and hazard assessment. All that stuff is good, but what we found is that it hadn't done anything at all to improve the stats safetywise. We were still getting the eye injuries, the pinched fingers, you know. I could make one of my colleagues nervous by using an old saying that we used to use, but we won't go there.

What we found that worked the best was mentoring, where you would get somebody that was brand new to the industry, and you would stick him out with a journeyman or somebody that had been doing that project or that job for 10 years, and you would march them along instead of just turning them loose with a piece of paper and a hazard assessment that says: if I check off all these boxes, everything is going to be good; I'm safe. That's what we were finding, that people would get so complacent with, you know: we've checked all the hazards; there's nothing that can go wrong. Then something would go wrong, and somebody would get a finger squished or they'd get a spark in the eye or something like that, and off we were to the first aid tent.

I really think that there are a lot of professionals out in the oil and gas industry that would be more than happy to come and talk to the committee about what's good about the bill, what's redundant about the bill, that's already in OH and S regulations as they stand. I think we could, you know, go a long way to making this a better bill.

As I said, you know, I supervised sites for many years and, thankfully, no major injuries on any of my sites. It was always something that we took very, very seriously. We were working a lot of times in live gas plants with lines that had a 1,000 psi of natural gas in them, and if, you know, somebody cut into a wrong line or made a mistake like that, it was going to be disastrous. So we were always very, very careful about safety. You know, it was always: we want you going home safe, just like you came into work.

Really, you know, this kind of a bill with all the pages and pages and pages: I think a lot of it is already in OH and S. I really think that we should push it to committee, bring in the professionals, bring in the safety professionals that could actually write a manuscript themselves.

Let's get it right. I mean, there are a lot of really good things in the bill. Like I said, my biggest concern when I was working and the guys were working for me was that everybody went home safely with all their digits and their eyeballs in their heads. I don't think

there's a construction company out there that doesn't think that way. I really don't. I think we're barking up the wrong tree there, but we should bring those guys in, let them have their say.

I don't think that we've spent enough time on this. Like one of my colleagues said, we spent a lot of time over the summer on daylight savings time and gave it a lot more credence than what we're giving this manual that's going to affect so many businesses as it is. Like I said, you know: how much more paperwork do you need to do? Do you need to bubble wrap people? It doesn't help. I really think that if you looked at the stats, just a common-sense approach on job sites and some proper supervision would go a long way to reducing injuries.

Again, I'd like to see the evidence, like I say, from the government, that we're actually fixing a system that's broken. Like I said, my experience tells me that the OH and S manual is pretty good. There may be some additions. It's always a growing document that grows with the changes in industry and technology. There's nothing wrong with changes, but when I look at the wholesale changes that are going on here, I just wonder how many of them are, like I said, redundancies. I think the only way to find that out is to bring the professionals in, bring the businesspeople in, construction professionals, safety professionals, and let's try and get it right.

Thank you.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak under 29(2)(a)? The hon. Member for Calgary-Klein.

Mr. Coolahan: Thank you, Madam Speaker. I appreciate what was said by the Member for Lac La Biche-St. Paul-Two Hills. I just wanted to make a couple of comments and ask a question. Yes, I think that in this bill there are a lot of things that we recognize, but I think we have to get into the nitty-gritty of this, and there are some very nuanced differences.

One I'll bring up is the right to refuse unsafe work. How it previously read was that it was a duty to refuse imminent danger. As you may know, being in the Legislature here, words mean a lot in legislation, they mean a lot in contracts, they mean a lot in collective agreements, and those small words make a big difference. In the previous incarnation the duty to refuse imminent danger was really left wide open and open to interpretation, mostly by the employer. This way brings it up to speed with a lot of other provinces and their OH and S legislation that says, you know, that if you recognize it as an employee and you think it's dangerous, you go tell somebody, and you refuse it until you figure out how you can do it safely.

Now, one thing that the member said there really hit the nail on the head, about how important this legislation is and why we should not put it to committee at the moment. He was talking about how over years in construction sometimes it would take two or three near incidents or accidents for the employer to finally say: "All right. Enough is enough. We've got to do something different." Right? Safety needs to be preventative, not reactionary. That's the big thing. That's what we're trying to do with this legislation.

I would ask the question of the member. There's no number in their referral motion. How long do they want to see this in committee?

Thank you.

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

Mr. Hanson: Thank you, Madam Speaker. Yeah, you're absolutely right. You know, you can call it an evolution in safety when you

see the incidents rising. Like I said, we went to wearing safety glasses, and it wasn't being helpful. It was mandatory. Everybody had to wear them. We were still getting eye injuries, so we went to the monogoggles. It wasn't something that was in occupational health and safety. This was something that the industry, the company we were working for, did just in trying to nail this stuff down and protect these guys. But it turned out that that didn't work either.

It's just a matter of, you know, proper training and getting guys to be working properly, a simple matter of, "When you're grinding, make sure the sparks are going that way instead of hitting you in the face," stuff like that, right? Like I said, it wasn't that we were saying: "Oh, just go out there. Oh, too many guys are getting hurt, so we're going to do something about it." It's a constant evolution out on the job site. We're trying to find the best ways so that guys aren't getting hurt.

Now, when he talks about the right to refuse work, I'm going to have to check with my former employer, but we had a checklist that I used for indoctrination. When we were bringing in a new hire, I always did the orientations on-site for these guys. I can show you in there from 10 years ago where you have an absolute right to refuse dangerous work. It wasn't something like: oh, you know, assess the work and if it's too dangerous. If you thought it was too dangerous, in your opinion, you had the right to refuse it. Nothing would be said, and you could not be fired for it. I have to clarify that, but if you like, I can see if I can get a copy of that, get permission, and I'll table it here for you.

Thanks.

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak under 29(2)(a)? The hon. Member for Drumheller-Stettler.

Mr. Strankman: Thanks, Madam Speaker. I enjoyed the presentation from the Member for Lac La Biche-St. Paul-Two Hills. He reminded me of something when he talked about a work site where you operate a grinder wheel so that the sparks don't fly in your face or something like that. He also mentioned the potential loss of digits or body parts. I was wondering if he could explain and talk to the people about the lack of regulation and the camaraderie that happened on those kinds of work sites, where the goal wasn't to injure anyone but to create more production. I know that as a young man I worked on a pipeline crew, and our goal was to increase production without getting hurt.

I was wondering if the member could talk about an informal matter of safety and regulations that came forward that would allow self-performance and self-initiative to create a safer workplace.

8:20

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

Mr. Hanson: Yeah. Thank you, Member, for that question. Yes, you know . . . [The time limit for questions and comments expired] I'm done?

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak to the referral amendment? The hon. Member for Innisfail-Sylvan Lake.

Mr. MacIntyre: Thank you, Madam Speaker. I rise this evening to speak to the referral amendment, which, if passed, would see this bill, Bill 30, sent to committee. For me – and I've risen many times in this House to talk about referral amendments – it happens to be my opinion that every bill should find its way to committee at some

point to allow members representing all parties not just to investigate and review the bill but also to review the reason why the government crafted the bill.

Now, the government claims that they held robust consultations, and while that might be true, I want to point out to the members in the House that there is a huge difference between consultation regarding a concept or a number of concepts and consultation regarding a bill that becomes law. There's a difference between consultation prior to the crafting of a bill, consultation over issues, and then, when the bill is created, consulting back with Albertans again so that the created thing gets back before Albertans again so that they can see what the government has done with the information gathered during the initial consultation.

That's why we're saying that, yeah, we acknowledge the consultation, the survey, and the other things the government tried to do at the beginning, but now we have a very substantial piece of legislation before this House which, we are told, is the fruit of this consultation. Well, it would be very interesting, Madam Speaker, to consult with Albertans when they have that bill in their hand and they can go through it page by page by page.

I can recall, Madam Speaker, back during the Bill 6 issue, that when that bill came to this House and we attempted to have the government agree to refer that to committee, we were assured over and over and over again about all kinds of consultation that this government had done regarding this bill. Yet all of us in the Official Opposition at that time were getting pummelled by letters and e-mails from the agricultural community across this province, who were telling us that they were not consulted. They did not feel consulted. They felt insulted. Here was this bill which contained things that they in their wildest dream wouldn't have believed. If that bill had been so perfect, why, then, did the government issue six pages of amendments to their five-page perfect bill? It's because they didn't take the time to take the bill and consult Albertans on the content of the bill. I don't want this Legislature to make that mistake with any legislation.

Again, consulting over concepts and ideas is one thing, but consulting a group of Albertans and, especially as the hon. Member for Lac La Biche-St. Paul-Two Hills pointed out, giving that Bill 30 into the hands of health and safety professionals in this province and asking them to give their input to a standing committee on now the contents of that bill is a whole different matter than an online survey.

Now, some of the members opposite claim that this bill is important and urgent: we need to get it through this House, and we need to get it out there so that we can start protecting workers. The question that comes to my mind is: then why wasn't this bill introduced on the first day of this session rather than almost at the end? If it's such a great masterpiece and we cannot afford to delay the implementation a single moment, why are we introducing this bill now instead of back around October 30, the first day back after summer recess? It would be interesting to get the answer to that.

Now, as I understand it, the Member for Calgary-Klein intimated that he was insulted by the Member for Calgary-Fish Creek saying that he would consider delaying the implementation by suggesting that the bill be referred to committee. Then why did the minister wait so long to introduce it? I encourage the Member for Calgary-Klein to maybe redirect his disgust to the minister for taking so long to get it here.

Now, make no mistake. This bill incorporates some really encouraging aspects, but I have concerns with other aspects, including the wholesale and potentially costly changes to the WCB that I believe could make the WCB system unsustainable. We need to hear from health and safety experts on that, the people that have to deal with WCB legislation day after day after day. That's one of

the many reasons why I'm supporting the amendment to refer this bill to committee.

Now, if the government is so very confident that there are no issues with this legislation, then I don't see why they wouldn't welcome the chance to put it before committee, have experts from across our province review the bill, listen to what they have to say, and let them come to that same conclusion themselves. You see, Madam Speaker, unfortunately, this government has got a credibility gap, where this government has been known to say one thing and then later we find out that, well, it's not exactly as they had said. I'm going to point out one of those with regard to this bill, which will highlight why it's so important to put this to committee.

[The Speaker in the chair]

Simply put, Mr. Speaker, I don't trust this government when it says just about anything. They have a credibility gap when it comes to the truth. The government has created this credibility gap for themselves by introducing a carbon tax that they never talked about during the election or when it promised to be the most fair, open, and transparent government ever. Of course, we've had report after report from the Privacy Commissioner's office that that's just not so. The credibility gap grows every time this government touts its positive economic record, but the experts, the real experts in financial matters like the Standard & Poor's and Moody's and DBRS's of this world, respond by dropping Alberta's credit rating. This government says one thing, but the facts say another.

Now, here's an example of exactly that with regard to this bill. It concerns the Occupational Health and Safety Council. The role of the Occupational Health and Safety Council is outlined in section 7 of the current Occupational Health and Safety Act. I'm going to quote a little bit from there. I want the House to see what I mean about this credibility gap.

- (7) The Council shall
 - (a) advise the Minister on matters concerning this Act, the regulations and the adopted codes and potential changes to them, and the regulations and on matters concerning the health and safety of workers;
 - (b) hear appeals in accordance with this Act and the regulations;
 - (c) perform any duties and functions assigned to it by the Minister with respect to the administration of this Act, the regulations and the adopted codes.

Now, that seems real clear to me.

The council, which according to section 6 of the OH and S Act is made up of no more than 12 OH and S experts, acts as an adviser to the minister on issues related to the OH and S Act, any regulations and codes related to it, and on any matters concerning the health and safety of Alberta workers. When there is an appeal filed over any decision in accordance with the OH and S Act, the council is the arbiter of that appeal. Finally, the council is also sanctioned to perform any duties and functions assigned to it by the minister related to the OH and S Act, its regulations, and adopted codes. To be clear, that is the current version of the OH and S Act. Bill 30 proposes some pretty significant changes to that particular section of the OH and S Act.

8:30

The changes I will get to in a moment, but here's the issue with credibility, Mr. Speaker. When the government introduced Bill 30 last week, they posted a summary of the changes on their website, and one of the changes that the government noted on their website was to this OH and S Council. According to the government's website: "The OHS Council would become an advisory council to provide specialized advice to government to better protect working Albertans." But I just read to you the existing section of the OH and

S Act where it states that that is precisely what the OH and S Council already does. When someone goes to the website and reads what I just read to you, that the OH and S Council would become an advisory council to provide advice to the government, when someone reads that summary, they would be left with the impression that very little is changing in terms of the OH and S Council. I mean, it's already an advisory council.

The government's credibility crumbles the moment we look at the actual changes the government is proposing in this Bill 30. Let's start with section 93, which can be found on page 92 of Bill 30. Under the heading Part 13, Related and Transitional Provisions, Consequential Amendments, Repeal and Coming into Force, it states the following. "The Occupational Health and Safety Council referred to in section 6 of the Occupational Health and Safety Act . . . is dissolved and the appointments of members of the council are terminated." But wait a minute. The government website says, "The OHS Council would become an advisory council to provide specialized advice to government to better protect working Albertans." As I just read to you previously, that's something they can already do. They already do that job. Now the website says: we're going to change this. The act says: no; it's dissolved, and the appointments of those members are terminated.

As I said, consultation with Albertans before a bill is in their hands is one thing. It's a far different thing than consulting with Albertans after the government has taken whatever consultation they did earlier. They craft this piece of legislation, and then make the absurd claim that they consulted with Albertans. Frankly, you did not consult with Albertans while they were holding Bill 30 in their hand. It is actually disingenuous of members opposite to say that they've done all this consultation before anybody has actually seen this bill.

What needs to happen is that the bill needs to be referred to a standing committee. It needs to be advertised far and wide across this province to people who have to work with the results of this bill to hear what they have to say. I have received communication from the chambers of commerce in my area that (a) they don't feel like they were consulted, and (b) they've got some serious problems with Bill 30. They would love to have the opportunity to come here and talk to a committee regarding the actual details, because as you know, Mr. Speaker, the devil is always in the details of these things. One of the questions the committee might ask the minister is how she expects the OH and S Council to advise her after they've been fired and escorted off the property.

Bill 30 goes on to repeal that section of the OH and S Act, so make no mistake. This government has no role for the OH and S Council and never intended for the OH and S Council to have a role, and the website that the government has created is misleading. It is misleading Albertans right now. This is the credibility gap this government has created for itself in this bill and others and why this bill must be referred to committee.

I'm sure there are many more areas where the government has claimed that Bill 30 will do one thing when, in fact, it's going to do the opposite. When this government claims that it has consulted on this bill and there are no other stakeholders to consider, every member of this Chamber ought to automatically question that claim.

This bill must be referred to committee because as the representative of the people in Innisfail-Sylvan Lake I need to see the evidence for myself that Bill 30 is fixing a broken system, where it's fixing that broken system, and that the legislation that this government has proposed actually will increase health and safety in this province.

I have strong concerns that the questions that the government asked in their online survey were leading, which again calls into question whether this government was simply confirming its own biases rather than considering what the stakeholders and the public actually had to say.

The Speaker: Are there any questions or comments? The hon. Member for Bonnyville-Cold Lake under 29(2)(a)? Correct?

Mr. Cyr: It is, Mr. Speaker. I really enjoyed hearing the points that the Member for Innisfail-Sylvan Lake brought forward, especially the fact that misleading surveys are something that this government has completely endorsed. It continues to search to fix things that the government feels that – it really doesn't reflect what I believe Albertans are looking for. If the hon. member could please explain more on how these surveys are misleading, I would really appreciate it.

The Speaker: The hon. member.

Mr. MacIntyre: Thank you, Mr. Speaker. Thank you, Member, for the question. The thing about surveys and consultation is that, as I pointed out earlier, it's one thing to conduct a survey, conduct a poll, have a questionnaire go out to people in our province, the stakeholders in our province, but you're never going to reach everybody that ought to be reached on something.

This bill has far-reaching impacts, just like Bill 6 had far-reaching impacts that this government never foresaw, mostly because the people that this government had helping them craft Bill 6, for example, were not actually the experts in farming and not the experts in family farming. So we saw farming communities right across this province rise up, and they were adamantly opposed to Bill 6. They were adamant that they had never been consulted, and they felt insulted over some of the statements that the government was making, statements such as that farmers were forcing their workers to do dangerous work and so on. You know, being a former farm worker, that was just not the case. I always had the right to refuse anything that was dangerous without fear of losing my job. I don't know any farmers out there that were like that, yet that was what this government was making the farmers feel like.

Well, here we have another bill that is massive, it's far-reaching, and the government claims that they have conducted surveys and they have conducted consultation. But as I said earlier, it's a very important distinction, Mr. Speaker, to consult on a concept and to consult with a bill in your hand that is supposed to be the result of that consultation earlier in the process.

This is the reason why it is parliamentary convention in many places that at second reading bills automatically go to committee, so that the people – and this is supposed to be a democracy – who that bill is going to impact have the opportunity to look at what the government has created and see if it is what the people need. Let the people decide. This government doesn't want to do that. Repeatedly, over and over again, they're cramming stuff through this House. They don't want it going to committee because they don't want the scrutiny and they don't want the feedback from Albertans who are going to bear the brunt of whatever that piece of legislation may be putting upon Albertans.

Well, I would hope that the members opposite will respect the people of Alberta, respect their level of intelligence, and respect their, I think, right that they should have to scrutinize every and any piece of legislation coming through this place at committee, where it should be. I would hope that all members of this House will support a sombre second thought, refer this Bill 30 to committee, and let Albertans have a good look at it and hear what they've got to say.

Thank you.

8:40

The Speaker: Hon. members, are there any other questions or comments? The hon. Member for Vermilion-Lloydminster under 29(2)(a)?

Dr. Starke: No. Actually, Mr. Speaker, I was going to beg leave of the House for unanimous consent to revert to Introduction of Guests.

The Speaker: I was just waiting to see if there was anyone else under 29(2)(a). I was going to do that next. Any other speakers?

[Unanimous consent granted]

Introduction of Guests

The Speaker: The hon. Member for Vermilion-Lloydminster.

Dr. Starke: Thank you, Mr. Speaker. It's my very great honour to introduce to you and through you to all members of the Assembly three colleagues that are visiting today to attend the debate on Bill 31. It's my pleasure to introduce the president of the Alberta Veterinary Medical Association, Dr. Margitta Dziwenka; the registrar of the Alberta Veterinary Medical Association, Dr. Darrell Dalton; and the deputy registrar and complaints director for the Alberta Veterinary Medical Association, Dr. Phil Buote. I might also parenthetically point out that Dr. Dalton was my fourth-year buddy in veterinary school and taught me how to do my first jugular venipuncture on a cow, a cow that survived the procedure, I'm proud to say. I'd ask that my colleagues here in the House greet and welcome my colleagues in the gallery with the traditional warm welcome of the Assembly.

The Speaker: Welcome. I hope the instructors gave ample direction and detail about how we'd operate on a bull versus a cow.

Government Bills and Orders

Second Reading

Bill 30

An Act to Protect the Health and Well-being of Working Albertans

(continued)

The Speaker: Now other members wishing to speak to the amendment? The hon. Member for Calgary-West.

Mr. Ellis: Thank you, Mr. Speaker, for the opportunity to stand in support of this referral by the hon. Member for Calgary-Fish Creek. We are here, of course, again today debating a large omnibus bill that offers sweeping changes to both the Workers' Compensation Act and the Occupational Health and Safety Act just days away from the end of fall session or, at least, hopefully the end of fall session.

Now, last time we did this, it was in the spring session. This government had introduced Bill 17, which amended both the Labour Relations Code and the Employment Standards Code. That was last May, and after weeks of filibustering its own bills because Bill 17 clearly wasn't ready, they finally brought forward legislation seven working days before the House was ready to recess for the summer. And I'm not even going to get into Bill 6, which was, once again, thrust upon us and unsuspecting farmers just before Christmas of 2015. The point is that the NDP government has a pattern of bringing forward comprehensive labour legislation at the last minute, towards the end of session.

But let's look at this bill. Perhaps it is suitable for the dreaded "omnibus" word. I'm happy to of course tell you why, Mr. Speaker. First of all, despite some positive aspects, it introduces and will implement far-reaching changes to the Workers' Compensation Act that include a price tag. Why is that a problem? Well, I'm of course happy to tell you. This government has another habit, and that is perpetuating the idea that small and medium-sized Alberta businesses have a well of money that cannot be tapped out.

As an example, Alberta's business community collectively provided the WCB with a lot more in premiums last year than were needed. Were some of these WCB funds due to the earnings off its \$10.5 billion reserve? We understand that they were. Regardless, when the accounting was done at the end of the year, the surplus in the WCB's accident fund was \$350 million, Mr. Speaker. Do you know what normally happens to that money? It is returned to the businesses paying for the program in the form of rebates, and that did not happen in 2016. The WCB kept the money because a panel recommending changes told it to cover the costs of the upcoming changes. But the cost of those upcoming changes – that is, those based on the legislation – is \$94 million.

Hang on a second. Let's do the math here. The WCB withheld \$350 million, which is normally returned to business, due to an upcoming \$94 million cost. Mr. Speaker, that math just doesn't make sense to me. Either it is going to cost a lot more than \$94 million to implement the sweeping changes in Bill 30, or there is no reason for the WCB to keep that money, which, by the way, is over \$250 million.

I mentioned that the WCB has a \$10.5 billion reserve. That's coming into Alberta heritage trust fund territory, Mr. Speaker. That's a lot of money. But according to this NDP government businesses do not need this money. After all, the money only goes to paying employees, who have families, mortgages, and school fees to cover; the money only goes to programs that improve safety in the workplace; and the money only goes to pension plans and benefits for their employees. This practice isn't new. We've seen it before from the NDP, and we will certainly see it again. Bill 30 is just another continuation of the NDP's erosion of business here in Alberta.

My colleague from Calgary-Fish Creek has proposed a most sensible solution to the problem we face before us, Mr. Speaker. First, let me reiterate the problem. This bill makes comprehensive changes to two very large and very different acts. The Member for Calgary-Fish Creek has proposed sending Bill 30 to committee, so let's review the positive aspects of that motion.

The committee can invite stakeholders to present and, of course, ask them questions. They can do so over time to ensure that everyone has time to prepare and that the committee members have time to think about their questions. But the NDP wants to ram Bill 30 through this House in mere days. The Legislature is supposed to rise at the end of the week, possibly, and there are numerous other bills to review during these last few days. We have not had a lot of time or the opportunity to discuss proposed changes with stakeholders. Versus four days, pretty much three days are left now and now no opportunity to consult with stakeholders, let alone have discussions with them as a group of legislators – and we have legislation that can wait.

As the minister so enjoys pointing out, the OH and S Act came out when Wayne Gretzky was a rookie and when cellphones did not exist. Syncrude had opened its mine. Minister, what is the rush? As for the WCB, the minister kindly pointed out that the last comprehensive review of the act occurred 15 years ago. Once again, is there a need to rush and force it through in days? I think not, Mr. Speaker.

I was involved in the debates on the two marijuana bills this fall. I'm going to give the government credit for separating out impaired driving and distribution as it relates to marijuana. It could have combined the two bills into one like Bill 30, but it chose to portion them out, and that's a good thing. We had good, focused debates in the House on Bill 26 and Bill 29. Will we be able to do that on Bill 30? I don't know. I suggest to you that this government does not want to do that.

The next question is: why? Is there an ulterior motive? Are they trying to hide something? I don't know, Mr. Speaker. When an omnibus bill is brought forward just as session is waning and is then forced through, Albertans have to ask: why? Businesses certainly are, and so is the Official Opposition.

With any luck, albeit small, this government will listen to the reasoned argument that we are presenting to send Bill 30 to committee. Now, Mr. Speaker, I will not hold my breath for it to accept this common-sense course, but I can certainly hope.

Thank you, sir.

The Speaker: Are there any questions or comments under 29(2)(a) to the Member for Calgary-West? The hon. Member for Bonnyville-Cold Lake.

8:50

Mr. Cyr: Thank you, Madam Speaker – or Mr. Speaker. Sorry, Mr. Speaker. It's getting late.

I was actually very interested in what my colleague had to say, and to reinforce something that my colleague had touched on, I thought I would use the Minister of Labour's own words here.

Every Albertan should be able to go to work and come home healthy and safe at the end of the workday. When they don't, they deserve to have access to the medical and financial supports they need to get healthy, care for their families and return to work. This bill would better protect hardworking Albertans and provide fair compensation to Albertans injured on the job.

This is from a press release titled *Bill Would Improve Safety, Well-being of Albertans*.

I have a hard time connecting how we're seeing such very eloquent language being put forward by the minister – she's saying: what they need in the right time and right place. The government likes to use that quote all the time.

An Hon. Member: The right place at the right time.

Mr. Cyr: The right place at the right time. Apparently, I misquoted that.

But what we're hearing here is very different from what we are seeing by the government not allowing us to sit through a committee and discuss this with the people that it's going to be affecting.

We have a very clear – a very clear – mandate from Albertans, I believe, that they all want to get home safely to their families. I can't imagine anybody that wants to go to work, come home, and get hurt on the job site. I can't imagine anybody that would hope that if they did get injured on the job site, they would not be taken care of by their WCB coverage. The fact that we've spent nine weeks, nine whole weeks, of consultation on such an important topic – that's 63 days.

As I mentioned in one of my last speeches, the Minister of Labour spent a whole 60 days of consultation on the last WCB and OH and S rules that she put through the House. Sixty whole days of consultation. [interjection] She's telling me I'm wrong, and she can correct me if I'm wrong. I apologize if that is – I'm not meaning to put in words. But I am saying that in this case we do have nine

weeks, nine whole weeks, 45 business days. This is something that is unfortunate.

If we're taking this seriously, then the answer is a committee. This is exactly what my colleague was talking about, that we need to bring this to a committee. If we can't show Albertans the respect they deserve by allowing a committee to flesh out all of the issues at hand – and I don't believe that nine weeks and an online survey, a whole 90 written submissions, eight in-person, facilitated round-table discussions are enough to be able to draft such an intricate piece of legislation.

If we're looking at this piece of legislation . . .

The Speaker: Hon. member, I'm very patiently waiting for the question.

Mr. Cyr: This is a comment, Mr. Speaker, but with, I guess, my respect for you, sir, I will ask my colleague: do you feel that 1,300 online survey responses, nearly 90 written submissions, eight in-person, facilitated round-table discussions involving 200 stakeholders, only 200 stakeholders, are enough to get a reasonable answer and to be able to call this consultation? Do you believe that the government has done its due diligence in its requirement to go out and consult with Albertans? To the member: do you think that the consultation has been adequately done?

The Speaker: Calgary-West.

Mr. Ellis: Thank you very much, and thank you to my hon. colleague for asking that question. You know, I think that it's always good to do more consultation.

Thank you.

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

Mr. Yao: Thank you, Mr. Speaker. I rise today in support of my colleague's motion to refer Bill 30 to committee for further work and scrutiny. As the members of this House know, Bill 30 represents the most significant changes to Alberta's occupational health and safety legislation as well as to that governing workers' compensation in decades. There is no doubt that from time to time we should review critical legislation areas like this to find if there are any existing deficiencies, to seek solutions to any that may exist, and to remedy them through the legislative process. This, however, is not what the government has chosen to do at this time. How do we know this? The first clue is that these sweeping changes had a review and consultation period of just over eight weeks, eight weeks for some of the largest changes to Alberta labour law in a generation.

Mr. Gill: How many?

Mr. Yao: Eight weeks.

There are nearly 170,000 businesses in Alberta, and there are close to 2.3 million Albertans in work. Well, there were until the government came in. Surely, the government could have spent more than a few weeks to speak with those who would be affected by these changes and gain their input. If I might go off script here, Mr. Speaker, the government side is really terrible at consultation. They set the bar so low that a mouse from Mouseville couldn't even creep under there.

Where they did show some good consultation was on the daylight savings bill. The daylight savings bill is where they showed good consultation. [interjections] They did. They spent time, they threw it to committee, and they asked and reviewed with so many groups.

That was an excellent demonstration of review of a bill. They came to a very good conclusion, that this has to be a co-ordinated effort with the rest of the provinces of our fine nation, and they put it aside. But it demonstrated that they could consult if they wanted to. They showed some glimmer of hope there.

We know that for some reason they want to rush this legislation through this session, and for others they insist that these changes cannot wait. But it is important to recognize the importance of the legislative process, that is integral to our parliamentary democracy. While we, of course, recognize that this government enjoys the support of the majority of members and that it has the right to pursue its agenda, it does not remove the importance of legislative scrutiny, it does not remove the importance of the opposition to demand better, and it does not relieve the responsibility of the government to consult with those who will be affected regardless of whether or not they agree with a particular ideological agenda.

Since we do not have an upper House in this province, which I wouldn't want anyway, it does place a greater duty on us as Members of this Legislative Assembly to exercise a degree of sober second thought. [interjections] No, no. Let me be clear there, Mr. Speaker. I in no way want a Senate here. I'm glad that our provinces got rid of such a level of bureaucracy.

My friend from Calgary-Fish Creek has put forward this motion for referral. I would ask this House to consider supporting it because it is part of the job that our constituents have entrusted us to do. Mr. Speaker, beyond our duty to the legislative process, from a practical perspective we also need the time to go through this massive omnibus bill and seek further improvements on its content. In the relatively brief period of time since this bill was introduced, my colleagues and I have identified several sections that are in need of improvement and second thought. We have also heard from stakeholders who have legitimate concerns with parts of this bill, concerns that should be heard and remedied in committee before moving forward.

We all want to see improvements to the WCB, and we all want to ensure that occupational health and safety legislation is adequate to protect Alberta workers, but as these are such crucial areas, it is imperative to make sure that we get it right. One area where I believe there should be particular concern is the fiscal sustainability of the Workers' Compensation Board. In this bill the government has stated that they want to support a sustainable workers' compensation system for the benefit of workers and employers. It seems that if this is their goal, they would have sought an independent and in-depth analysis on the potential costs of the changes they are proposing to WCB.

9:00

Mr. Speaker, this government has started to speak a rhetoric that they're going to start balancing the books and provide more fiscal sanity to our fine province, but they aren't demonstrating it here. Their numbers state that the annual cost of implementing these changes will be roughly \$93 million. My question is: why haven't they engaged that independent analysis to look into this estimate? Either they are confident that this number is accurate and that doing so would simply be ensuring due diligence, or they harbour a notion that the actual costs will be significantly higher and do not wish to have it confirmed.

If this bill were to be passed and the costs of these measures did spiral out of control, these circumstances would threaten the fiscal sustainability of the program that the government itself purports to be concerned about. Frankly, this government's existing record on fiscal sustainability and prudence is reason enough to make sure that there is an independent and in-depth analysis done. We cannot

let this be yet another case where Alberta taxpayers and future generations are left to clean up the fiscal mess created by the ideological tunnel vision of this government.

Also, in the matter of changes to WCB it is worth while to look at the proposed changes to the maximum insurable earnings. The change would take the current cap of \$98,700 and eliminate it entirely. This seems to be an extreme change, one that has the potential to be very costly. If we were to refer this bill to committee, it would provide an opportunity to look at raising this cap to a fair and equitable level and potentially incorporate provisions for an indexed increase. This would allow us to ensure that there is a stable and predictable model for the future that benefits workers, employers, and taxpayers.

Mr. Speaker, we owe it to the workers of Alberta to be exceptionally deliberate and make sure that we get this legislation right. It should always be policy to try and anticipate the potential problems with new legislation and to avoid unintended consequences. It is better to take a little more time to iron out the wrinkles than to encounter problems down the road and have to fix them after the fact. Surely that is a strategy that can be embraced by all regardless of ideology or partisan politics.

I'd also like to address the new rules and responsibilities that are being given to the Labour Relations Board. The transfer of occupational health and safety related appeals to the Labour Relations Board and expansion of its authority are major changes, which do need to be examined closely. What prompted the dissolution of the current Occupational Health and Safety Council, which is made up of neutral legal and workplace safety experts, and why is the Labour Relations Board better suited to handle appeals?

The new legal authority granted to the Labour Relations Board in regard to enforcing orders from the Court of Queen's Bench should be addressed as well. Why is this new power needed? Have there been problems in the past that would justify its inclusion?

While this bill dissolves the existing OH and S Council, it creates a new OH and S advisory council, which exists only to advise the minister on related issues. If the current council was not needed, then why is there a need to create a new one? I'd love to understand some more clarity around this particular issue, totally taking apart one council and rebuilding it only for the minister.

These are all questions that need to be answered, and the best way to do that is by referring this bill to committee, sir. If a change is justified, then there should be no problem with greater scrutiny. As I expressed before, they demonstrated the ability to do some consulting with the daylight savings bill, and if they were to repeat that, they would certainly provide me with some encouragement that they're doing this in a fair manner.

Now, Mr. Speaker, another potential problem I see with the provisions related to discrimination in the workplace: it goes without saying that workers should be free from discrimination in the work environment, but what concerns me is the process created by this bill. As it stands, the new provisions on discrimination create for employers a presumption of guilt unless proven otherwise. This is in clear conflict with the fundamental principle of justice as it exists in our country. It is likely that if ever examined by a court, it would be found constitutionally invalid.

If we want to combat discrimination in the workplace, we need to make sure that the legislative provisions will stand up to legal scrutiny and that they are fair and just for everybody. Once more, if this bill is given the opportunity to go to the committee, it will give a chance to sort out the issues like this, where there are glaring errors. They may get in the way of the good intentions of this legislation.

It may be apparent to some that the idea of unintended consequences is a common theme raised by myself and some of my

colleagues. Now, part of this is because the government has proved to us in the past that their method of legislating does produce its fair share of problems, ones that they do not foresee. That is also one of the reasons that we must be so insistent in our suggestion to get this bill to committee. Even if this government didn't have this reputation, it would still be a critical step to pursue. The consultation piece is so important. There are so many employers, so many employees.

There's so much that can be corrected here. This is such an opportune time to really get this legislation right because even when the legislation is well intended and even when it does things that we know can be practically good ideas, the overarching results can still differ from what we expect. One example where this may be would be, well, pretty much all the legislation the government puts through.

But one example may be the new standards on incident reporting. These new standards broadly expand what incidents need to be reported under law, including things like near misses and precautionary hospitalization. While one can certainly see how more information could be a good thing to help keep track of workplace health and safety, there is a possibility of some significant unintended consequences. Think of an example where it appears that an employee is all right after a workplace incident, but an employer sends him to the hospital to get checked out, just in case. The employee in many cases may be fine or may need only minor care, but in other cases this precautionary measure may turn out to identify something critically important. Under this new regime a report would need to be filed even if the worker turns out to be fine. This record could reflect poorly on an employer who is simply exercising caution. Ultimately, this could disincentivize employers from taking this kind of precautionary measure, which is the exact opposite of what we want to happen if we are seeking to better workplace health and safety.

It's also worth mentioning the vast amount of additional administrative work that these new reporting measures would create. This kind of work could not only inflate costs for business, but it could also mean that time that would otherwise be spent on other workplace safety incident measures is spent documenting innocuous incidents.

I can speak to this, sir. In my previous life we filled out a whole bunch of WCB forms and HIAs and everything else, and it was cumbersome. The paperwork was extremely thorough, almost too much, and there was a lot of repetition in that paperwork. I can tell you from members on the floor that had to fill that stuff out that they even became very frustrated with it. It was very much a demonstration of bureaucracy.

Were this bill given the opportunity to be examined in committee, potential issues like this could be given further thought. The committee could highlight potential problems and tweak the legislation to proactively solve matters that may arise.

Mr. Speaker, I just want to close with a couple of last thoughts. First, I just wish to reiterate the importance of further consultation. It is so important to understand so many perspectives, and this government is in that position, where you can put all your resources to it, whether it be your public media, social media, official requests from so many groups, so many business groups. You can definitely talk to the unions, which I'm sure you have, but there are so many more. You can talk to workers in independent locations as well. There are many people to consult.

With this bill being introduced so close to the end of session and with the relatively short period of time the government took to consult on such a large and wide-reaching piece of legislation, I would urge all members to consider that we owe it to Albertans to spend a little bit more time listening to them. The people of this

province are the ones who sent us here, and ultimately we need to remember that while we are here to represent them, they are the ones who are in charge.

Secondly, I would just reiterate the importance of legislative scrutiny.

9:10

The Speaker: Thank you, hon. member.

The hon. Member for Drumheller-Stettler under 29(2)(a).

Mr. Strankman: Absolutely, Mr. Speaker. It's interesting subject matter here tonight. The member touched briefly on his past work experience with the EMT and the paperwork burden that they were faced with. I was wondering if you could expound on that and how that might relate to the need for greater discussion on the bill and changes to that.

Mr. Yao: Mr. Speaker, in my previous life working for the Fort McMurray fire department, we took safety very seriously. Obviously, that is our job, that is the profession, safety all around. We reported everything. I was a supervisor. I was a senior man. I always insisted that my guys write the paperwork out, even if they had their BA off and walked by a house that was on fire. They were very aggravated when I was telling them to fill out paperwork after they just walked by that without their BA on – that's breathing apparatus – to ensure that they don't inhale that smoke. You know, a bunch of tough guys: they don't need the BA when they're just doing some outdoor duty. Unfortunately, it would lead to paperwork like this because what they didn't understand was that sometimes these things are how they get the firefighter cancers and stuff like that. So I did insist that they fill out things like the OH and S, WCB forms, the hazardous incident accident forms.

That's the thing, that we had repetition of forms. Many of them were asking for the same thing. We needed them for the municipal level. We needed them for the provincial level. We needed them for the firefighters' union. Sometimes, depending on what they got exposed to, maybe there had to be some federal reporting. It was an ongoing battle to get these guys to fill out these forms, quite honestly, because in the end they just saw that there was a lot of unnecessary information that was being asked for or redundant information, a lot of repetition. It was a task. It was a battle.

We did emphasize safety, but we recognized that there's a lot of bureaucracy behind it and couldn't help but notice that there weren't some ways to influence WCB to streamline and clean up their forms to ensure that there was a certain level of efficiency while still getting all the information. This would have been a beautiful time to do that, to clean up those forms.

You know, there are aspects to this legislation, Mr. Speaker, that I do find interesting as well, I might add. The right to refuse hazardous work: in California, if my memory recalls correctly, they were going on a big push for safety officers in the fire department because they felt that the safety training that they ingrained in us wasn't enough. These safety officers were given a very high level of authority. If I recall, it took one major disaster in California where basically it was a building on fire, from my understanding, a warehouse, and the firefighters had the opportunity to go in and stop this fire very easily and very efficiently. Because there's this new safety chief, he shut the incident down because it was too hazardous, and it blew the mind of every fire chief and every firefighter who was on that incident.

I can say honestly that shortly after that incident they actually stopped putting those safety guys in those positions. They took away their authority, and they made them subofficers. They recognized that firefighters and other emergency service workers,

for that matter, will be exposed to certain conditions that are threats. Those are the things that we expect and we anticipate when we go in because our job is to get people out of those situations. That said, we are gifted with the equipment and the training and the resources to do that safely.

But I fear the day when there is some bureaucrat that comes in and tells them that that is too dangerous a situation, not trusting the experience and the training of those fire officials, because they do not haphazardly throw people into a building that is burning or collapsing for any reason. They understand how to identify if a building is safe to go in and if it's feasible to try to find people in there, the search and rescue aspects, things like that. That is the job. That is the training that we do. I'm curious about that aspect.

Thank you.

The Speaker: The hon. Member for Drayton Valley-Devon. Sorry. Drumheller-Stettler.

Mr. Strankman: Good leg exercise, Mr. Speaker. I'm certainly happy to have that. It's better than exercising the backside. Sometimes the brain will only absorb what the backside will endure.

Mr. Speaker, I rise to speak in favour of the referral proposed by the Member for Calgary-Fish Creek to Bill 30, An Act to Protect the Health and Well-being of Working Albertans. This bill makes broad changes to both the OH and S Act and the Workers' Compensation Act. We're here again late into the session, and the government is dropping a major piece of legislation on us with something around a week to go, some would say, and I could say that I'm surprised. It's unusual but not necessarily totally irregular, I guess I would say.

Mr. Speaker, I'd like to speak even though we're in a process of the democratic process. The Member for Vermilion-Lloydminster honourably recognized other members from his profession that are in the gallery tonight, and I'd like to speak to them if I could. We're talking about OH and S regulations and the potentiality of legislation. The Member for Fort McMurray-Wood Buffalo talked about various forms of safety going forward.

To the members in the gallery. They may or may not know of three locations where veterinary services are being performed on similar large mammals known as bovines, cows: in the town of Oyen, in the town of Consort, and in the town of Provost. All three of those communities have veterinary services that I've partaken of through my farming career, and all three have very similar but dissimilar ways of dealing with a dangerously large bovine animal in what they perceive to be a safe fashion. Each has their own protocol for OH and S, but they process the animals and allow them to proceed through their facilities in a different fashion.

Mr. Speaker, that's part of the reason I'm standing up tonight to speak to this legislation. These three facilities: they're all honourable, honest professions serving very large, gigantic, actually, cattle operations where the owners of those practices actually go out to do on-farm visits, where they process hundreds if not maybe even thousands of cattle. They do it in different fashions but all generally in a safe fashion, in quite possibly an OH and S approved fashion.

The regulations that are created are broad and varying in many cases, and they're not necessarily created in this Chamber. Those are the common-sense kinds of regulations that we're talking about here, ladies and gentlemen in the gallery, to bring this stuff forward so that you as Albertans and your client base, the Alberta Veterinary Medical Association members, can work in a safe fashion. That's the surgery, if you will, that's going on here tonight. We talked about that earlier, and the Member for Vermilion-Lloydminster –

now it's known as Vermilion-Lloydminster-Wainwright or will be after the legislation is passed – was talking about his venture off into the jugular surgery there.

Mr. Speaker, I believe that it's important – and I'm alluding to members like those in the gallery – that stakeholders are given the proper time to be consulted, and it's a pleasure that they are here tonight to witness some of the goings-on. This is only one facet of businesses across the prairies and in the rural area at least, but there are whole other facets of labour, et cetera, et cetera, that we need to be able to allow to have input into the changes in this legislation.

Mr. Speaker, I believe that the train has passed about the legislation, but I'm here to stand up and make sure that my voice is heard for people like my constituency and the businesses that are involved there in that we ask for a referral to move this legislation to a committee. I think it's important. We are assured by government that this bill will fix a broken system.

9:20

I was here in the Chamber, Mr. Speaker, when our current Premier, while in opposition, railed at length and repeatedly about the WCB's constant failure to help hard-working Albertans. I remember that extending into the wee hours of the day following, and the current Premier, then an opposition member, took great relish in doing that. I think that's part of the democratic process. Even though to the people in the gallery this form of surgery may be quite awkward, this is what we do in this place. The then opposition member, now the Premier, vilified the system, saying that this system needed to be fixed. I don't know if it'll be fixed by this piece of legislation, but if we would send it to committee, we'd have a full, open, and accountable method of digesting all the information going forward, a 200-page document that I doubt the average employer will even have time to read through this holiday season, let alone ensure that they are one hundred per cent compliant by the time significant portions of this bill come into force in the new year.

As I hinted at earlier, this omnibus bill smokes of – yeah, we're talking about that, too – smacks of the government's Bill 17, the Fair and Family-friendly Workplaces Act. I retraced myself back to places of business like the Oyen veterinary clinic, where the owner is actually Dr. Ruschkowski. She in her younger years used to have her family members running around the facility there. It was kind of like old home week when you went there.

The fix was in on that piece of legislation, as borne out by FOIP documents – to the people in the gallery, FOIP stands for freedom of information and protection of privacy; some use open slang letters, and they're not fit for this place – on the outcome of the workplace laws despite assurances of fulsome consultation with those affected.

My colleague from Little Bow has already talked about how we have heard from the Alberta Chambers of Commerce and how much their member groups were concerned about the act. They also recommended that this bill get much more input and study in committee. I imagine that over the next while more individual stakeholder groups will also chime in, but with the unlikelihood of the government taking pause on this bill, those groups may not get their chance to be heard until well after the fact.

Mr. Speaker, that's why I believe that it's incumbent upon us to vote favourably for this referral and take the time to continue to consult and to hear concerns from stakeholders. After all, these businesses are the backbone of Alberta. While the much-maligned energy sector is the economic engine that drives this province, these small and medium-sized businesses help employ thousands of Albertans as well. As numerous members have already pointed out,

these businesses don't have an army of lawyers in-house or on retainer to delve into the complexities of these significant changes.

Did I mention that this is almost a 200-page piece of legislation and facts? If this is having Albertans' backs, then I shudder to think how they would feel if this government actually wished them ill will.

Mr. Speaker, this bill needs to go to committee for another, longer look and continued feedback. It is never the wrong tack to ensure that a piece of legislation that makes so many changes to how businesses must operate in order to comply – surely, a little more care can be taken. We simply don't know how these sweeping changes are going to change the economic reality that these businesses face, and we're hearing about that on a daily basis. As I happened to be returning to the constituency, at the gas bar in Hardisty a gentleman pulled in there and bought some gas and such and such. He said to the gas station attendant: with tax on tax on tax, I'm hoping I can make eight bucks today. I thought, "That's kind of an interesting comment," unprovoked, just a sidebar conversation.

After all, this government has once again failed to do a proper independent economic impact study. And for the people in the gallery, economic impact studies are something that many businesses do.

The Speaker: Hon. member, I encourage you to speak through the chair and not to the madding crowd.

Mr. Strankman: Absolutely, Mr. Speaker. I'm pleased to include you and the citizens of Alberta. It's important.

They claim to have estimated the additional costs for the WCB to implement these changes at about \$94 million. However, this is hard to believe, given the broad changes proposed. While I can acknowledge that this bill contains some positive pieces, the concern is that these costly changes to the Workers' Compensation Act will at some point make the system unsustainable, Mr. Speaker. We're putting another burden on an already hurting business environment, which is certainly not in the best interests of workers or employers in the province of Alberta, people like the guests we have tonight in the Chamber.

I will briefly highlight some of the proposed changes to an already fragile economic climate. The cap on maximum insurable earnings through the WCB will be removed. Workers earning more than the cap will now be fully compensated for 90 per cent of their earnings. WCB claims will now include a \$90,000 fatality benefit. Stop-work orders may be issued on multiple work sites of an employer. Some businesses have multiple work sites, Mr. Speaker, and they're spread in various places throughout the constituency.

My biggest concern, Mr. Speaker, is how this affects small business, and I can't reiterate that enough. Still speaking through you but to Albertans and to the guests we have, there is very little time to adjust to their new responsibilities, very little time to fine-tune and become educated as to how to ensure they will become compliant with these new realities.

Mr. Speaker, I did in my preamble talk about small businesses, three of which I have in my constituency – there are more but three that I remember – and which, specifically, process bovines in simple, simplistic ways, but they all have safe methods of doing it. There are some that are self-driven, innovative changes that these facilities have created.

Mr. Speaker, I know that you were recently out and visited the devastation in the communities of Acadia Valley and Hilda as a result of fire, and in one location you were well aware of the deaths of cattle by the fire. But right beside where the cattle were kept was

a facility to safely load the animals, and that was all done by the farmer from the area.

The Speaker: Hon. member, I encourage you to speak to the amendment.

Mr. Strankman: Absolutely, Mr. Speaker.

I'm asking: how are these changes going to affect Albertans' ability to continue to operate in a profitable manner? Many of these businesses simply don't have the ability, be it the time or the knowledge, to quickly determine how these changes will impact them. Some of this has been going on for hundreds of years in a safe, effective manner.

This is why this referral is desperately needed to protect these businesses. Mr. Speaker, even the Alberta Chambers of Commerce estimated that the changes introduced by this legislation may result in at least a 10 per cent increase in the total WCB premiums collected from Alberta employers. Haven't this government's policies done enough damage? How do they measure that? They haven't done an economic impact assessment. I would hope that they don't wish to further burden these entrepreneurs with additional costs and administrative burdens that they simply haven't had time to absorb.

The remedy, Mr. Speaker, I believe, is simple. We need to take the time to do this right and send this legislation to committee. I remember presenting a private member's bill that went to the Labour minister's committee, and we still haven't seen that. Is that the fear that the government has, that if we go to committee, it won't be resurrected, that it'll never see the light of day? I think that's an unfair comment. I think we're here trying to do the democratic right thing. In committee we would continue to do due diligence and make sure that those who are impacted by this legislation are not unduly harmed.

I make my argument, Mr. Speaker, and I'd like to have everyone support this referral. I'd like to thank the Member for Calgary-Fish Creek for his motion for referral.

9:30

The Speaker: Any questions for the Member for Drumheller-Stettler? Bonnyville-Cold Lake under 29(2)(a).

Mr. Cyr: Thank you, Mr. Speaker. Now, my colleague had brought up some good points about consultation. It appears from the press release that the government has consulted at least two people, at least two here. I'm going to go back to the press release, and I'm going to ask his opinion on the level of consultation that the government has done with these two individuals. The press release is Bill Would Improve Safety, Well-being of Albertans. I'd like to read the quotes here.

The proposed changes to the occupational health and safety . . . are generally in line with the oil and gas industry's best practices. Our objective as a safety association is to develop and support standards and best practices across the oil and gas industry and we see these changes as a positive step forward in advancing worker health and safety in Alberta.

This is from John Rhind, CEO of Energy Safety Canada.

The next quote is:

Even one tragedy – one fatality, one life-altering injury, one occupational disease – is too many. Threads of Life is dedicated to a world where these tragedies become morally, socially and economically unacceptable, so that all workers return home safe and healthy to their families. We support Alberta's steps to . . . move us as Canadians closer to that vision.

This is from Shirley Hickman, the executive director of Threads of Life.

This press release came out on November 27, 2017. Specifically, it was e-mailed out. This was actually what hit my constituency account at 3:30 p.m. on that Monday. This also coincides with the time that this bill was first introduced in the House, just before 3 o'clock. So we literally have half an hour between the government putting this bill down for its first reading – it's this thick, like, 200 pages long. Does the Member for Drumheller-Stettler believe that these individuals had been thoroughly consulted to the point where they could give these quotes saying that this is an incredible piece of legislation? That is my question. Does he think that half an hour is enough time to make this determination?

Mr. Strankman: Hopefully, I can respond in less than half an hour to that. I think the response that the Member for Bonnyville-Cold Lake got was a reaction to an onerous piece of legislation, and that's why they're requesting, in my mind at least, that we would want to go forward with a process like our referral – and I would openly and irrefutably apologize to you, Mr. Speaker, for addressing members in our gallery here – because they have varied and different ways of working with the same processes. I mean, it's important that there are variables. Just like the member from Fort McMurray, who every time they approached a fire or whatever – it's not a cookie-cutter situation that they're involved in. There needs to be broad and consultative discussion to bring this forward.

We've seen this multiple times, that the government is in a hurry to process things and sometimes due diligence isn't done. That's all we're here for, to reinforce the request for action of due diligence and sending this to a committee.

The Speaker: Any comments or questions under 29(2)(a)?

Seeing and hearing none, any members who wish to speak to the amendment? The hon. Member for Drayton Valley-Devon.

Mr. Smith: Thank you, Mr. Speaker. I rise today to speak to the referral amendment for Bill 30 in second reading. A referral amendment is a device that we use in this Legislature to try and help create better legislation. It would be my firm conviction and my belief that every one of the legislators in this Legislature would desire to create a better piece of legislation. By referring to committee, we have the capacity to try and strengthen a piece of legislation by incurring some very robust discussion at the committee level. We have the capacity to call in different stakeholders and for members of the committee to be able to share different perspectives on the bill, to dig into the bill, and in a bill that is 147 pages long, there is indeed a great deal of material here that we could be digging into.

We want to ensure – and as an opposition it's a part of our job – that whatever legislation is passed in this House is good legislation. It's important to get the feedback of stakeholders. It's important to have the committee look at nonpartisan feedback and to create a balanced understanding of the piece of legislation under discussion and to be able to get that second body of sober thought, so to speak, through the committee process. There is no perfect bill – there rarely is – especially one that has as many parts as this. You know, when we take a look at a bill that has as much detail as this does, it's important for us to try and fix the flaws that have been identified by stakeholders, by the opposition, by Albertans in general. And when it's dealing with employer-employee relationships, it's time to maybe take some opportunity to reflect and to listen and to try and figure out how any of the internal flaws that may be in this bill could be corrected.

Mr. Speaker, debating legislation in this House is supposed to be done in a manner that allows all members to contribute fully to the discussion and to improve whatever the bill that is before us has

within it. You know, I guess one of the concerns that's been brought up – and I think it's a legitimate concern – is that this bill, an extremely lengthy piece of legislation, has been brought to this Legislature so late in the legislative session. This bill, I'm going to assume, took many, many months to produce and to bring forward. I'm sure there was a significant amount of work that was placed into this bill, and it would seem reasonable that the elected representatives of this province, the legislators of this province, would have the capacity to spend more than just a few hours looking at this bill, proposing amendments, looking to try and make this legislation better.

It begs the question: why not bring this legislation to this body much earlier? Why not in October or November, when we could have started to give more time to be able to pick this bill apart and to really give it the due diligence and the justice that it needs, Mr. Speaker? I would remind all of the members that this was supposed to be, this was scheduled to be the last week of the sitting of the House. To place this bill at this point in time, in what is supposed to be the last week of the House, I believe, does a disservice not only to Albertans and not only to this Legislature but also to the bill itself.

9:40

Now, this bill, in all of its complexity, introduces some pretty sweeping changes to both the workers' compensation and the occupational health and safety systems in Alberta. I believe that there are 147 pages in this bill. You know, when we take a look at this, it's going to take some time to go through this bill and take a look at the really incredible impact that it's going to have on our workers' compensation system and our occupational health and safety systems in Alberta. Mr. Speaker, these changes are going to impact virtually every single business across Alberta, and the impact is going to be far reaching. Therefore, any changes that we're going to make need to be extensively considered, very carefully considered before they are introduced.

You know, I'm going to speak a little later in my speech here about a constituent that came to me on Friday. I spent a significant amount of time on Friday afternoon with this gentleman. He was so upset that I had to come and meet him again on Sunday afternoon. This is the book that he gave me. It's the *Occupational Health and Safety Act, Regulations, and Code Handbook*. This is the book that he had, and you can see some of the places where he's identified areas of concern in it.

One of the things that really surprised me was the intensity of his concern. I can see him now in my mind's eye, Mr. Speaker. This book is sitting on the table between us, and he's pounding it with his hand, and he's calling this the Bible. We understand, I think, the analogy that he's trying to make here in that it's a very important piece of legislation. In his mind, outside of a few things in this *Occupational Health and Safety Act, Regulations, and Code Handbook*, outside of a couple of changes that he would make, he said that this is an amazing document, one that should not be tinkered with, one that should not be casually set aside for the piece of legislation that has been brought before us. Now, I would suggest that any member in this House would not and should not be opposed to taking the time to thoroughly study this piece of legislation, especially when we can see that for many of our constituents this is considered to be a very, very important document.

Now, we are here, at least in theory, I would suggest, Mr. Speaker, to put forward the best possible legislation, and I would suggest that taking this to committee is going to help forward that progress to make sure that we will get the best possible legislation. We owe it to Albertans, we owe it to Alberta employers, and we

owe it to the employees that are in this province to make sure that we get the best possible legislation we can.

[Ms Sweet in the chair]

Now, as I said, I met with a concerned constituent in my town. His job is to work in the oil industry as a part of safety. When we were talking, Madam Speaker – all of a sudden you’ve gone from a Mr. Speaker to a Madam Speaker; that’s quite a feat – one of the things that this constituent brought to my attention was a concern that he had with regard to section 31(1) of Bill 30. It reads:

A worker may refuse to work or to do particular work at a work site if the worker believes on reasonable grounds that there is a dangerous condition at the work site or that the work constitutes a danger to the worker’s health and safety or to the health and safety of another worker or another person.

Well, his concern is that this piece of legislation, Bill 30, is actually less protective than what is already in the Occupational Health and Safety Act, regulations, and code. If we go to section 35, on the existence of imminent danger, it reads:

- (1) No worker shall
 - (a) carry out any work if, on reasonable and probable grounds, the worker believes that there exists an imminent danger to the health or safety of that worker.

His point, to me, was that there’s a significant difference in the language when we use the word “shall” or “may,” that when you use the word “shall,” it is an obligation. You must perform this. You must as a worker. “No worker shall carry out any work” versus “a worker may refuse.” “May” gives the worker some latitude, an option. They can choose to or they can choose not to. He was quite concerned that this bill is actually an inferior piece of legislation when it comes to protecting workers.

I would suggest that perhaps it would be good for us to go to committee, where we could take a look at and could compare these and where we could see if this individual, who is far more educated on this piece of legislation than I am right now, could come to the committee and could give his expertise to us as legislators, and at the end of the day we would have a far better opportunity to put forward positive legislative work coming out of this bill.

Madam Speaker, my constituent also pointed out some other interesting pieces in this bill. For one, he pointed out that there is a potential that if an employee did not want to do a particular task, they could simply say that the work is dangerous. Now, I think that that might be something that we need to take to a committee to see if there’s any validity in that. He believed that in this bill no other employee can perform that work until after a full assessment has been done to see if indeed that’s dangerous and that this leaves the system open to abuse, where an employee may just not want to perform the task and therefore say that it is too dangerous.

Madam Speaker, I would suggest that by the way the government here is mumbling and grumbling, perhaps we need to take this to committee. Obviously, they believe that this might not be a scenario that is worthy of discussion, yet this man, who, I would argue, probably knows a whole lot more about the Occupational Health and Safety Act than I do or probably even some of the members on the government side, could come and give us his interpretation of why he believes that’s a reasonable position to take. I, for one, would like to be able to hear him go further down this path to see if it is indeed a reasonable point, and I would argue that it probably is a very reasonable point.

I would suggest that taking this to a review by the committee could at least allow us the capacity to ensure that whatever legislation we are passing, it’s weighted equally so that all parties can thrive and so that all parties have the capacity to ensure that there is safety in the workplace.

You know, strengthening legislation is one of the key reasons that we’re here as an opposition. We are here to help the government and to make sure that they provide the best legislation for Albertans, and strengthening the legislation should be one of the key objectives, I would argue, for debate in this House. It’s one of the reasons why we go through all of this effort, why the government has gone through the effort of putting together this piece of legislation, why we have studied it, why we have come up with suggestions for how we can make it better, so when we . . .

9:50

The Acting Speaker: Thank you, hon. member.

Any members wishing to speak under 29(2)(a)?

Mr. Cyr: I was very riveted by my colleague’s enactment of how his constituent was very passionate on OH and S standards, and I would love to hear some more on what his constituent had to say to him about OH and S guidelines.

The Acting Speaker: Drayton Valley-Devon.

Mr. Smith: Thank you, Madam Speaker. You know, as we were saying, debate within a committee setting allows for perhaps a more robust discussion than what we can sometimes have in this Chamber. We all come to this Chamber and to committees with different points of view, with different backgrounds, different experiences. It’s one of the joys, I would suggest and I would argue, of being in this Legislature and being on the various committees that we all sit on.

You know, I had the opportunity to travel down in California for a while last winter, and I got into a conversation with a lady. Believe it or not, Madam Speaker, you do a lot of things for love in this world, and one of the things that I do for love in this world with my wife is that I sometimes have to go to knitting stores with her. There are a lot of places I would like to be, but knitting stores are not necessarily one of them, okay?

So here I am sitting in this knitting store, and I am striking up a conversation with a couple of ladies who are busily knitting away and talking about the finer points of how to do this stitch or that stitch. They said, “What is it that you do?” I said, you know, “I’m a Member of the Legislative Assembly.” Well, most Californians don’t really understand what a Legislative Assembly is, and they’re really not too sure about the finer points of the parliamentary system of government, but they got talking about their frustration with the system of government in the United States. One of the things that they said, Madam Speaker, was that in the last race for governorship in California the loser of that election spent \$65 million, and they were quite shocked.

The Acting Speaker: Hon. member, I know we’re under 29(2)(a) and that it’s comments or questions, but you usually need to speak to the referral, so if we could get there, please.

Mr. Smith: We are getting to the referral, Madam Speaker. My story is riveting.

So here we are. We’re sitting in this knitting store, and we’re listening to these ladies, and they were really shocked when I told them, you know, that I raised a grand total of \$29,000 to run in the last election and that I spent \$22,000. They couldn’t believe how little we spent here.

But one of the points that I made out of that whole thing was this. One of the results of that was that anyone in this fair province of ours, this great province of ours, can probably afford to run for election. It means that the people that get elected into this Legislature often come from a wide range of diverse points of

view and businesses. You don't have to simply be from the rich elite.

Mrs. Littlewood: Yeah, on this side.

Mr. Smith: Okay. Yeah, well, on this side as well. Trust me on this one: I bet you that if we looked at our bank accounts, mine would have less in it than yours does.

When we take a look at this diverse group of people that we have here, taking and referring this to committee allows us the capacity to bring that diversity in this province, through the Legislature and through the people that have been elected, to this piece of legislation. I would argue that it's a very healthy thing to bring this to committee.

Now, I am sure that we all love a good debate, and part of getting the extensive stakeholder feedback is that it allows the stakeholders to bring forth their opinions and to spur the debate about whether or not this bill is a fine piece of legislation or not. Madam Speaker, I would argue that we need to be willing to use the committee structure that we have built into our system to be able to allow effective and nonpartisan committee work to take place and to build the best legislation possible. We need to ensure that, at the end of the day, we've looked at things like the joint committee training program and protocol.

The Acting Speaker: Thank you, hon. member.

Just a reminder to all members of the House – I know we're getting a little bit late into the evening – that we are on a referral amendment. We are not on the bill as of right now. I would encourage all members to speak directly to the referral, not to the bill, please.

Are there any other members wishing to speak to the referral? Calgary-Greenway.

Mr. Gill: Thank you, Madam Speaker. You know what? The hon. Member for Drayton Valley-Devon is a hard act to follow, but I will try. You know, all we're saying on this side of the House is to refer this bill to the committee so that the committee can engage all the stakeholders, like we have seen with the daylight savings time bill, right? In that bill we had our airline industry, our NHL teams, all those different stakeholders that would have been impacted by changes to daylight savings time. They came, presented their cases, and the committee made a decision.

We look at the track record of this government. Carbon tax: no consultation, tax. Bill 6: no consultation. Right? I mean, we can talk about those things.

Mr. Nixon: Rural crime.

Mr. Gill: Rural crime: again, no consultation.

This is the opportunity right now. If this government really claims to be on the side of Albertans, there's nothing to hide. Let's engage the people whom you're trying to help, and let's hear from them. That's all we're trying to say. Let's hear from them. You're claiming to be helping them, but you don't want to listen to them. You don't want to give them the opportunity to tell us what would help them.

What is the intention behind it? What is the hidden agenda here?

An Hon. Member: Control.

[The Speaker in the chair]

Mr. Gill: Control. That's what I heard. I don't know.

With that, I ask all members to, you know, please consider this and send this bill to the committee.

I'd also like to move a motion that we adjourn debate on this bill, please. Thank you.

[The voice vote indicated that the motion to adjourn debate lost]

[Several members rose calling for a division. The division bell was rung at 9:58 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

| | | |
|---------------|--------------|-----------|
| Anderson, S. | Gray | Nielsen |
| Babcock | Hanson | Nixon |
| Bilous | Hinkley | Payne |
| Carlier | Hoffman | Piquette |
| Carson | Horne | Renaud |
| Ceci | Jansen | Rosendahl |
| Coolahan | Kleinsteuber | Sabir |
| Cortes-Vargas | Larivee | Schmidt |
| Cyr | Littlewood | Sigurdson |
| Dach | Loewen | Smith |
| Dang | Loyola | Starke |
| Drever | Luff | Strankman |
| Eggen | MacIntyre | Sucha |
| Ellis | Malkinson | Sweet |
| Fitzpatrick | McCuaig-Boyd | Turner |
| Gill | McKitrick | Woollard |
| Goehring | McLean | Yao |

Totals: For – 51 Against – 0

[Motion to adjourn debate carried unanimously]

Bill 31

A Better Deal for Consumers and Businesses Act

The Speaker: The hon. Minister of Service Alberta.

Ms McLean: Thank you, Mr. Speaker, and thank you to the members for the warm desk thumping. I'm pleased to rise and move Bill 31, A Better Deal for Consumers and Businesses Act, for second reading.

This bill is an important part of our government's commitment to make life better and more affordable for Albertans. Mr. Speaker, consumer spending plays a strong role in Alberta's economy. It makes up more than 4 per cent of Alberta's GDP. In fact, statistics show that so far in 2017 the retail trade sector grossed more than \$53 billion. Given the significance of consumer spending to our economy, it is vital that consumers have confidence when dealing with businesses. This is especially important now that Alberta's economy is looking up and we are expected to lead the country in economic growth this year. Our government is taking action to help businesses attract and retain customers and grow the economy.

So far our government has made several practical changes that help protect consumers from unfair practices and businesses from unfair competition. We've put a stop to unsolicited door-to-door sales of energy-related contracts and products such as furnaces. We've stood up for vulnerable Albertans and put an end to predatory lending in our province by introducing Canada's lowest interest rate and the country's strongest protections for payday loan borrowers. We also undertook a comprehensive review of the Alberta Motor Vehicle Industry Council. Our government also introduced stronger protections for condo buyers. Because a home

and a car are the two biggest investments any Albertan will make, we believe consumers and their assets deserve protections.

Mr. Speaker, my department is also hard at work investigating and taking enforcement actions against unscrupulous businesses and individuals. Scammers hurt consumers and businesses alike. Our enforcement actions help support a level playing field in the marketplace and minimize losses for consumers and honest businesses.

Mr. Speaker, the realities of the marketplace call for more action. The current consumer protection legislation was put in place in 2000 and has not been significantly updated since 2005, yet our marketplace continues to evolve. Advancements in technology led to and continue to cause unprecedented changes in consumer behaviour and in the way businesses operate. Additionally, the availability and volume of information, some of questionable validity, has put consumers at risk by challenging their ability to make well-informed decisions.

This government's ability to respond to marketplace issues is also challenged. A prime example is the difficulty of protecting consumers in the online world, whether it's enforcing our laws against online suppliers from other jurisdictions or protecting consumers who post online reviews from potential lawsuits designed to intimidate them. Mr. Speaker, we must ensure that our laws are relevant and enforceable so that consumers and businesses have confidence in Alberta's marketplace.

During our consultations over the summer months Albertans told us that they want to be protected when shopping or signing contracts, and businesses told us that they want to compete on a level playing field. That's exactly what Bill 31 will deliver. Bill 31 will bring in smart rules that support a trusted marketplace, a marketplace where consumers are confident to spend their money, and that's good for business.

Mr. Speaker, Bill 31 proposes to rename the Fair Trading Act to the consumer protection act. This will help us reaffirm our commitment to consumer protection and better communicate the intent of the act. Further, Bill 31 proposes a plain-language preamble to be added to the act. The preamble will help explain the intention and purpose of the act. The preamble could also be used by courts as necessary to interpret any provisions in the act that are potentially unclear.

10:20

Another proposed amendment is the introduction of a consumer bill of rights. This will help create awareness of consumer rights and responsibilities and support consumers in making informed purchasing decisions. Bill 31 also proposes improving consumer protections in priority areas as identified in the consultation with Albertans as well as business and consumer stakeholders. This includes new protections for consumers to help ensure a straightforward car-buying experience and to ensure that they get what they pay for when their vehicles are being serviced or repaired.

I would like to take this opportunity to thank the Member for Edmonton-Meadowlark. He has done some excellent groundwork which laid the foundation for this part of Bill 31. We have taken what we learned – and we learned a lot – from Bill 203 and implemented the recommendations from the committee report by consulting with industry stakeholders.

We are also proposing new rules for online ticket sales to help ensure that Albertans have a fair shot at seeing their favourite performers, additional protections for borrowers of high-cost credit products to support a safer borrowing environment and encourage responsible use of financial products, transformation of the Alberta Motor Vehicle Industry Council into a statutory corporation subject to the Alberta Public Agencies Governance Act – this move will

better protect the interests of consumers and ensure integrity in the automotive industry – and new protections for pet owners, which will enable Albertans to find the best veterinary services with full confidence that the prices will not contain any surprises.

With respect to these protections for pet owners I want to be very clear about what the proposed legislation does and does not include. First, the amendments to the Veterinary Profession Act will only allow vets to advertise their fees. This does not require vets to advertise their fees. Rather, they simply have the option to advertise if they so choose. Second, the amendments will only apply to domestic animals. It will not apply to livestock or any animal used for the production of food.

Bill 31 also proposes new provisions in the act to protect consumers from unfair lawsuits and other intimidating tactics, expand grounds for recourse when consumers suffer losses, and enable the government to act in the public interest and proactively release information about pursuing bad actors. These provisions mean that unilateral amendments to contracts will not be allowed. It goes without saying that consumers have a right to know all of the terms and conditions of their purchases or services that they pay for. This provision will help ensure that consumers are fully informed, and it will reduce the potential to take advantage of consumers. This change is intended to establish consent standards and to allow businesses and consumers greater flexibility when making decisions in relation to contract changes.

Next, mandatory arbitration clauses in contracts will not be allowed. Mr. Speaker, some businesses will impose a condition in contracts preventing consumers from using the courts for dispute resolution. As such, consumers are required to use a mandatory arbitration process, with the arbitrator chosen by the business. Consumers deserve better. That's why our proposal prohibits mandatory arbitration and allows consumers a choice in their dispute resolution avenue.

Clauses that prevent consumers from posting negative business reviews will also not be allowed in contracts. Additionally, consumers who file complaints in good faith or who issue a negative review will be afforded a new right of defence against lawsuits intended to have consumers withdraw those negative reviews.

Mr. Speaker, we know that the majority of Alberta businesses provide great products and services to their customers. Often online reviews come in handy in helping other customers find those reputable businesses. All consumers benefit from having the information that will help them make the very best decision on where to spend their money. That's why consumers should be able to openly review good or bad service. This is an essential part of a successful marketplace.

However, where bad service calls for a bad review or a complaint, consumers should not fear unwarranted retaliation from the business. Yet we've heard from Albertans that businesses sometimes use lawsuits as a method of intimidation for consumers who notify Service Alberta of alleged unfair business practices. This is why we're adding this level of protection, specifically for consumers who file complaints in good faith or post honest reviews as a way to help others make well-informed decisions.

We're also proposing that consumers have an expanded right to sue in instances of losses. This provision gives consumers options for recourse when they experience losses from business behaviour not constituting an unfair marketplace practice under the act. For example, a business may not disclose key terms on a gift card. Or, in another example, a business may not meet contract cancellation standards under the legislation. While these actions may result in consumer losses and are violations of our current laws, these actions in and of themselves are not considered unfair practices, and

consumers do not currently have a legislative right of action against these types of violations even in instances of experiencing losses. Mr. Speaker, we want to fix this because Albertans deserve a government that looks out for their interests.

Finally, it is proposed to allow the minister or delegated authority to publicly release the information about charges and convictions with liability protection from releasing such information. The legislation does not currently allow us to release the information about businesses that have been charged or convicted of offences. This can result in consumers unknowingly entering into contracts with potentially unscrupulous businesses. Making this information publicly available will help consumers make well-informed decisions and minimize their risk of losses.

Mr. Speaker, as a whole, all of the amendments contained in Bill 31 are intended to build a trusted marketplace by strengthening consumer protections, enhancing business and consumer confidence, and reducing the risk of consumer losses. I am proud to move forward Bill 31 as a practical approach to balance consumer and business interests in the marketplace, expand protections in priority marketplace issues, and level the playing field between businesses. In the end, this will lead to a better deal between consumers and businesses, which will lead to increased consumer confidence. We all know that increased consumer confidence is good for our economy.

I am confident that Albertans will support this progress on improving our consumer protection laws. I look forward to debate on this bill, answering questions, and providing further explanation so that all members of this House have adequate information to support this bill.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Bonnyville-Cold Lake.

Mr. Cyr: Thank you, Mr. Speaker, for the opportunity to speak on Bill 31, A Better Deal for Consumers and Businesses Act. It's important to begin at the beginning, and that's what I'm about to do now.

Mr. Speaker, the Minister of Service Alberta doesn't need legislation to legislate the ability to create a consumer bill of rights. If the minister and her government want to draft a consumer bill of rights, it's well within her ministerial power to do so. There is no need to include this legislation except as a way to distract from the less savoury things that they're putting forward here. Don't get me wrong. I have no problem with a consumer bill of rights, especially if one is written in plain language. What I have a problem with is the fact that the minister seems to need to create legislation for every aspect of her job.

But let's start actually talking about some of the consumer protection measures that the government is hoping to bring in, Mr. Speaker. Now, I don't know the last time you went online to purchase tickets for a concert or a game or some sort of entertainment, but I don't think that there's a person here who would deny that it can be extremely difficult to obtain any tickets these days. This bill purports to ensure that more customers and fans can actually get their hands on a set of tickets before they are otherwise snapped up. Additionally, the bill allows for consumers to seek reimbursement when they are the recipient of invalid tickets.

This is actually a decent idea, and I congratulate the government on seeking to correct this. However, despite the fact that the government says that legal action can be taken against individuals and companies using bots outside of Alberta, the reality is that it just isn't that simple. This language provides consumers with a false sense of security, which I thought was what this government was trying to protect against.

10:30

In December 2016 President Obama signed the Better Online Ticket Sales, or BOTS, Act, banning all use of bots in ticket sales. But there are still bots, and it won't be so simple to get one's money back. An article in the *Economist* states: "Federal law enforcement may be unable to hunt down bot-operators based outside America. And the scale of the racket is daunting. Last year bots made 5bn attempts to buy tickets on Ticketmaster, at a rate of roughly 10,000 a minute." Mr. Speaker, federal law enforcement in the United States is unlikely to be able to track down the bots that this government also hopes to crack down on.

It is, as with this government, a worthy endeavour, but we need to be honest with ourselves as well. If American law enforcement, the most powerful country in the world, can't do it, how do we think we are going to be able to succeed at this? This is not downplaying Alberta in any way but, rather, being honest with our limitations. This legislation is unenforceable, and by legislating an unenforceable law, we're not doing anyone any favours.

But, Mr. Speaker, let's move on because there's plenty to talk about in this bill. I must say that I'm concerned with the apparent lack of respect for what members are here to decide. A year and a half ago Bill 203 came forward, and the bill was referred to committee by the members of the Assembly. After receiving submissions on the subject from numerous concerned stakeholders, the committee informed the Legislature that they recommended that the bill not proceed, yet here we are seeing it again. This clearly represents a backdoor attempt by the government to bring in legislation that was panned by stakeholders and voted down by members of this Assembly.

The problem here is that many industry associations and many business owners already operate under best practices. Unfortunately, those that don't may not change to fit the legislation. But customers know, Mr. Speaker. They take their business elsewhere. You can't legislate behaviour no matter how much this government may want to.

Now, the next area is a bit different, Mr. Speaker, and I'm sure you know I am talking about AMVIC. I mentioned being honest with ourselves earlier, and I think it's important that we do so again. The honest truth is that AMVIC has struggled over the years in a number of different areas. There have been complaints, there have been reviews, and there have been investigations. There's nothing to sugar-coat here. I'll be doing a disservice to everyone if I tried. AMVIC has had a turbulent past.

When this government came into power, the minister did some work on this, and I know that at least one of my colleagues assisted her in various ways. It's important that we work together because that's when Albertans truly benefit. The minister has strong feelings about AMVIC, even going as far as calling it a gong show earlier this year. Those comments followed a 2016 report stemming from a review commissioned by the minister in August 2016. This report, by George Cuff, was thorough and pulled no punches. In the end, there were a few recommendations that were submitted. Well, a few more than a few, or a few more than a couple. Mr. Speaker, Mr. Cuff put forward 23 recommendations, and this minister accepted all 23 of them. What's interesting in all of this is that in December the minister accepted all those recommendations – there's a news release that confirms this – and in March of this year the minister said, quote: we're finally on the right track. End quote. We're finally on the right track. AMVIC has been making progress on these recommendations.

The minister is aware of this, yet now, a year after the report came out and after AMVIC started to make changes for the better, the minister is pulling the plug on all that work and pulling AMVIC

under her direct control. It doesn't make sense, Mr. Speaker. Why, when according to the minister we're finally on the right track? Why, when progress is made, do we stop and go in a different direction? Why does the minister throw more uncertainty into the air with a metaphorical gut punch to AMVIC? What's the point of accepting the recommendations and watching progress being made only to pull the rug out from underneath the restructuring AMVIC?

If this was the only plan she wanted to take, it would have been wiser to have done it two years ago rather than going through the restructuring phase. Instead, we are throwing Mr. Cuff's work and the report out the window, and we're doing the same with AMVIC, that has already showed so much that they've accomplished. It is insulting to all their good work, Mr. Speaker.

Speaking of insults, I don't think it's an overstatement for me to suggest that including the veterinary profession in a consumer protection bill is seen as a huge insult and slight against the profession. Mr. Speaker, I have tried to understand why veterinarians have been lumped into this bill, and I just can't. I just can't understand it. It's an affront to veterinarians everywhere that they are being treated as unsavoury characters who can't be trusted with their work. If you ask the public, this is just truly, incredibly insulting to veterinarians across Alberta.

A simple look at their annual report shows the lack of complaints. In case you're unaware, Mr. Speaker, allow me to tell you the statistical truth. In the ABVMA's 2016 annual report it reported that there were 23 – 23 – written letters of complaint received. Twenty-three. In total, there were 26 complaint cases, and that's based on 3,211 members. The information is all right there. They've even done the math for us: .8 per cent of registered members were the subject of complaints in 2016. That's down from 1 per cent in 2015, and it was only 1 per cent in 2014, too. Let's be clear: those are complaints in relation to the number of members, not to the number of interactions.

This is not a profession that is in crisis. This is not a profession that is vastly in need of help. There is no need for government interference here, and it is a disgrace that this government is choosing to overreach in this area. The question is: what does this government have against veterinarians? For what reason have they embarked on this vendetta? It doesn't make sense, Mr. Speaker. It doesn't add up. I'm disappointed that the government right now has done this. As an Albertan I think we all can see that, and we expect better from this minister.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Vermilion-Lloydminster.

Dr. Starke: Well, thank you, Mr. Speaker. I'd like to thank my colleagues for their co-operative effort in allowing me to speak to this bill, Bill 31. I'd like to start by saying that earlier today I contacted the office of the Ethics Commissioner with regard to a specific question on my participation in this debate. The Ethics Commissioner has advised me to state the following: both my wife and I are currently not actively practising as veterinarians although we both hold licensure in the Alberta Veterinary Medical Association; however, we do own a minority share in a business that has property that rents to a veterinary clinic amongst other tenants. I have disclosed this information to the Ethics Commissioner, who has advised that I may participate in these debates and vote on this bill.

Mr. Speaker, I'd like to start by saying that I'm in general agreement with a lot of the principles of this bill. How can one argue against consumer confidence and consumer protection? I agree when the minister says that consumer confidence is vitally important. Having run a successful small business for close to 30

years, I recognize that consumer confidence is everything. The ability of people to trust me as a trusted professional is the greatest asset that I had in my practice, and I would do nothing to jeopardize that asset. I think that is a statement that is true of all veterinarians.

10:40

It's interesting, when we were reading through Bill 31, how the government in each case is addressing, you know, areas where there is public concern with people operating on what I would call the fringe of otherwise reputable business ventures. You can imagine my shock and surprise and that of my colleagues when we get to the last three pages of the bill, where the veterinary profession comes under direct attack by this government. I suppose I should thank the minister. Nothing else I've ever seen has galvanized our industry in the same way that this bill has, and I should thank the minister that she has unified both the registered veterinary technologists, who were admitted to the profession thanks to Bill 13 from the Minister of Labour, and veterinarians, some practising for only a very short period of time, some still students, others who've practised for 40-plus years and are now retired. It's a little bit offensive when our proud profession is lumped in with ticket scalpers, curbbers, and loan sharks, Mr. Speaker, but that's what this bill does.

When it comes to the consultation process, Mr. Speaker, the consultation process on this bill consisted of two phone calls that basically could be summarized as: brace yourself; this is what is coming. That is not responsible consultation, and it certainly is a far cry from what we enjoyed working together with the Labour minister on Bill 13.

My objections, Mr. Speaker, to this bill are fourfold, and they all deal with the veterinary profession. First of all, I object to the clauses with regard to informed consent and prior fee disclosure. Second, I object to the clauses dealing with advertising by veterinarians, specifically the advertising and publication of fees. Third, I object to the broad, unlimited, and vague powers that are given to cabinet in setting regulations under section 48.3(1) and giving precedence to those regulations over regulations made by the ABVMA council, as is stated in section 48.3(2), which, in essence, strips the veterinary profession of the privilege of self-governance that we have earned and discharged faithfully for over a century, since this province was less than one year old. Finally, my fourth objection is to the lack of proper consultation with the profession.

Let me go through these individually. First of all, informed consent. The provisions in this act, specifically 48.1 and 48.3(1)(c) and (d), requiring informed consent are completely and totally redundant. Informed consent and prior disclosure of fees are already mandated by the bylaws of the Alberta Veterinary Medical Association, and the use of proper consent forms for all procedures is an audit requirement under the practice inspection and practice standards requirements of our profession. Our practices are regularly and routinely audited by inspectors that go all around the province. I know this because I know a number of the auditors, including the president of the association, who has been a consultant and practice auditor.

To suggest for even a moment that veterinarians perform procedures on their patients without owner consent is not only completely wrong but deeply offensive to veterinarians in our province. Yet when this piece of legislation was introduced, that is exactly what three different media outlets – and I will table their news stories – stated in their news articles. That was the impression given. The impression was given that currently veterinarians do not have to obtain informed consent from their clients, that veterinarians do not have to disclose the fees for procedures from their clients, and that now something new will happen that will be

required of veterinarians. That is wrong, it is false, and it casts our profession in a very negative light and lumps us in, as I said before, with ticket scalpers, loan sharks, and curbers.

You know, Mr. Speaker, as you can probably guess, I'm passionate about our profession. Well, you don't work at something as long as I have and not get passionate, not just about our profession and about our clients and about our patients but our contribution to Alberta.

You know, I'm not alone. I received this in one of the hundreds of e-mails that I have received – and I know that most of the members opposite and most of the members on this side have heard from my colleagues – from a registered veterinary technologist. She said:

I am a veterinary technologist and have worked in the veterinary profession for over 25 years. We have always disclosed fees for administering treatments as this is a provision already existing in the practice inspection and practice standards bylaw and is just plain good common sense to avoid conflict with our clients and ensure that we are providing the best care possible for our pets.

Now, what did we just hear from the minister? We heard from the minister that the goal of these provisions is so that they could choose the best veterinary services. Choosing the best veterinary services involves proper consultation, proper disclosure, and obtaining informed consent. There is no question about that. Mr. Speaker, that provision within this act is completely unnecessary and redundant. It's already there.

Section (2), advertising fees for procedures. You know, this is an issue that has been discussed by veterinarians throughout the course of my career, and I will say that each and every time that it has come up within our association, our members, acting together, debating the issue together, have rejected the advertising of fees and the publishing of fees as being unprofessional and the potential for leading to commodification of veterinary services.

Mr. Speaker, this has been tried elsewhere. It was tried a couple of decades ago in British Columbia and resulted in the almost total implosion of the association. Veterinarians started undercutting veterinarians, not only started undercutting prices, but more alarmingly they started undercutting the procedures.

There are certain things, Mr. Speaker, in veterinary medicine that you can do to reduce the costs of providing, especially, a surgical procedure, but they are not in the best interest of the patient. The people who are the best judges of what is in the best interest of the patient are the people who have been trained, in some cases for eight or more years, to become veterinarians, who are licensed, who require continuing education to keep up their skills. They're the ones who are in the best position to decide what is in the best interest of the patient and then to communicate that to their clients. This bill takes that away from veterinarians and puts it in the hands of cabinet. That is wrong.

The jurisdictions that have tried that, British Columbia and Ontario and also a number of the states in the United States, in all cases wish that they could turn back and remove the advertising of fees. Veterinarians don't want to advertise fees, and the few that do, Mr. Speaker, have always been voted down by the vast majority, who feel that it does not lead to a more professional veterinary association.

Mr. Speaker, just choosing your veterinarian based on the lowest price, just like it's wrong to choose the contractor for the Calgary cancer centre based on the lowest price, is wrong. It does not necessarily get you the best product or the best service, and if it's right for the construction of buildings, surely then it is also right for the selection of obtaining veterinary care.

Another quote from a registered veterinarian technologist:

In my experience people would rather go to a Veterinarian who they trust than shopping for the cheapest option. The public already has choices and can use whomever they wish to care for their pets. I would hate to see animal care reduced to a dollar figure versus what is best for an individual patient and their care givers.

Mr. Speaker, it is very clear that the Pandora's box of fee advertising and fee publishing, which has been tried in other jurisdictions, would be a mistake.

Mr. Speaker, veterinarians have a duty of care. This brings me to my third point. This bill would place that duty of care in the hands of cabinet. I ask the Health minister: do you feel qualified to decide whether there should be a regulation as to whether a two-year-old collie pup should be treated with ivermectin for internal parasites? I ask the Infrastructure minister: do you feel qualified to decide whether a six-year-old cat suffering from osteoarthritis should be treated with acetaminophen? I ask the Finance minister, who I know is a horse-racing fan: if you are presented with a 1,200-pound thoroughbred stallion who is showing signs of abdominal pain, would you feel comfortable deciding on whether you should advise to have the horse's gallbladder removed?

10:50

Well, Mr. Speaker, in all three of those examples it's absurd to expect members of cabinet to know what the best course of action is. But if they were to answer yes to those three questions, in the first two cases, the collie pup and the cat, it would result in the death of the patient. In the third case, well, that was a bit of a trick question for the Minister of Finance. Horses don't have gallbladders.

But, Mr. Speaker, I don't expect the Minister of Finance to know that, and I don't expect cabinet to be able to make regulations for the veterinary profession. They are not qualified. Since 1906, since the very first veterinary profession act, cabinet has had final approval on every regulation and every bylaw passed by the Veterinary Medical Association. They have final say on anything we pass, so they still have that power. This bill would turn that power over first to cabinet, and then it says: in consultation with the association.

Well, let's talk for a moment about consultation. Consultation on this particular bill was shameful. What was so alarming was that it was such a departure from what we enjoyed during the lead-up to Bill 13, which was in May 2016, after months of consultation with the Minister of Labour, who, by the way, is responsible for the Veterinary Profession Amendment Act, not the Minister of Service Alberta. After months of consultation the introduction of Bill 13 resulted in the incorporation of registered veterinary technologists into our profession, a very positive step, one that has been embraced within our profession. It has brought a unity within our profession that I have certainly enjoyed, and I thank the Minister of Labour for her respectful consultation on that issue.

Then this summer, when our association learned that there was a survey going around asking questions about veterinarians, letters were sent to both the Minister of Labour and the Minister of Service Alberta. In mid-August the association president waited two and a half months to hear back from the Minister of Service Alberta. That letter, which arrived barely a month ago, on the 2nd of November, stated, and I quote: further consultation and engagement with industry stakeholders will be necessary to develop the details of any potential legislative or regulatory amendments. Where is that consultation, Minister? The truth is that it didn't happen. It didn't happen. There were two phone calls from the ministry office, and all requests to meet with the Minister of Service Alberta went unanswered. Mr. Speaker, two phone calls are supposed to be the

basis of consultation to turn the veterinary profession completely on its ear and to reverse over 100 years of operation.

Mr. Speaker, you know, we talk about consumer confidence. Veterinarians are one of the most trusted professions in Canada. A survey last year indicated that we're the third-most trusted profession in Canada, behind only nurses and farmers, at 87 per cent. By comparison, politicians only have support from 23 per cent.

The Speaker: The hon. Member for Drumheller-Stettler. Under 29(2)(a)?

Mr. Strankman: Absolutely, Mr. Speaker. It's marvellous to hear the Member for Vermilion-Lloydminster talk so eloquently about his former profession. I was wondering. He's missed out on a couple of words, I think. He hasn't talked yet about due diligence and care and compassion that are demonstrated by the industry, and I'd appreciate it if he'd elaborate on that.

The Speaker: The hon. member.

Dr. Starke: Well, thank you, Mr. Speaker. Certainly, we take the responsibility for due diligence very, very seriously. There is no question in my mind that the best people to discharge that due diligence are, in fact, veterinarians. If we were to ask Albertans: whom do you trust in terms of taking care of the animal population of our province? Whom do you trust in making laws and making regulations that determine cases of animal welfare? Do you trust a group of politicians, who have a trust level of 23 per cent, or do you trust veterinarians, who have a trust level of 87 per cent? I should point out that in Alberta it's even higher. It's 93 per cent in Alberta.

Mr. Speaker, to suggest that there is a problem here is not true, and to suggest that there's been consultation is also not true. But that's what they've been told by the minister. For example, one of the constituents who wrote to one constituency office was told:

During this consultation process we met with the AVMA and other industry stakeholders. We have also heard from ordinary Albertans who told us they want to be better informed when looking for veterinary services for their pets. That's why we're proposing reasonable new rules requiring fee disclosures that are in line with other provinces like B.C. and Ontario.

Fee disclosure has been in place in Alberta for years.

And then to another person who wrote to an NDP constituency office:

Thanks for the e-mail. My understanding is that the government did consult with the AVMA and that the elements of Bill 31 were a compromise negotiated with the association. If this is not correct, please let me know.

I'm letting the member know that it's not correct. The association did not agree to Bill 31, and it will not agree to the provisions that turn our association and lump it in with used-car salesmen, ticket scalpers, and loan sharks.

Mr. Speaker, I received in the last three days, as this is yet another one of these bills that is being jammed through at the end of session, hundreds of e-mail correspondence from members, but the one that really struck me was one from a veterinarian who has only been in practice for three years. He's a veterinarian practising in central Alberta. He wrote:

I find these proposals very invasive and infuriating. We are an honest profession, which is full of good-hearted, hardworking, and compassionate people. Following through with the changes proposed by Bill 31 without consulting members of our industry will harm our profession. This is another example of this government's ignorant overstepping without proper due diligence. This makes me very upset. I feel this is a step in the

wrong direction, which will ultimately misguide the public to value price over quality.

I strongly urge our government to retract these amendments.

This is a misstep which will shift the focus of veterinary medicine away from providing the highest standards of care.

Mr. Speaker, we don't want to go down that road. We don't have to go down that road. This government is trying to fix a problem that doesn't exist. You heard the statistics on complaints. I sat for years on the discipline tribunal and hardly had anything to do. Veterinarians are an honourable profession, and when things go wrong, we do our very best to make it right with our clients.

Mr. Speaker, I'm deeply offended by this bill, specifically the provisions for the Veterinary Profession Act, but I know that we will have another opportunity to discuss it, so at this point I would move to adjourn debate.

[The voice vote indicated that the motion to adjourn debate carried]

[Several members rose calling for a division. The division bell was rung at 10:58 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[Ms Sweet in the chair]

For the motion:

| | | |
|---------------|--------------|-----------|
| Anderson, S. | Gray | McLean |
| Bilous | Hinkley | Nielsen |
| Carlier | Hoffman | Payne |
| Carson | Horne | Piquette |
| Ceci | Jansen | Renaud |
| Coolahan | Kleinstaub | Rosendahl |
| Cortes-Vargas | Larivee | Sabir |
| Dach | Littlewood | Schmidt |
| Dang | Loyola | Sigurdson |
| Drever | Luff | Starke |
| Eggen | Malkinson | Sucha |
| Fitzpatrick | McCuaig-Boyd | Turner |
| Goehring | McKittrick | Woollard |

Against the motion:

| | | |
|-------|-----------|-----------|
| Cyr | Hanson | Smith |
| Ellis | MacIntyre | Strankman |
| Gill | Nixon | Yao |

Totals: For – 39 Against – 9

[Motion to adjourn debate carried]

Bill 30

An Act to Protect the Health and Well-being of Working Albertans

Mr. Gottfried moved that the motion for second reading of Bill 30, An Act to Protect the Health and Well-being of Working Albertans, be amended by deleting all of the words after "that" and substituting the following:

Bill 30, An Act to Protect the Health and Well-being of Working Albertans, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Alberta's Economic Future in accordance with Standing Order 74.2.

[Adjourned debate on the amendment December 4: Mr. Gill]

The Acting Speaker: The hon. Member for Calgary-Greenway.

Mr. Gill: Thank you, Madam Speaker. Yes, we were talking about Bill 30 and the referral of this bill to the committee so that we can engage all the stakeholders and make changes based on what they

tell us. The hon. Member for Vermilion-Lloydminster was telling the cabinet ministers that they're not specialists at their jobs, that they don't know how to do the surgeries. I think the people who best know how to do their work are the people who are in those professions. So why don't we bring those stakeholders... [interjections] You won't. I will. Trust me.

The Acting Speaker: Hon. member, continue.

Mr. Gill: The issue is this, that if we don't bring the stakeholders together and we don't listen to them, how can we, like, make a constructive bill?

Again, it's going back to the same thing. You know, the government claims that they have the backs of Albertans. Yes, you do: the carbon tax without any consultation, without any clue in the last election, and now it's going up again 50 per cent in another month, basically. We had Bill 6: no consultation on that. I don't know. Basically, on every bill that we had, there was no consultation with the exception of the daylight saving time bill, which was finally... [interjections]

The Acting Speaker: Hon. members, we are now on second reading of Bill 30 and the referral amendment. If we could please focus on the referral and listen to the speaker, please.

Mr. Gill: How it was done on daylight savings time, I think, was a great example of how we can send this bill to the committee and hear from all the stakeholders to make the right decision. We're trying to do the right thing for Albertans, whom we're all here for. Every member, every single one of us, has the responsibility towards our constituents to represent them in the best way we can. If this is our duty, why aren't we performing our duty? Why are we trying to hide away from the truth? Let's engage them. Let's engage the stakeholders, right?

This bill is making changes to the WCB system, to the OH and S Act. I mean, the list can go on and on and on. I don't think the minister has talked to even a safety company personally yet, right? They wouldn't know unless they engaged with somebody.

Every time we ask the government side to do something, all we're saying is – and I know you're not going to listen to our side; we get that – to at least listen to Albertans, to at least engage them. Send it to the committee. Let's do the whole tour like we did with daylight savings time, with the town hall meetings in different parts of the city, in different parts of the province, and hear from Albertans. But the government doesn't want to do it. Why does the government not want to do this? Like, what are they trying to hide from Albertans? My question is this: how can we serve our constituents better if we're not engaging them?

You know, we have occupational health and safety. It's a repeal and rewrite of the existing Occupational Health and Safety Act. Why are we doing this thing? These questions will be answered when we engage the stakeholders.

I'm going to keep on going back to the same point. I know the members on the opposite side are probably saying that I keep on saying the same thing, but apparently they're not getting it. It's important. It's important to engage the job creators of this province. We didn't do it last time we did WCB changes. By the way, the government still hasn't returned their money, the overpremium. Now we're going to burden them more.

11:20

These small and medium-sized businesses are getting impacted by the increase in the carbon tax on January 1, by the minimum wage increase, and now by these changes without their input. It's going to add more of a burden on them. Now, the government

claims that we have increased the number of jobs. If the government has increased the number of jobs, why has the revenue coming from income taxes dropped? Because we are not creating quality jobs. This government's policies are not creating quality jobs. That's what it equates to, in my humble opinion.

I'm going to go over a few things. One of the changes: all OHS claim appeals will be heard by the Alberta Labour Relations Board rather than by the existing Occupational Health and Safety Council. The reason for this is that, allegedly, the board has more sources to deal with appeals than the existing council.

Now, this adds another definition of harassment.

The right to know is added to this bill. It clarifies what type of health and safety information must be made available and how. I mean, I don't know how many members on the other side have actually attended these kinds of meetings. Every time I had gone on a site in my previous role, the first thing was that all these changes were already discussed in these safety meetings. Every organization would have a different name. We used to call them tool kit meetings. All the potential risks...

Mr. Nixon: Hazard assessments.

Mr. Gill: Yes. Hazard assessments would be done, identified, and, you know, brought to every single employee's attention. I mean, we already have all these regulations, and the employers are taking very serious steps towards these things. Now we're asking our small and medium-sized businesses to enforce these without their consultation. If the government thinks that this bill is such a godsend, why don't we hear from them? Why are we not involving them in discussions with us? Why aren't we holding town hall meetings?

My request is simple. Let's call a time out and send this bill to a committee. Let's bring in all the stakeholders so that we can get a decision which is the right decision for the people we're trying to help. The claim is that this government is working well for Alberta families. Apparently, it's not. I haven't seen one thing that this government has done except – well, I've got to give them credit. They united the conservatives, so that's a good thing. Other than that, I haven't seen that they have done one good thing for this province.

I mean, why don't we send this bill to committee?

Mr. Nixon: Nothing unites conservatives like an NDP government.

Mr. Gill: Nothing. Nothing.

You know, Madam Speaker, this guy campaigned against me, this hon. member, but now we're together. The credit goes to the NDP government, right? This is the only thing that they have probably done, united the conservative family together. But that's a separate topic. Thank you very much. Other than that, this government has not done anything good to make this province a better place to work, to raise a family, right?

When the foundation is not there – I remember that somebody sent me a tweet from a Twitter account, you know: don't let them tell you that you can't have quality health care and education and infrastructure and can't balance the budget. What happened to that now? We have, like, 75-plus billion – I don't even know; the number might be going up by tomorrow – maybe a hundred billion dollars by the time the term is done.

Going back to the same thing, this government is not listening to Albertans. This government is not listening to the stakeholders, and I don't know why. [interjections] I mean, the government members are, you know, heckling now, but when the hon. Member for Vermilion-Lloydminster was talking to the veterinarian folks over there, we didn't hear anything. Nobody said anything against that,

right? The whole request on this one is to send the bill to the committee. Send this bill to committee. Engage the stakeholders so that we can hear everything from everybody. If we need to make some changes to the OHS Act . . .

Mr. Nixon: Some would say: refer it to committee.

Mr. Gill: Refer it to committee. Sure.

With the OHS Act, the WCB Act, whatever those things are, let the stakeholders decide. I don't understand. Like, why are we not sending this to committee?

An Hon. Member: One more time.

Mr. Gill: One more time? Okay. Hold on one second. Let me find something good. Madam Speaker, just give me one second.

You know, this bill is bringing major changes and costly changes to the Workers' Compensation Act. In my opinion, that is going to make the system unsustainable. It's going to jeopardize the employment environment because it's not going to be sustained by the small and medium-sized employers.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak under 29(2)(a)? The hon. Member for Olds – no. That's not right. Rimbey-Rocky Mountain House-Sundre.

Mr. Nixon: That's okay, Madam Speaker. That is close to Olds. I appreciate the confusion though I do have to say that there is a considerable size difference between the Member for Olds-Didsbury-Three Hills and the Member for Rimbey-Rocky Mountain House-Sundre. But he is a good guy, a good hon. member, and I don't mind being confused with him. There he is, actually, speaking of the hon. member.

Madam Speaker, I very much enjoyed the presentation by the hon. Member for Calgary-Greenway. I think that he was speaking extremely passionately about this referral motion and the need to take this bill to committee. The hon. member talked a little bit about daylight savings time and the way that this government approached that legislation and that issue compared to how this government is approaching Bill 30 and compared to how the government has approached other legislation in the past in this House.

The reason that's important – and I think he did a good job of pointing this out – is that there's a considerable difference in the way that the government proceeded with daylight savings time in the consultation. You know, they spent a considerable amount of time on that. They brought it to committee, an all-party committee that discussed that issue. They reached out to Albertans at length, had surveys, consulted, and in the end actually decided to do the opposite of what they intended to do in the first place based on that consultation, which shows that the government in that case appears to have wanted to go in a different direction.

You know, Madam Speaker, the hon. member brought up several other excellent examples. Bill 6, I think, is probably the most serious example that has faced this Legislature, an outright attack on rural communities and the family farm and, you know, not any consultation with those individuals or family farms and ranches and the people that were impacted by that legislation. We know the consequences of that.

11:30

One, you know, the NDP politically had some significant consequences in rural Alberta and probably can't come back as a result of that in rural Alberta. But the consequences to the family

farms in those communities that had to go through that process – and they're still having uncertainty as a result of that process. We're concerned because these have similarities, Bill 30 and Bill 6, on the health and safety side and the occupational health and safety side.

Madam Speaker, you may not know, but the committees that are associated with or that were put together by this government as a result of Bill 6 and their attempt to quickly consult with people after they really got caught with their hands in the cookie jar, so to speak, still have not reported. There is still a tremendous amount of uncertainty on the family farms and with the agriculture community as a result of that. How is one to know that that's not what's going to happen again now as we see another occupational health and safety bill and WCB bill being forced or rammed through this House at a rapid speed?

I think the hon. Member for Calgary-Greenway did an excellent job of pointing out why we need to make sure that this bill is referred to committee. I did enjoy his comments. I hope that he will rise and elaborate a little bit on the need for consultation.

The Acting Speaker: Thank you, hon. member.

The hon. Member for Calgary-Greenway.

Mr. Gill: Thank you, Madam Speaker, and thank you, hon. Member for Rimbey-Rocky Mountain House . . .

Mr. Cooper: The Leader of the Official Opposition.

Mr. Gill: The Leader of the Official Opposition. You know what? The consultation is important, and we saw that when we did it with daylight saving time. I attended a few of those town hall meetings along with members from the other side and my colleagues on this side, and people brought their concerns from the different sides, right? It was important to hear from the general public. It was important to hear from NHL teams. It was important to hear from, like, the Calgary and Edmonton airport authorities. It was important for how that bill is going to impact later on our relationships with the other jurisdictions. That's why I think it is important that if we do the same consultation procedure for this bill, maybe something good will come out of this thing. Maybe this, whatever the government is claiming, is the right thing, but we wouldn't know because we have seen the government's track record on consultation on the different bills. Albertans have seen it in the last two and a half years.

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak to the referral amendment? The hon. Member for Olds-Didsbury-Three Hills.

Mr. Cooper: Thank you. I didn't realize my mom was in the gallery today, clapping like that.

It's a pleasure to be here this evening and rise to speak to Bill 30 in particular, a very, very, very important motion that's before the Assembly this evening. I know, Madam Speaker, that you will know that from time to time over the past couple of years I've had the pleasure of rising to speak to motions in this place, in particular referral motions and the importance of committee. I know that the minister of economic development also from time to time has spoken on referral motions just like this. I think there was certainly a time and a space where the hon. member, the minister of economic development, believed strongly in the importance of referral motions and just the things that committee can provide in terms of adding to the democratic process. And I know that the minister of economic development rose on numerous occasions to speak for motions referring to committee.

I remember a particular time during his service in opposition when there were a couple of bills before the Assembly, and in fact they were both labour bills, bills 9 and 10. I think, Madam Speaker, you might even remember some of those pieces of legislation because they had a significant impact on public-sector employees and their pensions and otherwise. I know that you have been a diligent servant of the people over a long period of time in the public service, so it's quite likely that bills 9 and 10 would have had a direct impact upon you.

I know that the member opposite rose in this very Assembly to speak about the importance of referring those bills to committee. You'll never believe what happened. Madam Speaker, I know it's hard to believe, because rarely in this place does a piece of legislation actually get referred to committee, but on that particular occasion, the occasion of bills 9 and 10, both of those pieces of legislation, the government of the day heeded the wisdom of the Assembly and then, in fact, referred those bills to committee. Some would say that a lot of very positive things happened as a result of that decision, in particular on these important issues of labour, of employment safety, of OH and S, and of WCB.

At those committees members from all across this great province of ours had the opportunity to come and engage on an important piece of legislation that had a significant long-term impact upon the labour market, upon small and medium-sized businesses, and in that case, certainly, amongst the public service. I know that not only did the minister of economic development but the Minister of Transportation, the Minister of Education as well as the Premier all believed fully in the impact that that committee could have. Madam Speaker, I'm sure that you know what happened to bills 9 and 10 after they arrived in committee because there was significant input from the public. As it turned out, the government realized: "You know what? Maybe this isn't the best path forward." Now, there still could be some debate on whether or not it was or it wasn't, but the government of the day made that decision. One of the reasons why they made that decision is because they heard from experts from all across the province.

I know that the Minister of Labour will quite likely rise in the Assembly and say: but we've already done that; we've already consulted. The fact of the matter is, Madam Speaker, that this government spent about six weeks, if I remember correctly – or maybe it was less – speaking to their friends and colleagues about what should happen with respect to Bill 30. On numerous occasions in this House we asked as to whether or not we would see the piece of legislation tabled before the Assembly. In the early days of the session the Minister of Labour played a little bit fast and loose with whether or not we would or we wouldn't, that they were busy consulting and reassuring us that the legislation hadn't yet been written although a case probably could be made that a bill of this size would have taken more than just a couple of weeks to throw together.

Now what we see is this significant piece of legislation . . .

Mr. Gill: A hundred and forty-seven pages.

Mr. Cooper: . . . 147 pages, placed in front of the Assembly with the expectation that in just the few short days that are left in the session, barring, of course, the motion of the government to extend the session, this would quite likely be accepted.

Or perhaps even better than that and perhaps better than even sending it to committee, they could heed the advice from the Minister of Municipal Affairs, who, I believe, tabled a very significant-sized piece of legislation in one session, let it sit on the Order Paper through an entire break, then came back in the following session and, in fact, turned that legislation into law. I

think that that's the sort of thing that provides for good government because it allows for feedback. It allows for input from Albertans. It allows experts – and I know that the government believes they've got all the expertise they need, and I know that the government believes they're smarter than Albertans. But the fact of the matter is, Madam Speaker, that good governance takes time, and that's one thing that committee can provide: time, a pause, if you will, a dramatic pause in the legislative process that provides an opportunity for impact and good legislation to be created. Unfortunately, I have the sense that the government actually doesn't want that. They only want what is currently in this legislation.

11:40

Madam Speaker, I'm certainly no expert – I've only been here a couple of years – but my guess is that before the end of this Legislature we'll actually come back to Bill 30 and make some adjustments to it. A good case in point for that is the fact that now for the second time we're seeing electoral legislation before the Chamber. If we had just taken time the first time to get it right, perhaps we wouldn't need to come back to this same piece of legislation.

A perfect example of that, Madam Speaker, and another good use of committee, I might add, is a piece of legislation that was put before the House – I believe it was Bill 203 – by my hon. colleague from Drumheller-Stettler, who proposed an idea around government advertising and government advertising during a by-election. Interestingly enough, we're going to see a piece of that in the legislation now. We're going to see the government actually implement some of the things from that Bill 203, that was sent to committee, and I think that there are actually going to be some positives in Bill 32 because of the work that was done at committee.

I firmly believe that that's exactly what we need to do with Bill 30: take the time, send it to committee, which is exactly what this referral motion does, and then we will have the opportunity to call in experts. Madam Speaker, I know that you will know that there are a lot of labour experts that are more than willing to share their opinion when it comes to legislation like Bill 30. I happen to also know that there are some labour lawyers here in the province of Alberta that would love to share their opinion. Not only would they like to share their opinion with members of the Assembly, but they would like to do that in a public forum. Why? So that the best legislation can be passed for the people of Alberta. While our opinions differ significantly from one side of the House to the other, I firmly believe that all members of the Assembly are efforting to do what's best for Albertans, and I believe that of the government.

Now, they take us down some pretty unique trails on their path to trying to do that. I think that they should listen to Albertans much more widely and from a wider range of Albertans, which, again, is exactly why we should go to committee with Bill 30. It allows the government not just to hear from their friends and allies but to also hear from other Albertans who may not have the same, to quote the Health minister, NDP world view. I believe that we have seen many, many, many pieces of legislation – that was a lot of "manys" – that are specifically driven by that NDP world view, and I think that a committee, in this case for Bill 30, would allow for individuals who don't subscribe so wholeheartedly to the NDP world view to be able to provide feedback to the government. In fact, we would wind up with a piece of legislation that was much more fair, that was much better – much, much better – than what we currently have. You know, Madam Speaker, I will take that phrase, "much, much better," back. It's possible that the government has this right. Not likely, but it is possible.

A committee would then allow the opportunity for us to really break down the ins and the outs of this piece of legislation, this massive piece of legislation that provides offences and penalties, that provides additional powers to the court to make directions, that talks about the boards of inquiry, the funding of organizations, and that provides in the second section amendments to the Workers' Compensation Act. I think, Madam Speaker, that going to committee is so critically important to allow workers to have a voice here within the process. I mean, we're talking about some important matters, including the right to refuse dangerous work. We've heard members of that side speak specifically about that.

You know, let me be very clear that there are good, positive pieces of legislative work inside Bill 30. Now, on the long portion of the bill there are enough significant challenges in here that I think that I personally – I would never speak on behalf of my colleagues – am quite likely to have a challenge supporting the legislation at the end of the day, but I think that there are some good things inside Bill 30, so it would give the government an opportunity, if in fact they voted in favour of the referral motion, to also speak about those things.

Albertans who have been impacted by some of the things that they're going to be correcting inside Bill 30 would have the opportunity to come and speak about those very specific issues. I often find that that is a net benefit for us all, Madam Speaker. As we look at the broad range of individuals that Bill 30 affects, both on the WCB side and on the OH and S side, we look to small and medium-sized businesses, who this bill presents a significant risk to. There will be many changes within some of the premiums that they will face. There will be some changes around how they may engage with employees.

The Acting Speaker: Thank you, hon. member.

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

Mr. Nixon: Well, thank you, Madam Speaker. You got the riding right and everything tonight. That's just excellent. I do appreciate the hon. Member for Olds-Didsbury-Three Hills' comments. I know that earlier in the day you thought I was him, but clearly he looks nothing like me. I just want to point that out.

Anyways, I appreciate him bringing up the importance of this referral amendment that has been moved, the need for consultation in particular, bringing up his concerns with the things that he's seen in his time in this place with the government bringing forward legislation that they had not taken time to consult with people in Alberta about, the pattern of behaviour that we have seen from this NDP government and the consequences that have happened to Albertans as a whole as a result of that. I do appreciate him pointing things out like Bill 6 and the difference between how bills like Bill 6 or this bill have been treated before this place compared to daylight saving time and the fact that there seems to be a double standard.

I also do appreciate him pointing out that the government has a really bad habit, Madam Speaker, of bringing forward legislation in the final days of a sitting instead of bringing it forward at the beginning so that people could take some time to actually debate it. It's disappointing. I know his constituents. We share a county. Both the hon. member and I come from the same county that we call home. I know that we hear concerns about that often, about the government's lack of consultation, which is why this referral

amendment is important. I hope the hon. member would spend some time elaborating on that.

11:50

Mr. Cooper: Yes, and what a fine county it is in the constituency of Olds-Didsbury-Three Hills. Of course, Mountain View county is the county that the hon. member refers to. Olds-Didsbury-Three Hills is where the folks from Rimbey-Rocky Mountain House-Sundre come to vacation because it's just a little bit more outstanding than Rimbey-Rocky Mountain House-Sundre.

You know, Madam Speaker, to make sure that we are very specifically speaking to the very important referral motion that's before us, I spoke briefly about Bill 203 and by-election and government announcements and that being referred to committee. I spoke about the passion that the Education minister used to have, when he was in opposition, about the use of committees and how we can really produce high-quality legislation that is better for all Albertans. I know that from time to time the government likes to talk about what the opposition would or wouldn't do, but I can assure you that the opposition takes its job very seriously when it comes to ensuring that we get the best pieces of legislation possible. I think that it's very important that we do that work, that we do our due diligence and ensure that the legislation receives the due diligence that it deserves.

I don't know what's going to happen tomorrow, but I can only speculate that we'll be having more conversations quite like this with respect to other pieces of legislation that we've seen this government ramming through at the end of a session, morning, noon, and night, you know, introducing pieces of legislation that are 146 pages and then another one that's 200 pages long, all introduced in the dying days of a session, all with the singular purpose of not providing the opposition with the best opportunity to do their jobs. Oftentimes governments will do this. We see it happen not just here but in other places as well. Governments will do this while they're trying to pass legislation that has a significant benefit to them or to their stakeholders but may or may not have a significant benefit, a much more widespread benefit, or certainly a benefit to the opposition and our role, that is very important.

Madam Speaker, I know that there are members of the other side that will know what it's like to be in opposition, that will have experienced exactly what is happening tonight and will quite likely happen tomorrow night and the rest of the week, and that is a government that . . .

The Acting Speaker: Thank you, hon. member.

The hon. Minister of Children's Services.

Ms Larivee: Thank you, Madam Speaker. With that, I'd like to move that we adjourn debate on Bill 30.

Thank you.

[Motion to adjourn debate carried]

The Acting Speaker: The hon. Minister of Children's Services.

Ms Larivee: Thank you, Madam Speaker. I believe we have made significant progress this evening. I thank my colleagues for their stimulating conversation across the floor and would like to move that we adjourn until 10 tomorrow morning.

[Motion carried; the Assembly adjourned at 11:55 p.m.]

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