



Province of Alberta

The 30th Legislature  
Second Session

# Alberta Hansard

Tuesday evening, July 14, 2020

Day 44

The Honourable Nathan M. Cooper, Speaker

## Legislative Assembly of Alberta

### The 30th Legislature

Second Session

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## Legislative Assembly of Alberta

7:30 p.m.

Tuesday, July 14, 2020

[The Speaker in the chair]

**The Speaker:** Hon. members, please be seated.

### Government Bills and Orders Second Reading

#### Bill 32

#### Restoring Balance in Alberta's Workplaces Act, 2020

[Adjourned debate July 8: Mr. Copping]

**The Speaker:** Is there anyone who would like to speak to the bill at second reading? The hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Thank you, Mr. Speaker. It's a pleasure to rise today in second reading on Bill 32, Restoring Balance in Alberta's Workplaces Act, 2020. This is my first opportunity to speak to this bill although I sincerely expect that I will be speaking to this bill a number of times in the upcoming days and weeks.

I'd actually perhaps like to begin by saying that, as we've all said many, many times in this House, Albertans have experienced extraordinary change and extraordinary challenge over the last few months with COVID-19 and the effect of the pandemic on businesses, on workers, on families, on all of us, really, and particularly we saw extraordinary courage and resilience from Alberta workers more so than anybody else. There were so many people in our province who had to step forward and continue to work even at a time when there was so much that was unknown, a lot of fear, a lot of concern about the spread of the virus and how to contain it.

I think back to those early days, when it suddenly felt that it was scary to come in to work because we didn't know what we would face. Yet so many Albertans, particularly our front-line workers – and in the early days of the pandemic, Mr. Speaker, you'll recall, of course, that we really focused on our health care workers, but we quickly realized that there were so many other essential services in our province that we could not function without, we had to expand, and rightfully so, our definition of what we considered essential work in this province. We realized that we couldn't go to work and couldn't function in our lives without people who were working in grocery stores, without people who were fixing cars, without veterinarians, pet food stores. I remember thinking: oh, gosh, am I going to be able to get food for my pets? And, yes, that's an essential service.

We saw people who were doing critical work on our infrastructure, continuing to do roadwork, maintenance work, janitorial work. In fact, those people who did that kind of work became even more essential as we realized how important it was to keep our workplaces, our homes, our public services clean. All of that kind of work became incredibly critical and incredibly essential, and we all recognize that.

I know, Mr. Speaker, that many of us have stood up in this House and commended and thanked those workers in various ways, through statements in this House or whether it be social media post – I remember that you'd be driving down the road and you'd see billboards from various companies stating: thank you to our essential workers. I know that my colleagues and I took part in a wonderful tradition every Saturday night at 7 p.m. of going outside and clapping and cheering for and thanking our essential workers. We really valued those people, who continued to work hard to make

sure that even though life was different, we were still able to function. We were still able to carry on in a different way. It looked different, but we realized how important everyday people were to making sure life continued on in some semblance to normal.

Given that, given the times that we had government members, ministers, the Premier, members from the opposition, of course, standing up and saying, "Thank you; thank you to our essential workers," and calling them heroes for continuing to go to work every day, it's even more remarkable, then, Mr. Speaker, the way this government rewards workers, whether they be unionized or non-unionized. The people who go to work every day are not some different entity than we are. There are not groups of people who are job creators and then there's a clear distinction and then there are workers. We all work together to make our economy function.

I thought we valued, I thought this government – I tried to take them at their word when they said that they valued the workers who did that work every day. Yet one of the first pieces of legislation that they introduced, although it was quite a heavy legislative agenda, since coming back into this place on a regular basis was actually a bill to pick their pockets, a bill to say: thanks, workers, but we're actually going to take more money out of your pocket. It seems to me that in the eyes of the government there are employers and employees, and somehow they're at odds. Somehow we don't all benefit when all of those Albertans, whether they be employers or employees, benefit, whether they be businesses, nonprofit organizations, whether they be unionized workers, whether they be non-unionized. We all have to benefit in order for our province and our economy to be strong and healthy.

Yet this bill seems to be very strongly leaning towards saying to workers: "Thanks for your hard work, but we don't actually value you that much. We're actually going to take money out of your pocket, and we're going to actually make it easier for you to lose the money that you maybe rely on even more so than you did before." How many people in this province have realized how fragile their work is right now, how quickly they could lose it, how quickly they could be facing being temporarily or permanently out of work, seeing their hours reduced, their ability to care for their families and pay their rent and pay their mortgage and pay their cars? All of those things could be taken away so quickly, and instead of valuing them, this government is actually saying: "We're going to make it harder for you to get by. We're going to take those little things out of your pocket. We're going to make it even more difficult for you to do your work every day."

I have to actually begin by taking issue, Mr. Speaker, with the title of this bill, Restoring Balance in Alberta's Workplaces Act, because there is no balance that's being restored here. In fact, since this government has come into force or into power, they have systematically undermined the value of workers, of people who do their jobs every day. We saw that in the First Session of this Legislature, where they were picking the pockets of workers in various different ways, and now we're seeing it once again.

What's remarkable is that a number of the pieces of legislation that are amended by Bill 32 – the Employment Standards Code, the Labour Relations Code – are pieces of legislation that this government has already made amendments to earlier this year or last year with their Bill 2, their first pick-your-pocket bill. They've come back again, and they're making further changes again, picking the pockets of workers, which shows that they obviously didn't think that they'd done enough to workers. This is how they thank them. This is how they reward them and value them for all of their hard work during the pandemic, to say: "Yeah. We already made things a little bit more difficult for you before the pandemic. Thanks for your hard work. We're now going to make it even harder."

Let's walk through this a little bit, Mr. Speaker. As I said, there's a lot in this bill, a lot that actually tips the balance, I think, far out of whack if I may say. It seems to be valuing and saying that employers' costs of operation, which are important – and we've actually stood up in this House a number of times and talked at length about how important small businesses and companies who are investing in Alberta and are trying to survive this pandemic are. We've stood up numerous times and called for a number of substantive actions from this government to actually take care of small businesses, and what we've seen has been absolutely pennies.

We've seen that primarily for the first three months of this pandemic this government has been focused on deferrals, on saying, "You don't have to pay that now, but you still have to pay it; you just have to pay it a little bit later," as if somehow miraculously in a few months the economy is going to be any better. In fact, we know that every month that this government is in power, the economy gets worse. That seems to be the track we're on. They haven't given anything concrete to small businesses, but they are giving some benefits to some employers to say that their costs of operating are more important than the cost of living for so many employees.

One of the things, Mr. Speaker – and I know we've talked, and I've heard some members of the government side, in particular the minister and the Premier, speak about it and try to sort of downplay: "This is no big deal. It's no big deal." If it's no big deal, then I'm wondering why they're bringing it forward and who they spoke to that said it was so important to bring it forward after they'd already amended these pieces of legislation prior to the pandemic.

Some of the things, Mr. Speaker, that I'm concerned about are, for example, the changes to the averaging agreements. Let's be clear. They're no longer averaging agreements; they're now averaging arrangements. I have to give credit. At least that's being clear and transparent about the fact that this is not an agreement. Averaging agreements no longer exist because agreement implies that both the employer and the employee agree to something, that there is a negotiation, that there is a meeting of the minds. That's really, essentially, what an agreement is, a meeting of the minds about the terms and conditions of employment. Now, it's very clear that it is no longer an agreement, because it is an imposition. It is the employer who's going to dictate to employees the hours of work, basically allowing for the possibility of the elimination or at least a significant reduction of overtime pay as well.

7:40

Now, we already saw cuts to overtime pay a year ago, when this government picked the pockets of workers with Bill 2 in the First Session of this Legislature, and now they're doing it again. They seem to be really dead set against paying workers for overtime and on trying to get as much out of workers as they can without allowing workers to have the rest and the value and compensation that they deserve. We recognize that overtime pay is valuable and is necessary, because there are set hours of work, and we're saying that if individuals are going to work far beyond that, there should be some benefit to them for doing so. Apparently, this government does not value overtime pay and is trying to eliminate it in as many ways as possible through various pieces of legislation.

I've heard the minister of labour stand up and say that it's not true, that there's no elimination in Bill 32 of the requirements and limitations that were set out under the previous Employment Standards Code, which said that averaging agreements must not exceed 12 hours per day or 44 hours per week. They've claimed that that's not what they're doing, but I think they're assuming that Albertans are not going to actually take the time to read Bill 32. It's very clear that that is what they're doing.

Mr. Speaker, those limitations of 12 hours of work per day or 44 hours per week in an averaging agreement under the Employment Standards Code are set out in the Employment Standards Code under section 23.1(3)(d), and on page 6 of Bill 32, it is actually eliminated. That provision is repealed. The provision that talks about 12 hours a day or 44 hours per week being a maximum in an averaging agreement has been repealed. Instead, it simply says that an averaging arrangement under Bill 32 may

include a schedule setting out the daily and weekly hours of work for the averaging period and, if the averaging arrangement specifies the matters set out in subsection (4), a statement that the employer may amend the schedule in accordance with the averaging arrangement.

Those references to 12 hours per day or 44 hours per week as a maximum have been repealed.

I'm hoping that as we have more discussion, perhaps the minister of labour can clarify where within Bill 32 they've preserved those limitations. I've heard the minister of labour say in this House that that was not eliminated, but on my reading – I appreciate that the minister of labour is probably more familiar with his own bill and has had more time with it and, I hope, has pored over the details significantly – I see that that provision has been repealed.

One of the reasons why I raise this, Mr. Speaker, is the fact that this now allows for an employer to impose an averaging agreement on employees over a 52-week period of time, no longer a 12-week period of time, which means that they can set hours of work for the entire year and say to the employee: "We're hoping that it'll all work out in the end. You just have to work for an entire year to balance out your hours over that entire year, to make sure that you're not getting paid any overtime. It'll all work out." Of course, this is not by agreement any longer by the employee; it is by imposition by the employer.

I'm concerned about that because when I hear the minister of labour stand up and say that they're not doing something which they are very clearly and plainly doing within the bill, it says to me, again, what I think has been the fundamental problem with this government since they came into power, which is that they continue to break trust with Albertans. They continue to say that they're not doing something when they clearly are. They continue to say that they're going to do something, and then they don't do it. Then there are all those things that they never mention that they do, which really caught Albertans by surprise.

I think that's the problem that we have right now in this province, Mr. Speaker, with this government and that so many Albertans feel. It's a lack of trust, because it assumes that the Alberta government, the government of Alberta right now, is playing games with Albertans, that they're using statements that are not truthful to describe their actions, and it's making it challenging for Albertans to know what to believe.

I've heard a lot of talk in this House, Mr. Speaker, of statements being taken out of context and people saying that members are saying things that they're not saying and vice versa, and I think that what we have is a break of trust. The actions of this government – they talk about restoring balance, yet there's nothing in here to protect the workers that they claim they value. That's a break in trust, and it's a break of faith. That's why Albertans are rightfully concerned and distrustful of their government right now.

I want to talk a little bit further about some other provisions in this act as well, Mr. Speaker. Some of the other changes are around, for example, group terminations. I'm just actually going through the bill, kind of page by page. There are many different provisions to talk about. As I'm kind of chronologically page by page going through this bill, I'll get to the section where, for example, this bill repeals the group termination provisions and replaces them with new

provisions. These group termination provisions, as you may be aware, are about the termination notice that must be given to the minister of labour and employment as well as to bargaining agents for employees when there's going to be a termination of more than 50 employees at one time.

Now, we have gone through in this province some significant challenges, and I know that it's not going to stop any time soon. Unfortunately, I know of one business that, I was advised, just laid off 70 employees last week. Of course, I'm assuming that the minister of labour is probably aware of that as well because he would have received notice under the Employment Standards Code of that layoff. The point is that we're getting into a situation where we're seeing more and more group layoffs happening.

What this does, for example, is that it removes the notice to the bargaining agent when a group of over 50 employees have been laid off. Not only does it do that, but it actually also shortens that notice period to the minister. For example, under the previous Employment Standards Code, if 50 or more employees are laid off but fewer than 100, they have to give eight weeks' notice. If it's 100 employees but fewer than 300, it's 12 weeks. If it's 300 or more affected employees, it's 16 weeks. This, of course, is important information that the minister needs to know because it indicates – I would expect that the minister of labour and employment would have a very strong interest in knowing that a major employer in Alberta is laying off a substantial number of employees. Not only does it indicate that perhaps there's a significant problem or an indicator of a problem in the industry or the sector, but it's important information for the minister because he's about to find out that hundreds of Albertans are about to be laid off work. That's really important information. Now it's shortened. If it's anything over 50 employees, they now have to give only four weeks' notice to the minister and no longer notice to the union.

Again, I think it's making what's already a bad situation into a difficult situation. Group terminations are not an easy thing for an employer. They're not an easy thing for employees. It's rushing through the process and making it even more challenging. It's making it challenging for the union who represents those employees to be able to provide adequate supports. If a union is advised that there are going to be, you know, 300 or more employees laid off at one time and they're given adequate notice, they can start to prepare those employees and make sure that they have the supports they need in place instead of leaving them high and dry. Instead, we have, I guess, a practice now where employers – again, I appreciate that for employers to do it, it's a very challenging and difficult decision as well, and it's not an easy thing.

I have actually in my career counselled employers who have had to do that, and I know how difficult it is and how much they care about their employees. At the same time, Mr. Speaker, it's equally as devastating, if not more so in some situations, for the employees. Especially at a time right now when it's particularly challenging to find work, shortening that notice could really be incredibly stressful and could create incredible anxiety as to how bills are going to be paid. So I don't know why we would want to limit the notice to the minister if there are going to be a large number of Albertans who are about to be laid off. Wouldn't the minister want as much notice as possible to try to take whatever steps they could, talk with the employers to see if there are any measures to try to keep employees employed? Right now it doesn't feel like this government is actually that interested in taking actions to support employees that have been laid off.

7:50

Another measure and example of that within Bill 32, Mr. Speaker, is extending the amount of time that an employer has to

pay out an employee's termination pay. Right now it's within three days. Once an employee is terminated, an employer is obligated to pay them any wages owing within three days. Now that's been extended to up to 31 days. I appreciate that that might not seem like a huge difference to a lot of people, but if anybody has ever been unemployed, particularly in the economic climate that we're in right now, the difference between three days and 31 days is a rent payment, it's the ability to put gas in your car, and it's the ability to buy groceries for that month.

**The Speaker:** Hon. members, is there anyone else wishing to join in the debate?

**Mr. McIver:** Under 29(2)(a)?

**The Speaker:** This isn't 29(2)(a). Standing Order 29(2)(a) isn't available as the hon. Member for Edmonton-Whitemud was the second speaker.

Is there anyone else that would like to join in the debate? The hon. Member for Edmonton-Rutherford.

**Mr. Feehan:** Thank you, Mr. Speaker. I appreciate the opportunity to spend a little bit of time talking about Bill 32, which is quite laughingly referred to as Restoring Balance in Alberta's Workplaces Act, a bill that perhaps would be better named something along the lines: a bill to limit the freedom of association and freedom of expression of citizens in the province of Alberta.

**Member Ceci:** You could amend it.

**Mr. Feehan:** Perhaps. Yeah. We'll put it in an amendment on that.

Or perhaps: a bill to reverse the labour relations gains of the last 200 years in western democracies in the world. How about: a bill that puts the lie to red tape reduction processes for the province of Alberta, that we talk about in some of our other legislation, Bill 22, for example? All of those would have been a more accurate description of what's happening in this appalling piece of legislation that, I assure you, will be challenged in the courts and will lose resoundingly when that happens. I know that the government sometimes puts bills in knowing that they will lose when they arrive in the courts, knowing that they'll get away with something for a little while before the court overturns it, a moral level which is quite fascinating for a government.

But let's spend a little bit of time, rather than simply mocking the ridiculousness of the name of this bill, looking at some of the really abhorrent practices that are instituted in this bill to limit the rights and freedoms of citizens of the province of Alberta. If you haven't noticed by now, I'm not voting for the bill. That said, let's just take a quick look at a few of the pieces. My notes are very extensive. I'm sure I won't get through all of them in this one brief conversation, but I certainly look forward to Committee of the Whole, where I'll be able to stand up repeatedly and will stand up repeatedly to go through many of the lines of this bill. You've certainly given me an opportunity, with a fairly extensive bill, to argue lots of points about it.

The issues here in this bill are very wide. I think the issue is that the attempt here is essentially to remove power from a private organization and put it in the hands of people with whom they have to sit at a bargaining table, so moving information and power across the table from one group of people to another. It's clearly an attempt to weigh down one side of the scales in a very dramatic way, which is going to make many of the actions, moving forward, very difficult for honest people who are trying to protect their rights and who are trying to establish the integrity of their work and the right to receive appropriate compensation and rules of safety and

protection in that workplace, something that has been one of the primary pillars of western democracies in this world over the last 200 years. They're one of the very first governments ever to reverse and reduce the rights of citizens in this country. That's a pretty horrible legacy for them to be marching on at this particular time.

Let's look at some of the particular pieces that are in this bill and some of the problems that are there. We have constructed boards, of course, which will help to make arbitration decisions with regard to decisions in the union, and those boards are composed of three people. However, in this particular bill the decisions about what will happen have not been restricted to a triumvirate of people reviewing the decisions and making a joint decision but, rather, have been set up in such a way that if the chair or vice-chair wishes to or believes they have a reason to, they can decide alone to make decisions on this merely by declaring that it is important that they do so, with no guidelines as to what exigent circumstances exist that would cause a chair to not take into account the thoughts and concerns and voting power of the other two members of the small board.

So what we have is a situation where that chair can summarily dismiss a matter based on whatever biases or prejudices they take to the issue: "We don't like this particular application. We think it is vexatious. Therefore, we refuse to hear it." I don't see in here the criteria for what constitutes vexatious in this case. I don't see any limits on that. I don't see the chair having the responsibility to consult with the other two members if he or she has already decided that he or she needs to proceed because of timeliness or some other aspect of the decision. I think that's very problematic, that the decision-making in this process has risen to a level of nonaccountability and arbitrariness. That is just completely and totally unacceptable.

Let's move on a little bit and talk about some of the other pieces that are here. Now, we have to remember that unions are private organizations. They are not an arm of the government; they don't represent the government. They're not paid for by the government, yet the government has decided that they can intrude into this private organization and tell them how they're going to work with their own members. Now, there would be an appalling backlash on the government side of the House if the government stepped into businesses, for example, and said: you have to do the same kinds of things with your shareholders. It's not balanced because they're not doing it for everybody involved. They're only doing it for unions. It's simply an attack on unions.

Right now we already know that unions routinely provide their financials to their members. Members can go down to the union hall and go through all of the information that they choose to go through. They can go to the AGM and see the reports on the financials, and they can vote on the acceptance of the financial report and ask questions. It happens routinely, all the time. I've not been a union member much in my life. Sadly, my circumstances didn't lead me that way. But since I've been elected, I happened to stop by a couple of union AGMs to see what was going on and have seen where the financials are presented and discussed. There already is transparency for the members of the private organization.

What has this government done? They've decided that the information of a private organization is now going to be made available for people outside of that private organization. They have determined that unions must provide to the union members, to every single member, physical copies of the financials, which means that employers now will be able to go through the financials of the union, which is a separate and different organization, and look at things like: how big is the strike fund? If it's a small strike fund, now is a good time to start doing things against the union. If it's a

big strike fund, perhaps they'll hold off for a little while. That's what's happening here.

**8:00**

It's like saying that you're going to give the financials from Woodward's to Sears so that Woodward's can make some determinations as to how best to work against Sears and how best to win in the market of big department stores. They would never do that. Sears' business is not Woodward's business. Now, I know I'm older than many people here in the House, so I want to tell you that Woodward's and Sears were once department stores, just so you know.

**Member Ceci:** Starbucks and Tims.

**Mr. Feehan:** Oh. Sorry. I don't drink coffee, so I don't know the Starbucks thing here. Starbucks and DavidsTea. Does that help?

The point is still the same. The point is that you're actually putting the employer in a position of having direct physical access to information that is not about their own business. It is the business of a private organization, referred to as a trade union. I think that that's very problematic. There's no ability for the union to say: there are some aspects of our business that are really no right of the employer.

Now, this becomes compounded when we get to the very difficult section about the requirements to opt in or opt out on political activities that the union may be involved in. I know what's happening here, and that is that the Conservatives struggle with the notion of democracy and struggle with the notion of a majority rule democracy. They clearly don't understand that unions are democracies. You can go to the annual general meeting, and you can vote whether or not you wish things to go one way or the other. But because it's a democracy, once the decision is made, everybody follows that.

Now, I'll give an example of where else that happens. It's called the Legislature of the province of Alberta. On a regular basis the government makes proposals to spend money based on the fact that they have a majority. I stand up repeatedly and provide clarifying comments on the problems inherent in the government's thought process and the applications of their laws, and in spite of my due diligence, my hard work in bringing forward important information, and my willingness to stand and vote against that, when the government uses its majority, I don't get my way. That's kind of the way it works in a democracy.

Now, if the government were serious about this concern about the ability to opt in or opt out when you don't like how your money is spent, then I would have imagined they would have included in this bill or a companion bill the ability for taxpayers in the province of Alberta to opt in or opt out of government programs depending on whether they like them or not. If the government were to do something completely ridiculously foolish – what if they wanted to put \$60 million to a war room, for example, which I can't imagine that they would want to do because it's so ridiculous, but if I didn't like that, then as a taxpayer I should be able to write on my tax bill: I do not elect to participate in a war room; therefore, I would like the government to return to me that portion of my taxes which are equal to the proportion of government spending on notions that I don't like, like the war room.

Now, when I put it in those terms, I can't imagine that anybody on the government side of the House would agree to have taxpayers opt out when they see their money being spent on things that they do not like because they know it would be very difficult to run a democracy if democracy meant a series of small dictatorships in



which everybody gets to make every decision for themselves and never has to concede to the will of the majority.

Now that's the issue that we have at hand here. That's what the government is saying must happen in the unions, that people need to opt in. They can't simply go to the voting place, put up their hand at the AGM, and say: no; I don't like that particular political process; I'd like to vote against it, please. Then if they win, great; if they lose, well, they understand that they're not going to win everything. That's what a mature democracy looks like. But the government doesn't want that to happen in a union. They don't want it to be democracy. Can you imagine if we said that to shareholders of major corporations?

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available. I see, from previous indication, the hon. Minister of Finance. Correction – how's that for a promotion for you? – the hon. Minister of Transportation.

**Mr. McIver:** Well, thanks for the promotion, Mr. Speaker. I appreciate that very much.

The last couple of speeches are what one might refer to as a target-rich environment as far as debate goes. I won't be able to cover all the ground, but I'll try to cover some of it. I just heard the previous member talking about who's confused about democracy. I'll use the example of the war room. I'd remind the hon. member that the war room budget was funded by a democratic vote in this House, and the people in this House were sent here by democratic vote at the last election. So there's the first part of the hon. member's lesson.

But there's more for the hon. member to learn. He claimed that Conservatives struggle with the concept of democracy. Well, Mr. Speaker, this session we brought forward legislation to provide referendums, the most direct form of democracy possible, to let the citizens vote on what their government does, and that's even after they've elected the government, so it's almost double democracy, and the other side of the House, the NDP, doesn't want that to happen. With those two examples – and I'm sure other colleagues of mine can come up with better examples than I have – I think it's pretty clear, for anybody listening now, who's confused about democracy in this room and who isn't based on those very obvious examples.

Now, I heard each of the last couple of speakers from the other side using a phrase including something like taking rights away. Well, Mr. Speaker, no government in this country can take rights away from people. That's why they're called rights. I know we've got more than enough lawyers in this room, and there are some on each side of the aisle, so for the hon. members that aren't clear on that, you should check with the lawyers on your side of the House. They will explain that to you. In fact, both of the hon. members, I think, are lawyers, yet they said that out loud. For those listening at home, I think the credibility is lacking in the debates that we've heard so far, but maybe they'll do better. The evening is young.

Mr. Speaker, I also heard comments about picking people's pockets. Well, nobody picked Alberta workers' or Albertans' pockets more than the NDP did when they put the carbon tax in place, which was their first bill that they put in place when they got to be government in 2015. It was the biggest, most broadly applied pocket-picking that has ever happened in the history of Alberta. Of course, what was the first bill of our government? It was to get rid of the largest pocket-picking in the history of Alberta, which was essentially the biggest tax cut and – well, I won't say "gift" because it's not; it's Alberta workers' money – the biggest returning to their pockets of the money that they earned was getting rid of the carbon

tax bill, our Bill 1. There's just a little bit of perspective there that I think needs to be brought to this debate.

**8:10**

**Balance.** Well, you know what, Mr. Speaker? I heard quite a bit about averaging agreements. Sometimes those averaging arrangements now are conditions of employment. For example, farmers, people working on a farm will know that the crops have to be put in in the spring, within a very narrow period of time, or you don't get a crop. So I'm sure that farmers would require that their employees work longer during those times. Also, in the fall those same crops, should the farmer be fortunate enough for them to actually grow – and when you're a farmer you do gamble on the weather a little bit so that doesn't always happen. But when you are fortunate enough after a few months to actually have a crop in the field, then it needs to be taken out within a very narrow period of time, too, before it snows, before the hail hits it, before the wind knocks it down, before a bunch of other bad things happen. Without the ability for those employers to have that work done during the narrow period of time when it needs to happen, it wouldn't happen. And the same with ranchers. Cows don't have calves between 9 and 5 unless it's by chance; it's surely not by design of the cow, I can tell you that. So these are some of the reasons why these averaging arrangements actually provide jobs for Albertans.

The other side would have you believe that they take jobs away. In fact, if you ask a farmer or a rancher or a retailer that does their business by Christmas, they would tell you that this provides jobs; it does not take them away.

**The Speaker:** Hon. members, is there anyone else wishing to join in the debate as the time for 29(2)(a) has expired? The hon. Member for Edmonton-South has the call.

**Mr. Dang:** Thank you, Mr. Speaker. It's a pleasure to rise today and speak to Bill 32. It's called Restoring Balance in Alberta's Workplaces Act, but I simply don't believe that's the case. Before I begin, I would like to acknowledge that we are joined by some members of the United Nurses in the gallery here. I know that Danielle Larivee, a former minister here in this place – and I apologize; I've forgotten the name of the board member as well. We have a few guests as well who are here because Albertans know and workers know that this bill is, quite simply put, one of the largest attacks on workers that we've ever seen come to Alberta. That's why even in the middle of a pandemic and even at 8 o'clock at night we have people sitting here in the gallery to show their displeasure with this government and try to have the government understand how dangerous this is for working people.

Mr. Speaker, this is allowing profitable corporations and their CEOs to continue to make billions and billions of dollars in profits. We know this Premier has already given more than \$4.7 billion away to profitable corporations, and now he's deciding to go in and pick the pockets of working people as well. So it's something that's very concerning for us in the opposition because there are a number of issues in this bill. I mean, I know that a number of my colleagues have already spoken quite a bit at length to averaging agreements, but the ability of the employer to both cancel averaging agreements and then impose new averaging agreements without the consent of the employee is a complete imbalance in the workplace. Simply put, it completely allows the employer to control the power dynamic.

It's something that I think is unacceptable. It's something that workers will find unacceptable. Indeed, it is something that will impose an arrangement – I think that change in terminology, that change in phraseology is actually very important for us to pay attention to. As they were previously called, they were averaging

agreements, something that was agreed to by both employers and employees. Now they're going to be averaging arrangements, so something that the employer will actually impose on employees. I think that change in terminology actually reflects the intention of what the government is bringing in. It speaks to the mindset and the world view that the government is trying to bring forward to Alberta. It's that employees do not have a place to agree to what they do. Instead they are told what to do. I think that type of language that the government is introducing reflects that.

Mr. Speaker, I think it also is pretty concerning because, as my colleagues have mentioned already, the changes mean that employees who work over, let's say, 12 hours a day may not qualify for overtime. That is simply absurd, to have somebody work over 12 hours a day by force and then suddenly say: well, you certainly don't need overtime for those 13, 14, 15 hours either. I think Albertans will find that absurd. It is, simply put, taking money out of the pockets of working people. To be clear, it means that in some weeks employees will work well over 44 hours and not receive any overtime. And that, I think, employees will know is not fair.

Mr. Speaker, there's almost no recourse. There's less recourse, of course, because in this amendment to the second pick-your-pocket bill in the span of a year, employees will only have six months to raise their concerns with the employment standards board while these arrangements that employers can force on employees can be lasting up to a year. You actually don't even have a satisfactory amount of time throughout the lifespan of this arrangement to complain about it and have your case made to the employment standards board. It's simply ludicrous, right? It puts all the power in the hands of employers. It simply is not restoring balance at all. Instead, it is actually tipping the scales for the employer.

Mr. Speaker, it's very clear. This bill makes it easier for your boss to fire you. It makes it easier for your boss to pay you less in wages. It makes it easier for your boss not to pay you out your wages for a much longer period of time after you are terminated. It's very clearly just a simple attack on working people. Day after day this government goes after working people, and they don't even try to justify it, right? This government hasn't spoken to things like economic impact studies and what they actually found this would have effects on in terms of workers and employees spending money in economies. They didn't talk about who they consulted with. They didn't talk about what they learned from the consultations, including that they didn't talk to workers. If they had talked to workers, we wouldn't be hearing the massive outrage from workers across this entire province.

Mr. Speaker, we know that this government already messed this up once. They changed the rules on averaging agreements last year, and then they're coming back today. They're coming back to this place again and changing averaging agreements again because they got it wrong. News flash: the government got it wrong a second time, so we're going to have to be back in this place and fixing this mess because it is simply an attack on working people. It's simply an opportunity for this government to pat themselves on their backs for the \$4.7 billion they've given away to profitable corporations and then tell working people that they don't deserve as much every single day.

Mr. Speaker, I want to touch on employees who are terminated and what this means for them as well because one of the things that this bill does is that it brings in this extension of the time for final payment for wages earned. This is actually money that employees have already earned, right? They've put the hours in. Money owed to the employees. It used to be, before this bill, that that money had to be paid out within three days. Three days would mean that somebody who is terminated is now able to go and perhaps pay their

rent or pay for their groceries or put gas in their car, whatever it is. It's a very stressful time for these employees. They just lost their job. But now instead of it being three days, this minister wants to tell those workers that it could be 31 days.

Mr. Speaker, let me put that in perspective for you. If this is, let's say, done on the 15th of the month or the 17th of the month, whatever it is, 31 days could be very well two rent cycles. It could be two rent cheques for people who are paying biweekly. It could be a significant amount of burden for these employees, and it's money that's actually owed to them. This government even admits that it's owed to them because it's earned money. It's hours they've already worked. But instead of giving these employees the money they are due, this government is allowing employers to withhold that money for up to 31 days. I think that's very unfair. It's unfair to employees who may need that money in one of the most stressful times of their lives, when they no longer have a job and are suddenly faced with a situation where they need to pay their bills and need to go looking for a new job and all these things. They suddenly will not have access to that money, and that could be up to a month. I think that's very disappointing, and I think it's something that Albertans and workers will be upset about.

Perhaps this government could clarify, perhaps the minister could clarify for this place: how many workers asked for this? How many workers, how many people said, "Yeah. When I get terminated, I don't need that money. If I lose my job, I don't need that money"? How many people actually told this government that? I think that's a very important question that we have to ask every single day in this place because we know that this bill is one of the largest attacks on workers we have ever seen. How many workers said that it was a good idea to change the calculation and the formula for calculating general holiday pay? How many workers said that it was a good idea that instead of averaging the last four weeks worked, employers could choose which weeks so that they could avoid things like holidays?

Of course, Mr. Speaker, we know that if an employee works on a holiday, they get holiday pay, and that is earned. That is something that they've actually worked for, right? For example, in the last few weeks here, employees may have given up their Canada Day, and if they gave up their Canada Day, they earned additional monies. That's something that they deserve. It's something that they gave up, a day that they would have been otherwise enjoying outdoors with their family. Now employers can choose not to even recognize that when averaging out payments. I think that's something that's very concerning. I think it's something that this government – it shows that they simply do not care about the workers, right? This government is showing that they're making all these changes so that employers can selectively choose to omit any opportunity that an employee has already tried to earn additional money and omit those from the majority of the calculations that employers are required to do.

8:20

Mr. Speaker, I think it's very concerning. We're currently in the midst of a pandemic, right? We're currently in the midst of a global pandemic, one of the largest economic crises in the history of this province and possibly in the history of the world. It's a bill that simply means that employees will get less.

Right now when we see things, for example, like temporary layoffs – I mean, many places are doing temporary layoffs. We know postsecondary institutions, for example, are doing many temporary layoffs, largely as a result of the cuts from this government, this government cutting funding to every single postsecondary institution in this province. But those temporary layoffs: now those institutions and employers who want to do that

will no longer need to give as much notice. Actually, I believe they won't have to give any notice. They can simply terminate immediately or even temporarily lay off immediately, and that's actually very concerning.

Previously, when notice was required for temporary layoffs – so let's say that some of these employers who are having a tough time with COVID and do need to do a temporary layoff, can bring in a temporary layoff, those employees would have reasonable amounts of time to apply for things like employment insurance, right? They'd be able to take the transition period to say, "Well, I know I'm going to be laid off in a couple of weeks here. Let me go apply for EI so I can start getting paid right away and continue to pay my rent, continue to buy groceries, continue to put gas in my car," whatever it is, Mr. Speaker. Those are all very important things in that transition period.

Right now, for example, we see that unemployment is extremely high in this province. Largely it's because of this economic crisis. But instead of looking out for those workers and saying, "That transition time is important," and instead of looking out for those workers and saying, "We will stand with you to ensure that you are able to make that payment for your groceries or make that payment for your rent," instead of standing with those workers, this government is saying, "Actually, you can go two weeks without pay."

Mr. Speaker, to be very clear, the majority of Canadians do not have enough savings in their accounts to be able to sustain that. If the temporary layoff notice came on the 25th of the month, the reality is that many Canadians and many Albertans would not be able to make rent on the first day of the next month. That is what's very concerning about this. This government simply has no empathy – right? – has no care for the types of effects this will have on actual Albertans and actual employees. It, again, completely tips the scales towards the employer. It completely tips the scales and gives all the power to the employer and takes the ability of employees to stand up against this away. It's something that's very concerning.

Mr. Speaker, I want to continue a little bit about postsecondary institutions again. I mean, we know that this government continues to go after postsecondary institutions every single day. They defund postsecondary institutions and then blame the postsecondary institutions for not spending the money adequately. But on top of that, we know that all binding arbitration – in this bill, Bill 32, all binding arbitration for postsecondary academic staff is also going to be voided. That means that anything that's actually already been awarded through an independent arbitrator in a binding arbitration process – of course, we know that there are often labour disputes or there are things like negotiations that happen around collective bargaining, and often it goes to arbitration. That's a fair process, right? We know that an independent person comes in and makes decisions and says: this is what is most reasonable for both sides. But instead of actually upholding those agreements and instead of actually accepting those agreements that have already been made by binding arbitration, Bill 32 will actually tell every single postsecondary academic staff that any binding agreement that was made and they had expected to reasonably receive, because it's in the name and it's supposed to be binding, is now going to be voided.

Again, Mr. Speaker, Bill 32, it seems, is designed to take power away from employees, right? It's designed to take that power away. It's designed to take the wins and the losses, in this case, in the binding arbitration, away from employees, and it's very concerning. It's very concerning because it's a pattern of behaviour. It's a pattern of behaviour that – it doesn't matter what sector you work in in this province, whether you work in the private sector, whether you work in the public sector or you work in a postsecondary

institution or as a nurse or as a teacher or as an oil field worker, no matter where it is, you will get less money, and you will have less right to stand up to your employer. That is what this bill says. That is what this bill is designed to do. It is very concerning because it is not restoring balance. Instead, what it is doing is tipping the scales, and it's picking the pockets of every single Albertan.

I'm also pretty concerned, I think, or at least unclear, Mr. Speaker, that this bill also, for example, removes things like polytechnic institutions from the definition of a public postsecondary institution. What is the intent of that? What is the government's intent? What is the minister's intent when he does that? Does he intend to make polytechnic institutions private institutions or Americanized institutions? I mean, that could be very well the case, but we don't know because this government will not address these things and will not explain to this House and to Albertans why they're going in and attacking workers with such disregard for the actual effects that it will have for their families, the actual effects that it will have in terms of people's ability to pay rent and buy groceries.

Mr. Speaker, it's very clear – it's very clear – that this bill is not fair. It's very clear that this government has put, actually, I think, quite a lot of thought into this. Oftentimes I come into this place and say that the government has not thought about their bill and has not thought about the ramifications and has not thought about the adverse consequences of this bill, but actually I think it's quite clear. It's quite clear that this government knows what some of these consequences will be. They understand what the consequences will be for employees. They understand that changing the averaging agreements means that some people will work over 12, 13, 14 hours a day and not receive overtime. They understand it means people will work over 44 hours a week and not receive overtime. They understand it means that some people will not get paid for almost a month, if they are terminated, money that they are actually owed and have already worked for.

I think it's very clear that this government knows that all these things are in this bill. It's very clear that this government is actually proud of the things that are in this bill, Mr. Speaker. They're proud to be attacking the workers in this province. I think that's quite concerning. I think it's quite concerning because normally the opposition can come in here and say that we believe that a bad bill has been introduced in this place, and we want to try and make it better because we think the government has been misinformed or perhaps hasn't done their homework. I don't think that's the case this time. I think this time this government is really showing their stripes. I think this time this government is showing Albertans that they are tipping the scales in the employers' favour, and they are picking the pockets of every single working Albertan.

Thank you.

**The Speaker:** Standing Order 29(2)(a) is available. I see the hon. Minister of Labour and Immigration.

**Mr. Copping:** Well, thank you very much, Mr. Speaker. I want to thank the hon. members for the debate in the House on Bill 32. I'm very proud to sponsor Bill 32 and to provide balance in terms of the working laws. What this bill truly is about: it's about providing balance, reducing red tape, and helping get Albertans back to work. Now, I understand that the bill is highly complex. There's a significant amount of misinformation out in the media on this, and there seems to be a lack of understanding on some of these provisions by the members opposite, so I just wanted to take a moment to talk on three items only at this point in time. I'll perhaps rise again later to talk on other items, to rise on more details so that there is a greater understanding.

The first topic I'd like to talk about is the overtime averaging arrangements. Now, Mr. Speaker, there seems to be a belief that these arrangements will be the elimination of overtime. Quite frankly, that is not the case. When we take a look at it, the rules regarding overtime for those that are working a regular 9 to 5 job, you know, working 44 or over 44 hours a week: those rules in the code, where you get paid overtime over eight hours a day or 44 hours a week, stay the same.

Now, there are averaging arrangements, and these arrangements have been in place, Mr. Speaker, for decades. Prior to the changes made in Bill 17 by the New Democrats, they were called compressed work weeks. They were entered into by parties, and these were, you know, employers who made these rules. This was for situations where, for example, employers would have their employees work 10 days on, 10 days off, and they would average those hours at 44 hours a week over the course of the number of weeks, and if you worked over 44 hours that week, you would get paid overtime. If not, you would not get paid. Now, the previous government made significant changes to this. They put in rules that made it harder for employers to put these arrangements in place, which were necessary to be able to match the needs of the businesses, but it was also for employees. It was often very beneficial, working 10 days on, 10 days off.

Now, as part of the changes to the rules – and it was mentioned by the hon. Member for Edmonton-Whitemud. Part of the changes to the rules – and I can understand there might be confusion because of removing one rule that says that the overtime averaging arrangement must “specify the scheduled daily and weekly hours of work, which must not exceed 12 hours per day, and 44 hours per week.” Now, on the face of it that may say, you know: you, government, have eliminated the rules to maximum 12 hours a day, and you're not applying the 44 hour per week rule. That is simply not the case. The way the rule was written in the old code by the previous government under Bill 17 was saying: this is how the schedules need to be assessed. The 44 hour per week rule, that being the number of hours that need to be averaged, was in the regs, Mr. Speaker. Those rules are still in the regs. We will still be averaging 44 hours per week, period.

8:30

Secondly, the maximum 12-hour rule and the rule to pay over 12 hours if you happen to work overtime – and, by the way, Mr. Speaker, you can only do that with a variance, if you get a variance from the minister or from the director. That rule still remains in the code. So let's put all of the discussion aside saying that these rules eliminate overtime and that the 12-hour rule doesn't apply and that the 44-hour average per week doesn't apply. They apply, and they apply just as they did under the previous agreement. That 44-hour week is in the reg, and the 12-hour rule is in the code.

The other item I wanted to address, Mr. Speaker, is in regard to financial statements. Now, the hon. Member for Edmonton-Rutherford made an argument saying that he would attend union meetings and they'd go through financial statements and that there's no need for this rule – right? – and that if we did put this rule in place, which is being suggested in the bill, this would mean that the financial statements would be provided to employers, that this would be unfair.

Again, Mr. Speaker, this is simply not the case. The rule for financial transparency is that the union must provide it to its members, not to companies. We can also spend some time talking about the fact that many organizations that are traded on the stock exchange have to actually provide their financials publicly, and governments have to provide their financials publicly. But we can put all that aside. It's a private organization, but there is a

requirement, even though it's a private organization, that whether or not you are a member of the union, you must pay union dues. But we'll put that aside for a second. The fact is that every single other jurisdiction in Canada, with the exception of P.E.I., requires a financial statement to be provided to members or upon request. That's what we're doing. This is no different than other jurisdictions.

I can speak to other items at a later time. Thank you.

**The Speaker:** Hon. members, is there anyone else wishing to join in the debate this evening? The hon. Member for Calgary-Buffalo.

**Member Ceci:** Thank you very much, Mr. Speaker. Let me start by saying that I'm extremely proud of the work done by our government and the minister of labour when we were in government. I don't know if I would characterize it as that we tipped the balance – I've heard balance talked about a lot in the preceding days up to our debate here today – more in the way of employees than employers or if we were just righting some balance that had been previously tipped drastically towards employers over the last 44 years of PC rule in this province. Perhaps it was high time there was some correction in all of that, and as I said, I'm very proud of the work of the last minister of labour in this regard.

I'm pleased to hear the minister of labour get up and address some things and hear from him on those issues with regard to the things he talked about, particularly the 9 to 5, 45 hours a week, all that sort of stuff, red tape, financial statements. It's good to kind of get clarity on issues that he believes are important, that we need to further discuss, but on balance I would say that I'm still opposed to everything in Bill 32 and believe that what this bill actually does is go back to the days of the balance being shifted dramatically towards employers in this province.

What's wrong with that, Mr. Speaker, is quite a few things. One of them is that there are almost 400,000 Albertans who are out of work at this time. We know that the pandemic and the drop in oil have been hard on this province, and about 15.5 per cent of our working population is unemployed at this point. It means, as the Premier said in this House earlier, that we are underperforming as a province, and \$360 billion in GDP that we had in this province is now reduced to \$300 billion. That's a significant loss to all of Alberta, and it is felt and reverberates across the province. Particularly hard hit are low-wage workers, of course, who are out of work and trying to right their family's ship by finding well-paid, steady employment. I don't believe that Bill 32 will assist them in getting their family's economic situation in repair very quickly.

There are a number of parts in this bill, and perhaps the minister will stand up under 29(2)(a), after I sit down, to explain some of the things. You know, it's a pretty massive piece of legislative reading to get through. I've been doing that, and I look forward to spending more time reading it and to standing up under Committee of the Whole to address more parts of it as well as in third reading, that are upcoming.

Something I focused on right now – and I want to echo my colleagues who have raised this same point – is: why the need to extend the time for final payments from what it was in Bill 17 to what it is right now, I believe from 24 to 31 days that employers can pay out a person who was terminated in their employ? That doesn't seem to assist Albertans who will go into unemployment. It doesn't seem to allow them to recoup their earned wages and move on. It doesn't seem that it's something that will assist them in being able to, you know, keep the wolf from their door. It is, frankly, confusing for me.

I think one of the things that I read that was the rationale for it was that it would help in terms of reducing red tape for employers

because they don't have to produce cheque runs off cycle from their usual payment period with employees who remain in their employment. I just want to say that I don't see how that rights the balance. I think that is a difficulty that is being imposed on someone who leaves or is terminated from their employment. I think it potentially is more problematic for employees than employers, who have to do a cheque run off cycle. That's something that I wouldn't mind to hear more about, in terms of who the minister heard from in particular. I can't see employees who are terminated as a group wanting to change that in any way, shape, or form. The balance is, I think, created too much in the way of employers, and that is something we tried to correct in Bill 17 but now has gone back to the way it was.

The other thing I want to look at – I'm not sure I read it fully in the bill, and I need to understand it from either more reading or more listening to debate here – is exemptions to paying employees the minimum wage. I think what I read here is that potentially the door is being opened for lowering the minimum wage of vulnerable groups like people with disabilities and others. I can't see – and I'd be interested to hear from the minister – who he heard from that that was something that would be beneficial.

**8:40**

I know we've had this discussion here in this place before with regard to people who have disabilities and the argument being put by some that, you know, that person at least has a job and that they're not performing the full job to the extent of a person who is nondisabled. I think what Bill 17 did was say that basically a worker is a worker is a worker and that if you hire them, then they must be paid the minimum wage. In this province that's \$15, for the most part, unless you are under 18, and then it's a lower amount. It would be interesting to hear from the minister about who was lobbying for that, and in fact, if he didn't hear at all from employee groups or employees or people who are advocating for disabled employees, then why not?

An additional thing that is of interest to me here and has been mentioned by my colleagues, too – as I said, perhaps we'll get more into other things as we go along – is removing the requirement for employers to give notice of a temporary layoff to an employee. That obviously doesn't benefit employees. I can't see how an employee who doesn't know they're going to be laid off, who is not prepared for that but hears of that and has not been able to go to the EI office and start to process their benefits in the event of the layoff that's coming – I don't see how that benefits laid-off employees at all. It certainly was more seamless for employees under Bill 17 previously, where they would have notice. They could usually take the correct action of continuing to think through: okay; what is it now that I need to do to make sure that we can have the benefits to ensure my family is adequately cared for through EI benefits? Removing that requirement – I'm not sure of the reason why it's been removed. I'm not sure if it's red tape in this case or if it's something that was advocated for by employer groups. It doesn't seem very balanced in that regard.

Mr. Speaker, there are a number of issues in this rather large piece of legislation that are corrective of many different pieces of legislation that are currently in code, not only in code but in statutes in this province, and changing them is something that I believe is not in the best interests of employees and is more helpful for employers. We were trying to at least rebalance that.

I did mention that the requirement to pay out wages upon termination was to better align pay periods for companies. I guess that was in the government press release that came out with regard to this bill. Of course, this was in the UCP platform in terms of workplace democracy and balancing labour legislation. I guess I

disagree with the characterization of this being a workplace democracy bill. I think there are many things in it that seem challenging in terms of being called democratic, and I wouldn't agree.

We have a number of problems with what's in the bill on this side of the House. Of course, we want to ensure that there is economic recovery for every Albertan and for companies in this province, and one can't happen without the other. Certainly, we know that there have to be supportive programs put in place for Albertans who are challenged right now because of the COVID situation we're in. We have some of those in this province, and that's a good thing, but to rely on those for the long term is not something this province is capable of doing. We're talking about a significant deficit in this province of \$20 billion to \$25 billion through COVID, and federally we're talking about 10 or more times that. Companies do need assistance, but companies need workers, and the workers need to know that Alberta has their back, and their back, I don't believe, is properly supported with the bill before us, Bill 32.

We want to make sure that there are less cumbersome initiatives in place regarding workplace standards, codes, and all those things. The work that we were doing with Bill 17 and the other work that the labour minister was engaged in was starting to get us down that road.

You know, it's been a long time since I've been a member of a union, of course, back in the early '90s, but I benefited and I know I benefited from the union representation that was there at the city of Calgary. CUPE local 38 did a lot of hard lifting in terms of making sure that the workplace I worked in had good benefits, had a safe working environment. I never felt like I was being taken advantage of by the local representatives or the union leader in the city of Calgary who negotiated on my behalf.

I will continue to oppose Bill 32 at the different stages. Thank you, Mr. Speaker.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available. I see the hon. Member for Highwood.

**Mr. Sigurdson:** Thank you, Mr. Speaker. I'm actually really happy to have the chance to stand up under 29(2)(a) and speak to Bill 32. I'd like to commend the minister of labour for bringing in this bill. You know, I've heard a lot of criticism from the other side towards this Bill 32, even a comment from the Member for Edmonton-South saying that this bill or this government is dangerous for working people. I'd actually contest that the most dangerous thing for working people in Alberta is an NDP government, and I'll tell you why. The Minister of Transportation even spoke to the fact that over there they may have a couple of lawyers, and I think they do. What I think is apparent is that they don't have any employers, and they have no idea of the impacts of what happened when they were in government. I'll tell you.

As they listen to this and they churn on my words right now, recognize that the reason that I stand here today is because of what the previous government did in their term. My anger because of what happened, their policies, and what I had to do as an employer is why I stand here today. I spent over a decade building my company, and even through tough times, right up to the 2008 hedge fund financial collapse, during those times we were awarded fast growth 50, profit 100. We built. We grew from three employees to over 56. But then 2015: an NDP government. In a matter of less than three years devastating impacts to businesses: carbon tax, occupational health and safety changes, and changes to labour standards that put me in a position where I sat across the desk and laid off over 30 employees because I had no choice. It was a choice

between saving the company and the employees I could, and to do that, I had to lay off employees.

Let's talk a little bit about the balance that's going to happen when we get Bill 32 through because that's exactly what's going to happen. What they don't want to talk about over there is certain things like construction, the many different things that have to happen in construction. Even with that, you talk about averaging and banking of hours. I had employees that used to come to me. They knew the ebbs and flows of construction. They knew they had to, as many say, make hay when the sun shines. They used to come to me and say: "You know what? I want to work 12 hours a day, seven days a week. I just want to bank my hours. I don't need the overtime."

8:50

Now, in construction, what maybe the NDP doesn't understand is that we're in contracts, tied in for multiple years at a time. We do not bid overtime because it's our job as a project manager to make sure that they happen on time, that we deliver the project, and we make sure we do it without increased costs, so that means keeping overtime down. Now, because of the policies that came in and these averaging, banking of hours changes, I had to say no. I was forced to say no. So what happens? Employees see a decrease in income.

Now, maybe this should have been a consideration on that side. Actually, maybe they should have consulted with some business owners. In Calgary I was one of the larger, not the biggest but one of the larger HVAC companies. You know what? The funny part is that I'm connected to that entire community, Calgary, probably the smallest big city in Canada. You know what's funny? Not one construction company was consulted. Not one. And through this, in a matter of three years, I saw the steepest decline and the highest costs in construction and the highest layoffs, the most restrictions that we had to put onto our employees, cutting back their hours, limiting their banking of hours. Averaging agreements were out. Do you know what the funny part is? I had employees come to me for averaging agreements so they could actually minimize their child care costs. Wow. Couldn't even do that anymore. And this is the reality.

They stand over there and talk about that this doesn't bring back balance. This does bring back balance. This brings the balance needed to get our economy and business back working.

**The Speaker:** Hon. members, is there anyone else? The hon. Member for Edmonton-Riverview.

**Ms Sigurdson:** Well, thank you very much, Mr. Speaker. It's my pleasure to join the debate on Bill 32. You know, it's a strange thing to have someone in this Chamber whose last name is the same as my last name. He just spoke, of course, the Member for Highwood.

I just want to say that he has his experience, and he's shared it, and it seems to me that perhaps this is an opportunity for me, too, to share my experience and why I stand in this Chamber at this very moment. That is because for 30 years I worked serving vulnerable Albertans as a social worker in this province, and I watched year after year Conservative governments cutting public programs to those same people. It disgusted me, and I worked as hard as I could to have my voice heard. I worked with my professional college. You know, did the Conservatives ever open the door to the College of Social Workers? Are you kidding? I knocked on the door of government many times. They had no time for us.

So this hypocrisy – that they are so open to everybody is blatantly false and that they care about vulnerable people also. I mean, this government is now deciding to only help the poorest of the poor. They're pushing it so that funding is targeted now. We don't

actually help all our citizens. We don't support everyone. I mean, my anger, my cold anger, was stoked for so many years before I stepped into this Chamber. Believe me, the Conservatives did not open the door, and they did not care. I mean, it feels ridiculous, some of the things I hear in this Chamber.

But back to this current bill, which is again an attack on regular Albertans, working Albertans. We know that unionization in Alberta, if it's not the lowest in the whole country, it's one of the lowest jurisdictions. I don't have those stats right with me, but that's what I know for certain. Certainly, all members in the 29th Assembly of this Legislature remember when the Member for Edmonton-Mill Woods, at the time the minister of labour, just to bring everybody's awareness to how long it had been since labour legislation, since employment standards had been updated, would kind of bring some levity to the House. So one of the things she would say was that, you know, the last time this legislation was updated here in this province of Alberta was when *Beetlejuice* was in the theatres. Do you remember that? I remember that.

Even though this bill – and I don't bother to say the name of it – says that they're restoring, you know, balance, they're not restoring balance. Alberta is backwards. Alberta has been backwards for a long time. This was just helping us get up to sort of fairness and justice for workers in this province, and now with the sweep of this Bill 32, it's being wiped out, and workers are having . . .

**Some Hon. Members:** Hear, hear.

**Ms Sigurdson:** Yeah, hear, hear. They're going: hear, hear. Workers' rights are being ripped out, their supports are being ripped out, and they're proud of that. That's disgusting.

One of the things we know, too, about unions is that there is the lighthouse effect. Not only does their support for their own workers help the people who are employed and the union that they're part of; it helps other workers who aren't unionized. It's called the lighthouse effect. Actually, other workers benefit from them. So societies where there is good union representation have, actually, more equality. And you know what? That's a good thing. Having a society where you have a robust middle class, that means that people are able to provide for their families, spend in the marketplace, have a good quality of life. Unions help support that, support equality.

And that's another thing about Alberta. Even though we do have tremendous wealth, it is pooled often in the higher percentages, the top percentages of income, and we have the greatest inequality of any province in Canada. So, sure, some people are doing great, but many aren't. And that's the thing about unions. They care about everyone. They're supporting all Albertans to have, you know, the ability to care properly for their families, to spend money in the marketplace, to have a good quality of life.

You know what else unions do that I'd like the members on the opposite side to know about? They really create a lot of gender equality, have been champions for women. There's a report that comes out annually, and it's called *The Best and Worst Places to Be a Woman in Canada 2019*. If you haven't checked it out, I'd encourage members to. It talks about the 25 largest cities – and it ranks them according to several different indicators – and about what makes it great for women to live in those cities. And guess what? Edmonton and Calgary are, like, at the bottom. They're some of the worst places in Canada for women to live. You know why? There are not a lot of women in leadership: in elected city councils, as heads of public service, or in business leadership. You know, women's voices are important, but that's not supported. The availability of affordable and accredited child care is low in our province. High rates of intimate-partner violence: women aren't

safe in Alberta because we have extremely high rates. The disparity in income between men and women is very pronounced in this province. So these are just some of the things that make Calgary and Edmonton some of the worst places in Canada for women to live.

And you know who advocates for women to have more equality, more fairness in society? Unions. Unions do. This bill is taking away their opportunity to really be efficacious in that way. Of course, it's already been challenged because we do have extremely low unionization rates in this province already, and of course this is going to make it much worse.

I mean, that's why I'm in the Chamber, Mr. Speaker. It's because I care about equality in our province. I care about all people being represented and supported, not just an elite. I don't believe in trickle-down economics, where giving \$4.7 billion to corporations means it's going to help me. It's not. It's not going to help my neighbours. It's not going to help the vulnerable people I served as a social worker. It's ridiculous. But this government just thinks: oh, yeah, we'll give more money away, and it's going to make everything great. It doesn't, and it hasn't. However, increasing unionization actually creates a lot of fairness and justice for society, and that's what this bill directly attacks.

9:00

I just want to go back. Of course, our government did step up and improved labour legislation, employment standards after many, many, many years of neglect by Conservative governments. The Alberta relations board reported for their fiscal year 2017-2018 that 104 unions were certified in the workplace in that year. Do you know how many in the previous year were? Only 40. That's because the rules were stacked against working people. But the legislation that we brought in made it more fair, so it was possible for people to organize and get the fairness and justice they deserved.

What were some of the places that did have some increases in unionization? One of them is in the health care system. Private long-term care facilities were one group that saw an increase in union certification. You know, right now, during COVID-19, we know that we have a serious problem with our long-term care system. When we know that 77 per cent of the deaths in Alberta are in these continuing care facilities, we know there's something wrong. We need to make sure that those workers have the supports they need. That's in question in this province. We really need to look into that sector and make sure that seniors are being cared for properly, that workers have the supports, the PPE, the proper – that they can have a full-time job. I mean, that's one of the huge issues in that sector. People are not unionized, and they work at several different places. Of course, that's what created a lot of the outbreak. Those private employers have not given them a full-time job with benefits, and now we see the devastation and what's happened and that lives have been lost. Seniors' lives have been lost in those facilities because we aren't giving people proper jobs, full-time jobs with benefits.

Bob Barnetson is a professor at Athabasca University, and, you know, he's an expert on labour law. We know that 42 per cent of union certification votes failed before we changed the legislation. That's a very high percentage. Then afterwards, when the legislation created more fairness and justice, only 7 per cent failed. When unions had 65 per cent support of their members, then no delayed vote was needed. Of course, this helped people organize when they had the vast majority of the workers wanting to have a union. Previously there was a 10-day period leading up to this vote. In that time employers could actively campaign against unionization. This type of campaign, although it's illegal, was often carried out by employers. Automatic certification is standard in labour legislation across the country and upheld by the Supreme

Court of Canada. I mean, you know, it's kind of mind-boggling that the UCP isn't considering what has already been established in law, that this is how – the Supreme Court of Canada has ruled on this, and this is the way it generally is. It'll be interesting to see what happens in the courts after this legislation is passed with this majority government.

Timelines for certification by the board in this legislation are extended by six months. That's six months. That allows for, you know, significant intimidation, interference by employers so that people are too afraid, or maybe they'll move to terminate some of the people who are wanting to get fairness and justice for the workers.

As we know, this legislation, you know, reverses a lot of what we brought in with the Labour Relations Code, the Employment Standards Code, weakens protections and bargaining powers of workers, silences the critics of government. It's fascinating some of the rationale that I hear from the other side of the House regarding – if a UCP member or an ally speaks up that's not quite in lockstep with the messaging of the government, then they just say: oh, we believe in diversity, and we have free speech, and we're very happy to hear all of these different voices. I mean, like, when the Member for Cypress-Medicine Hat wrote the open letter regarding the Fair Deal Panel, that it didn't go far enough and that Alberta should have its own constitution, that really stoked separatism. And the Premier said: oh, that's fine; we are happy to hear about diverse voices.

However, when other people speak out, when we speak out, it's like: how dare you speak out; don't speak out. And guess what they're doing with this legislation? They're telling unions: we don't want you to speak out. Do you know why? Because their message is about equality, fairness, justice, which is completely different than the UCP message, which is one of elitism and not caring about regular people and supporting all workers.

I don't know. It doesn't make any sense to me. I must say that each day I sit here and try to make sense of it. That's my training. I try to understand the rationale for things. But I really see the hypocrisy. I see that they have a certain view for who they care about and another view for people they don't. They say that they're open to all, but it's not true, Mr. Speaker. It's not true at all. I know that from personal experience. I know that from knocking on the door of government for 30 years and never having it opened. It made me so outraged that I, you know, under much resistance – I wasn't going to do it – decided to run. I'm glad that I did. I'm so proud to be part of this caucus and the values that we uphold and that we care about all Albertans, not just elite Albertans.

This opt-in clause that the government is . . .

**The Speaker:** Standing Order 29(2)(a) is available, and I see that the Premier has risen.

**Mr. Kenney:** Mr. Speaker, thank you. The member opposite said that – she really depicted Alberta as a kind of dystopia, that it's a social nightmare, this province, that it's a terrible place, the worst place in Canada for women to live and the worst place to be a union member. She said that for year after year she would protest the cuts in social services, and it just was an endless process of cuts.

**Ms Sigurdson:** That's not what I said.

**Mr. Kenney:** It's exactly what she said, Mr. Speaker: year after year of cuts in social services.

Mr. Speaker, that's just classic NDP division and, frankly, dishonesty. I have here a breakdown of government expenditures in the province of Alberta from 1965 until 2016, and between 1994 and 2016 – it's a 22-year run – the budget for social services went up every single year, year after year after year. But it's

never enough for government union bosses who support the NDP. They can never squeeze enough out of the taxpayer, which is why they call spending increases “cuts” in the upside-down world of the NDP.

During those years, by the way, Mr. Speaker, the social services budget went from \$1.7 billion to \$5.2 billion over 20 years. From \$1.7 billion to \$5.2 billion. What is that? That’s a 300 per cent increase. Only in the strange, distorted world of the socialists would a 300 per cent increase, faster than population growth, faster than inflation – only for the NDP would a 300 per cent spending growth be considered a spending cut. That’s the kind of propaganda we get from them all the time.

She said that this is the worst place in Canada for women. Mr. Speaker, then tell me this. Why did hundreds of thousands of women from across Canada and hundreds of thousands of women from across the world choose to become Albertans in the last four decades? Why did they choose this place? Because it was a land of opportunity for women and men alike: this province with the highest labour force participation for women going back at least for four decades – that’s true; that did go down under the NDP – this province with the highest employment level for women, this province with the highest per capita incomes for women, this province with the greatest economic opportunities for women.

9:10

She stood in this place and badmouthed the province that drew women from poverty in many places and the desperation of unemployment to opportunity and the thrill of enterprise here in Alberta. How terribly wrong. That’s classic NDP, Mr. Speaker. They really don’t like this province. You just heard it. It’s the worst place in Canada for women. She just said it.

You know, she talks about what – she laughs, Mr. Speaker. She laughs about all of this. Oh, my goodness. She said that the previous union law in Alberta stacked the rules against unionization. Why? Because we had a secret-ballot vote requirement for union certification, and she just said that the secret-ballot vote leads to intimidation. But carding, having the union boss leaning over your shoulder telling you to sign the card, is not intimidation, notwithstanding the evidence of vulnerable new Canadians in Calgary who were coerced into signing a union card against their wishes, using classic intimidation tactics. Shame on them for defending that. Only the NDP, that says that referendums are antidemocratic, could believe that secret-ballot votes constitute intimidation in the upside-down, through-the-looking-glass, weird world of the NDP.

Oh, yeah, she referred to the job-creation tax credit as giving money away. The only way a tax cut consists of the government giving money away is if all of the money belonged to the government in the first place. Don’t you see? This is like an interpretive key into what the NDP really believes, that every dollar a priori belongs to the state.

Finally, Mr. Speaker, I want to point out that according to a Leger poll done March 13 to 16, 1,500 respondents, 76 per cent of union members in Alberta support this bill. [interjections]

**The Speaker:** Order.

Hon. members, is there anyone else wishing to join in the debate for second reading? The hon. Member for Edmonton-Glenora.

**Ms Hoffman:** Thank you very much, Mr. Speaker. It’s a pleasure to rise in this place always and speak to matters of debate, and today I’m here to debate Bill 32, a bill the government is trying to brand very rosily. I want to start by honouring the fact that there are members in the gallery here tonight, people who are here to watch

this debate. The Premier might call them union bosses or union thugs. I see them as the front-line nurses who were elected by their colleagues to stand up for one another and to make sure that they stood up not just for working nurses but that they stood up for their patients as well. As is evident from – I know that there was advocacy that they did today around wanting to protect all Albertans from COVID-19 and some of the proposals that they had for government.

For the Premier to stand in this place and malign hard-working people who were democratically elected – the Premier likes to talk about how he likes democracy. He certainly doesn’t seem to like democracy when it comes to workers representing their own leaders to be able to stand up and fight for their rights. I have to say that I categorically reject the disrespect that this Premier is lobbying in the face of working people and their democratically elected folks who are here to represent them.

Thank you for being here tonight. I know it isn’t easy to for Albertans who want to be in this place and bear witness to bills that are only called late at night. They have to be on the security list ahead of time. They have to be met at the front doors and let in. Of course, these bills are being called in the evening as opposed to the middle of the day, when it’s slightly easier. Again, I want to recognize the work that they’re doing to be here and bear witness to this attack on the rights of ordinary working people in this province.

This bill attacks unions, for sure. It also attacks non-unionized workers in a number of different ways. One example is the piece around extending the time for final payment for wages earned upon termination of employment from what was three days to 31 days, and the government itself has said, you know, that this is about \$90 per person and that they’re going to save about a hundred million dollars. So are they really calling for a million terminations in the upcoming year, I think it was, that was put out initially in the first press release? That definitely doesn’t speak to the jobs, economy, and pipelines that the Premier advocated for very vigorously just about 15 months ago. It’s definitely a different tone that he’s setting in this place and definitely a different tone when it comes to working people.

The Premier likes to say that he won’t stand with union leaders; he’ll stand with union members. Well, what’s one of the very first things this Premier and his Education minister did when the COVID-19 crisis struck in this province? They laid off over 20,000 education workers. They went on to say, you know, that even some of those were family members. Well, Mr. Speaker, that doesn’t make me feel any better. It definitely doesn’t make the kids who were counting on those education workers feel any better. There were kids, students, staff, families.

Some of those staff members outside today were unionized staff members, and they said to me: “Why is the Premier attacking our national leader? Why is the Premier attacking an organization that I democratically chose to join? Why is the Premier attacking bargaining rights and the ability for all of us to have our voices heard?” There is a democratic process that sets who the leadership is, there is a democratic process that determines how dues are invested, and there is a democratic process around whether or not somebody even becomes a member of a union or not and whether a union has the opportunity to represent that workplace.

So why is it that the Premier attests to be such an advocate for democracy when it comes to a referendum, where only he can ask the question, only he can determine what day it’s asked, and only his certainly one-sided, stacked third-party advertisers have the ability to communicate with Albertans about that question that’s being asked? For the Premier to come into this place and talk about how he is a champion for democracy when he is spending his days



and now his nights undermining the democratically elected front-line workers who are there to stand up for one another I think is the height of hypocrisy.

I want to thank my colleague the Member for Edmonton-Riverview for highlighting that in her remarks, that he so clearly failed to absorb. Know, hon. member, that many of us have, not just in this place but across the province. Folks who maybe don't know the implications yet of this legislation, if the government does choose to move full speed ahead and ram this through, will certainly know. They will know because it will impact things like their own pocketbooks and their own bottom lines.

For example, today, if you work more than 44 hours, you're entitled to overtime. Forty-four hours in a week: the government doesn't think that that's a fair requirement. Yes, it's true that there were a number of labour bills that we brought through in the four years that we were in government most recently that brought us up to, in many areas, the national standard, to put Alberta workers in a similar playing field to other workers across this country. I don't know why the Premier thinks that Alberta workers should have fewer rights or that Alberta workers should have fewer opportunities to exercise vacation pay, sick pay, overtime pay, some of these very simple philosophies that I think many of us have fought for for many years.

It's because of the labour movement that we have so many entitlements now in society, in society here in Alberta but also across the country and in many other areas of the world. To say that this piece of legislation is about balance I think is incredibly generous, to say the very least. This is in no regard about that.

This is such an omnibus bill. There are six pieces of legislation that are being amended: the Employment Standards Code, the Labour Relations Code, the Police Officers Collective Bargaining Act, the Public Education Collective Bargaining Act, the Post-secondary Learning Act; the Public Service Employer Relations Act. Were these pieces all front and centre in the UCP platform? Were they saying that they were going to be amending this many pieces of legislation or in such aggressive ways?

Well, I'll tell you. When overtime was brought into question, they said: no, no, no; we won't be touching that. Front and centre in this piece of legislation. When we talked about things like sick pay: no, no, no; we're not going to be touching that. Even so recently as, I'm going to say, a month ago – time in COVID moves at a slightly different pace, but it feels like it was about a month ago – when we asked in this place about the Premier's speculation that we were hearing from a number of folks that the Premier was going to be rolling back the minimum wage, he said: "No, of course not. Look at our platform. We said that we would respect the \$15-an-hour minimum wage." But here we go opening the door to lower minimum wages for people with disabilities, restaurant workers, categories of exemption, to be able to have multiple different minimum wages.

9:20

Well, minimum, when I was training as a math teacher, was the base. The minimum was the base. There were times when you'd talk about the minimum, but then there would be opportunities for differentiation above that minimum, of course. To say that we're going to have one minimum wage and then there will be a lower minimum wage for another class of worker I think is so disrespectful to the people who took the Premier at his word when they voted for him, when he said that he wasn't going to mess with their rights, that he wasn't going to mess with their health care, and that he wasn't going to mess with their education. Of course, he's done all of the above.

To Albertans who have children who are 13 and 14 years old, expanding the types of work that they're going to be doing under this legislation – and then what's the response that we hear from the government? Well, it's up to parents to make sure that kids only engage in work that they feel is safe. Well, isn't that a lovely idea, to come from a place where every parent and every child would have the ability to make that choice and feel a sense of agency? Let me tell you. There are many, many families and many, many workers, regardless of age, who don't have a sense of equality in the workplace between themselves and their employer, perhaps no greater than for workers who have disabilities or workers who are young teenagers trying to build their resumé, trying to develop a good reputation for themselves, and there's an opportunity here for them to be doing work that was deemed unsafe under previous legislation. To say that this is about balance I think is a very far stretch from reality, Mr. Speaker.

Another thing I want to touch on is the very real realities around population growth and inflation but also around inequities and poverty. There was a time – the Premier picks specific dates that he wants to go back to, starting from right after the very deep cuts of the '90s. That's one of the timelines he likes to look at, right after the biggest, deepest depths of those cuts looking forward. How you choose your timeline: again, as a math teacher, if you're charting something on a graph, picking the start and the stop point is political in itself. That certainly is something that the Premier likes to do in this place. He's picking a specific point in time. He's referencing a time where ordinary Albertans faced a significant hardship in terms of losing income. Many of those were unionized workers.

I'll tell you that I still talk to teachers to this day. I remember my own parents saying how hard it was to accept the 5 per cent rollback when they were teachers. That impacted our entire family income, of course, because both of them were teachers. They did that because the government of the day promised them that that would save them work conditions and it would also save positions for more junior members of their staff, of their union, of their association, that they chose, democratically, to be a part of. They felt like they were really backed into this corner and that they had to do it because if they didn't, it was their fault that their colleagues would be losing their jobs. But what happened, Mr. Speaker, is that they were forced into this 5 per cent rollback, their pension was put in jeopardy with unfunded liability, and their colleagues also lost their jobs.

For the Premier to choose that point in time as this great portion where, "If we would have just maintained things at that level of huge inequalities in society, then things would be great," I think that is unfair to the realities that are history. To the Member for Highwood: I appreciated him telling us a little bit about his journey and how he was inspired to get here. For myself, it was a lot of living through those cuts as a student. Having two parents as teachers who said, "Don't become a teacher; we love the profession, we love the act of teaching, but when it comes to actually having to engage in this province with an employer who sees us in such a negative light," they incredibly discouraged me from pursuing that. Of course, I was stubborn and pursued it anyway. But I also heeded their advice, and that's why I'm here fighting for ordinary Albertans and their right to have their voices collectively heard.

Another piece I want to touch on is the opt-in piece, that if you're a member of a union, then you should agree to have your money used to fight for certain initiatives, that your democratically elected union, with your budget that was passed democratically, agrees that you should have the individual right to opt out of different types of advocacy. I want to say that the Premier is proposing that for unions; if he believed that so truly, he should propose it for other areas of society. I can tell you that when I go to a restaurant that is

advocating for a lower minimum wage, I would love to be able to opt out of the portion of my restaurant bill that they're going to be spending to fight for people to have a lower wage. He's laughing. But I don't think it's fair for him to say that because I'm making a choice to go to the restaurant – assuming that's what he's going say, right? He's going to say: "You chose to go to that restaurant. You should know that they're going to spend their profit margins as they please. That includes fighting for a lower minimum wage for their workers."

Well, Mr. Speaker, people have the ability to join unions or not join unions, to apply to work at places that are unionized or not. Also, if they don't like the union, they have the ability to try to organize and no longer stay part of that union.

**An Hon. Member:** That's not true.

**Ms Hoffman:** It is true. So for the Premier to laugh at me when I make these remarks about the imbalance and the unfairness that is intrinsically in place through this bill that he brings before us today and then to slough off the concerns of democratic membership or democratic engagement I think is incredibly disrespectful.

But, again, I want to highlight the fact that he ran these ads saying that he stands with working people, but what's his track record? His track record is that before the implications of COVID-19, he'd already lost more than 50,000 full-time jobs with what was supposed to be his glorious plan, which was giving away tons of revenue in this province that could be directed towards important social services that help create greater equality in our society. At the time that he implemented that, on Canada Day the first year he was in government, it was down 50,000 full-time jobs by the time COVID hit, and we know that there were hundreds of thousands of more jobs since then.

So, Mr. Speaker, to say that I'm going to fast-track that, that we're going to double down, that we're going to give this money away to corporations even more quickly than we have doesn't reflect the fact that the Premier is looking at evidence to make his decisions. He's clearly looking at an ideology. He clearly has strong opinions about workers' abilities to work collectively and fight for their rights and for one another and for all of us. It's not just about fighting for individuals who are in these individual unions; it's about fighting for all of us to have a better life and a more just society.

I also want to say that I've got some friends who are labour lawyers, and to one I said: you know, why did you choose labour law? Some of the friends I know who are labour lawyers chose it because they had parents who were active in labour, or they had a parent who was a labour lawyer. One of my colleagues said: it's because unions fight for human rights because individuals don't collectively have the ability to fight for human rights to the same capacity as collective organizations do to fight for human rights. I think that this bill is an affront to human rights, and I think it's an affront to our democracy, and for that, I am deeply troubled and concerned by the fact that it's being considered here tonight.

**Mr. Kenney:** Mr. Speaker, the member opposite accused me of cherry-picking data in rebuttal to an NDP member who claimed that she had lived through year after year after year of cuts in social services, quote, unquote. I presented the data. It's all there. I invite the member to look at it. I'd be happy to table it. From 1965, \$46 million in social services; 1975, \$251 million; 1985, \$1.156 billion; 1995, \$1.456 billion; 2005, \$2.7 billion; 2015, \$4.7 billion. You can slice or dice it any way you want; it doesn't matter. Spending on social services, spending on government generally in Alberta has grown year after year, with really one exception, 1993-94, faster than inflation, faster than population growth, at a higher per capita

than the rest of the country, yet the entire premise of the Alberta NDP is that this is some sort of dystopian society. Odd that the population has doubled through migration, people who chose to come here.

She gave us the old NDP saw about the terrible dystopian society of Ralph Klein's Alberta. I will remind her, Mr. Speaker, that Ralph Klein and his government were elected with a mandate to balance the budget by reducing spending, and then they were re-elected with a larger majority and re-elected with yet a larger majority and re-elected yet again because Albertans supported that program.

Now, the point I really want to get to – I didn't have a chance in my last intervention – is that they claim to speak for union members. Well, Mr. Speaker, Leger, one of the most reputed polling firms in the country, March 13 through 16 did a national poll with 1,536 live-caller respondents, a high-quality survey on labour law, the results of which, by the way, are very similar to every public domain survey I have seen on these questions, questions embedded in Bill 32. Do you support mandatory disclosure of detailed financial statements by unions? General population: 73 per cent. Union members: 76 per cent support that. That's three-quarters of union members that support that provision of this bill, which is opposed by the NDP.

**9:30**

Should unions be able to use union dues to finance political advertisements and other political activities? Eighteen per cent of the general population agree; 15 per cent of union members. Seventy-two per cent of Alberta union members disagree that unions should be able to use union dues to finance political ads and other activities. Bill 32 gives that 72 per cent the power to have their say. You see, Mr. Speaker? They're not really democratic. That's why they're opposed to the secret-ballot vote for union certification.

Do you support allowing unions to block public buildings? There are some common-sense provisions here with respect to picketing. Seventy per cent of union members oppose unions being able to block buildings. Mr. Speaker, key provisions of this bill are not supported by a mere majority of union members in Alberta but by supermajorities of union members in Alberta, including those who vote for the NDP.

Maybe it's time that the NDP, instead of listening to the bosses, to their friend Gil McGowan, the president of the Alberta Federation of Labour, who sits on the governing board of the NDP, who yesterday trivialized the Holocaust of the Jewish people and characterized this bill, which this government ran on, has a democratic mandate to implement and is supported by a supermajority of union members, as a Nazi-like provision in a comment that was condemned by the Jewish Federation of Edmonton, by B'nai Brith Canada, by the Simon Wiesenthal Center for Holocaust studies but has not yet been condemned by that Member for Edmonton-Glenora or the NDP – now, maybe I understand why, because she characterized Conservatives as sewer rats, so maybe she doesn't have a problem with characterizing their opponents as vermin or, in this case, as Nazis. Mr. Speaker, the loony left has taken over over there.

When it comes to referendums, by the way – news flash – we're also going to bring in citizen-initiated referendums, and watch out, because Albertans are going to be able to write their own referendums in the future. [interjections]

**The Speaker:** Order.

Hon. members, that concludes the time allotted for 29(2)(a).

Is there anyone else that's wishing to join in the debate this evening? I'm sorry. Is the hon. Member for Brooks-Medicine Hat rising?

**Ms Glasgo:** No.

**The Speaker:** The hon. Member for Calgary-Mountain View, then.

**Ms Ganley:** Thank you very much, Mr. Speaker. I'm pleased to rise to speak on this bill. In advance of commencing my previously planned comments, I think it's worth commenting on some of what was just said because I think it's worth pointing out that if we're complaining about people failing to condemn things, the UCP appointed to the committee that selects judges a man who made anti-Semitic comments, a man who made racist comments, a man who made sexist comments, and they have condemned none of those things. In fact, they have stood repeatedly in this place, they have defended them, and they have stated that those views make Alberta stronger. I think if we're going to start with talking about condemning things, we ought to start by condemning those comments.

[The Deputy Speaker in the chair]

I think, Madam Speaker, that it's also worth noting that when we're talking about the change in spending between 1965 and 2015, there's a significant population growth in that time. There's also inflation. I just love when the members opposite try to pretend that either it's supposed to expand with population growth or inflation. Those things are multiplicative. They work together. The inflation is multiplied by the population growth, and in fact, that renders their numbers completely pointless. I think it's just worth making those comments. You know, they always take these numbers and place them out of context, and I think it's very unfair to Albertans to suggest that those are the correct numbers.

I think the other thing that we need to recognize exists is that legislation acts on people. It acts on people who exist in a system out there in this province. Those people exist in reality, and in reality power dynamics exist. So this suggestion that a 16-year-old applying for their first job is somehow in equal negotiating power to the large corporation that they are applying to get that job from is absurd. This suggestion that, you know, a worker who's maybe new to the country, maybe very young, perhaps applying for their very first job has the same power to negotiate these averaging agreements that their employer does, I mean, is just ridiculous. It simply isn't the case. When they're saying, "Okay; now the employer can impose these arrangements on people, and if people don't like it, well, then they'll just work it out," I mean, that just isn't the case.

In fact, it's recognized in law that that power disparity exists. It's got such a strong evidentiary basis that there actually is a legal principle that goes along with the fact that an employee does not have the same negotiating, bargaining power as their employer has. The suggestion that they'll just work this out, that they all have equal power, that this somehow makes the world more equal is just false. It's just a false suggestion. This will give more power to the employer, the employer who already has more power. The idea that these averaging agreements can now take place over the course of 52 weeks: well, that has an impact. It has an impact on real people. Now, I understand there are some jobs in which these are necessary, which is why we allow for them still to occur in those jobs in which they were necessary, but shifting this balance so that any old employer can jump up and impose one of these things is incredibly challenging.

The suggestion of the members opposite that that somehow doesn't fall disproportionately on women, that somehow the sudden imposition of an employer of a 60-hour work week doesn't disproportionately burden a woman who is often primarily responsible for the child care, I think, is just wrong. It's just not

possible. I mean, if my employer came to me and suddenly – I mean, I probably do work that many hours, but it's challenging. It's challenging to adapt because, again, women are often responsible for the child care, so when your employer comes to you and suddenly imposes a new arrangement on you, you know, that's women potentially having to leave the workforce. This is an issue of workers' rights, it is an issue of human rights, and it absolutely is relevant to the debate on this bill. For the members opposite to say that it isn't is just false.

Madam Speaker, I think it's also worth addressing some of the comments that were made earlier. The suggestion, for instance, that the lawyers in our caucus ought to explain to the other members that it's not possible for a government to take away a right: well, I mean, that's just false. I think a look to history will indicate that that is just false. It is, in fact, possible for governments to do that. Now, arguably, if you're defining "right" as something that's in force in society, it isn't potentially possible. But I think the argument has been made clearly and eloquently by a number of my colleagues that they think that this potentially is a violation of people's rights and that it is vulnerable to attack on that basis. I think those are things worth noting.

**9:40**

I think one of the things that I wanted to talk about about this bill is that, first of all, unions already disclose their financials. They disclose their financials to their membership because those financials are relevant to the membership, i.e. the people paying for it. They are not relevant to the rest of the general population.

I think it's worth noting that when we talk about where the fees are going, when they say – and I'm quoting here from the legislation.

- (a) the amount or percentage of the union dues, assessments or initiation fees that relates to political activities and other causes, including
  - (i) general social causes or issues,
  - (ii) charities or non-governmental organizations,
  - (iii) organizations or groups affiliated with or supportive of a political party, and
  - (iv) any activities prescribed by the regulations.

Let us start with "any activities prescribed by the regulations." That basically means that cabinet can make up new rules at its whim. When you're talking about, you know, saying that members don't have to pay these types of dues – and certainly the government is trying to characterize this specifically as political advertising – well, that's not what this list says, this list that's here in black and white in the legislation. What this list says is "any activities prescribed by the regulations." That basically means anything that cabinet decides to list.

General social causes or issues: look, unions have for years and years advanced the cause of rights of women. They have advanced the causes of rights of disabled people. They have advanced the causes of rights of minorities. Those general social causes or issues are a big deal. They are things that we all benefit from now in society that unions took forward, that unions fought for.

The Member for Edmonton-Glenora referenced friends of hers who went into labour law and asking them . . .

**Ms Hoffman:** It was you.

**Ms Ganley:** . . . why they went into it. I was going to say, "I don't know if she was talking about me" when she said, "Because unions advance the cause of human rights."

But that was my reason for going into that type of law, because a number of the major cases in human rights have been pursued by unions because they can take the collective funds of their members

and pursue those causes, because they have the ability to pay to litigate those things through. It takes an enormous amount of time and enormous amount of effort to pursue something like that. Often in cases where you're not just enforcing the law as it stands right now but you're suggesting to the court that a law which is written should include new things, which is something that lawyers argue all the time, it requires a lot of experts and data and analysis. It often requires resources that individuals don't have access to on their own, so those individuals' being able to come together and pursue the common good, a group of women being able to come together and pursue the common good to advance their own rights, is incredibly important.

There are a number of things that unions have fought for. They've fought for the 40-hour workweek. They fought for things like maternity leave and paid sick leave. These things are things which we all enjoy, which in my view enrich society. I don't think that maternity leave only benefits the woman who gets the leave; I think it benefits the larger, broader society in her potential ability to care for that child. I think the fact that parental leave is now included, that men are included is beneficial to society. I think that it is beneficial for people to see both parents being involved. I think it is beneficial for children to get to spend time with both of their parents. I think those rights that unions have fought long and hard for benefit us all.

Obviously, the place that the government is hanging their hat here, (ii), also refers to charities or non-governmental organizations. A lot of unions do donate to charities and sometimes to specific charities that they have set up or specific trust funds. Some of them provide scholarships to the children of their members. Some of them are involved in specific advocacy work or in helping out with specific causes that are important to the members of that particular union. I think all of these are very good things, and I think that to characterize them as only sort of partisan political activity is just flatly wrong. The suggestion here, again, that all of the things on this list are things that people are not in favour of: I don't think that that's correct.

I think that there is a democratic process in place now. There is a democratic process by which members select the unions in which they are involved, so to suggest that there was no democracy in advance of this bill I think is just flatly wrong. We can fight back and forth forever on the sides of the House about who is more in support of democracy and who isn't. I think history will ultimately be our judge here – I'm pretty proud of my record; I will absolutely take that judge any day of the week – but I think that what the members on the other side are saying about this bill is an attempt to leave people with a misunderstanding of what the bill actually does, because this bill actually does have an impact on working people out there.

It impacts their ability to negotiate with their employers. It allows their employers to impose upon them changes in the hours of work per day and per week, and that is a big thing. It's a big thing for a lot of people, and as someone with a small child and child care to worry about, I have to tell you it's a big thing, I think, in particular for a lot of women and a lot of young women with children, young women who are struggling right now to participate in the labour force because of the pandemic we are experiencing and because it has highlighted for us the incredible importance of having access to that child care. The idea that your employer can just suddenly change your hours of work I think is very, very troubling.

The idea that we want to take away or minimize the ability of unions to pursue causes other than just the wages of their members: that's troubling to me. It's troubling to me because I think that one of the things that unions are most effective advocating on is the safety of their members, and tied up in this provision is their ability

to have broader campaigns about the safety of their members, to have broader campaigns about, potentially, the health of their members. I certainly know that unions have fought to have certain occupational diseases recognized as automatically or presumptively coming from employment, certain types of cancers, for instance, with firefighters and other types of cancers with other employees. That ability to advocate for their members on that general level is incredibly important.

The movements forward that we've had in terms of health and safety of workers . . .

**The Deputy Speaker:** Hon. members, Standing Order 29(2)(a) is available. I see the hon. Minister of Environment and Parks.

**Mr. Jason Nixon:** Well, thank you, Madam Speaker. I appreciate the opportunity to respond in regard to the hon. member's speech, which I was interested in listening to. I'd like to quickly ask some questions in regard to her opening comments. She opened up with what has become a traditional NDP tactic inside this Chamber and certainly an NDP campaign tactic of attacking people, of causing fear or smearing other people, including hon. members of this Chamber, where she accused government members of supporting racism and other horrible things, saying that those members spoke in favour of them, including the hon. the Premier, who has a motion on the floor of this Assembly right now seriously condemning racism, calling for every member of this House to be able to support him on that important motion.

It starts off with:

Be it resolved that the Legislative Assembly

(a) condemns racism and all forms of bigotry and hatred.

Then it goes on in great detail. It condemns racism, Madam Speaker. The Premier, when he brought forward that motion to this Assembly, gave an incredible speech when it came to this issue, and I do encourage members who may not have heard that full speech to take the opportunity to listen to that speech.

9:50

But the point is that this is where the NDP goes in all debate. This is how they ended up in a spot where in the campaign they called the hon. the Minister of Municipal Affairs, who is a black Canadian, a white supremacist. This is how they ended up calling Conservatives sewer rats and referring to them as rodents. The reason that that member raised this in her comments was in response to the Premier's speech, when he points out the fact that the NDP and that member now and other members who have spoken today have not condemned one of their board members, one of their union bosses, that runs their party, Gil McGowan, who compared people in this Chamber and a bill to Nazi Germany, and as the Premier said very articulately just earlier, that has been condemned by Jewish organizations across the country for belittling the Holocaust.

This approach by the NDP is shameful. That member should condemn Gil McGowan's comments. They still haven't condemned his comments either where he calls Christian parents or religious parents who want to choose where their children can go to school nut jobs . . .

**Some Hon. Members:** Nutbars.

**Mr. Jason Nixon:** Nutbars. I apologize.

The hatred that comes from this movement, Madam Speaker, is horrible. Again, when you can call a black Canadian who's running in an election a white supremacist, it just shows that we have reached a level of absolute ridiculousness from the NDP. They still have not condemned it. They still haven't condemned their

colleague the Member for Edmonton-Gold Bar, who celebrated the death of one of the greatest female leaders of the last century if not ever and then actually had the nerve in this Chamber to say that he wished she had died 30 years earlier. That's the level of debate that you now see from the NDP. It's shameful. It's shocking. It is why they've been fired, because that approach does not work. It will not work. Albertans will continue to reject the politics of hate. You continue to see it inside this Chamber, and this side of the House will call them out every time.

I want you to know this. I don't think the NDP are racist. I don't think the NDP who are in this Chamber are bad people. I would not come to work and call another hon. member of this Chamber a racist.

**Mr. Kenney:** A sewer rat.

**Mr. Jason Nixon:** I would not call them a sewer rat.

I disagree with them on many issues, in fact probably on most policy issues. I represent my constituents. Most of my constituents don't know what the NDP is, but they certainly would not expect me to come here – they haven't heard much. The NDP ran somebody against me in the last election who was from Calgary. They did not know where Sundre or Rocky or Rimbey or anywhere in between was. But we don't hate them, and my constituents would not want me to come here and call them names and make things up and compare them to Nazi Germany and belittle the Holocaust inside this Chamber.

The NDP should stop, just pause, and get back to actually working on legislation. They've got some points they want to bring up. We're interested in hearing them. The Premier is here actively debating on this legislation. But if they want to continue to practise the politics of hate, I assure you the Alberta government will call out hate. We'll call out hate everywhere we see it. We'll condemn hate even when it's coming from the Official Opposition. Let's get back to work. Drop the hate. Drop the politics of fear. I know you're angry that Albertans fired you, but let's get to work. Let's make some good legislation. It's 10 o'clock at night.

**The Deputy Speaker:** Any hon. members wishing to join debate on Bill 32 in second reading? I see the hon. Member for St. Albert.

**Ms Renaud:** Thank you, Madam Speaker. It's my pleasure to rise and speak to Bill 32, Restoring Balance in Alberta's Workplaces Act, 2020, in second reading. That was quite a rousing speech. Just to comment a little bit on some of the things that the member said, you know, a lot of my constituents know exactly who the UCP are as well, and they're becoming far more familiar, so I think that goes both ways.

But I think you are correct that we need to move past all of this sort of division. I think that to expect – I mean, consistently members will stand up and want us to apologize for things that other people have said, certainly not people that have been elected to this place, and that's not our job. We get asked to apologize for a lot of things that people say. I'm not going to apologize for somebody who chose to say something. That is not my business. That is not my problem. I think we've addressed the member that made an inappropriate comment about a woman politician who is no longer with us. He did apologize immediately, and I'm glad he did because it was inappropriate. I think that we can all get better, all of us.

Let's move on and talk about Bill 32. You know, I think I've said a number of times that some of the titles of the bills are really interesting. I really certainly wish they would reflect the reality of what's being done in this particular bill, that is huge, that touches on a number of different pieces or a number of different areas, but it is what it is.

For the members opposite to continue to say – someone mentioned that there was advertising that said similar things; I've not seen that – “We support the workers. It's the union bosses” or whatever else they're saying. I'm sorry. Have you all read your legislation? This does not support the workers. In fact, it is the opposite.

I'm not going to focus on the technicalities of some of the legislation that goes into issues related to unions because that's not an area that I'm very familiar with, but I am very familiar with a number of other areas that I would like to touch on, one of those areas in particular. I think it was in 2016. I know that at the time the Member for Edmonton-Beverly-Clareview was actually the Minister of Municipal Affairs.

One of the things I undertook was a regulation that I really thought needed to be changed, that was really outdated. I mean, I didn't even know at that point if it was used very much, but one of the things I really wanted to get done – at first I thought it needed to be done in legislation, but then I learned, Madam Speaker, that it actually was a regulation. It was fairly easy for something like that to be taken care of away from this place, and nobody would know. That was the ability for the minister, essentially, to provide employers with exemptions, certain exemptions. There are a number of exemptions that are available, but the one I'm referring to is a minimum wage exemption for people with disabilities.

Now, as you know, I think that in our country, our province certainly we have a sad history of, we used to call it, employment or training, where we would have these huge sites with lots of people with disabilities doing really rote, often meaningless work that really was just a time filler. They used to get paid. They would do contracts, like, let's say, for the airlines, cleaning headphones or replacing pieces in the headphones or repackaging, these big contracts like that, and there are a number of companies locally that still do some of that contract work. Very frequently these minimum wage exemptions would be granted for these large contracts. The folks that would spend whatever hours a day, five days a week, whatever, doing these jobs, sometimes for years, would get just pitiful wages, a couple of dollars, and they would get away with it by calling it a training wage, a training wage that could last – I don't know – 10, 15, 20 years. That was in place.

Now, we've evolved quite a bit. We've come a long way, thank goodness. We recognize the contributions of people with disabilities in the workforce, because they're huge. They're so diverse. They're as diverse as the disabilities themselves, where at one end of the spectrum we have people with developmental disabilities that are doing all kinds of really great things. I know that the government has decided to continue to invest in Inclusion Alberta's Rotary project, which is great, another really great example of connecting employers to employees with disabilities. They've done things like that.

We have come a long way, not nearly far enough, because we know, Madam Speaker, that people with developmental disabilities are employed – I don't have the exact number. I believe that at least more than 50 per cent of them are unemployed. I would guess that it's probably closer to 75 per cent, but I don't have that information right here. A vast majority of those people that are employed are underemployed. What that could mean is that they've been stuck at the minimum wage forever, or they don't have the number of hours that they would like, or they don't have any opportunity for advancement or, you know, just learning new skills on the job. That is the reality, but we've come a long way.

In 2016, going back to my story, we actually got that changed, where for once, after decades and decades and decades, there was finally a commitment by the government to say: it doesn't matter how many exemptions were ever applied for and how many were

granted; it is not okay, ever, that we pay somebody with a disability less than the minimum wage. What this bill does is that it now introduces the ability for government to change that.

10:00

Now, it's a little bit – it's not sneaky because it's the way government operates. It's not in the legislation, but they have given themselves the ability to make that change behind closed doors, once again, through the regulations. But if you ask them, they'll say: "No, no. We support the worker. This is about the big bosses. We support the worker." Why would you do something like this? That is ridiculous.

Then I think back to – the other member likes to talk about what it was like during the election, and it was so heated. I remember lots of things that went on during the election as well. I remember a news article. I don't remember the day of the reporting, but it was at an event, a lobbyist event of some kind. I believe it was Restaurants Canada. Our now Premier, the Premier wannabe at the time, was there, and he was being lobbied that servers should be paid less than minimum wage, that youth should be paid less than minimum wage, and that people with disabilities should be paid less than minimum wage. I think he contributed to that discussion by saying – we've all heard this phrase – that they were, you know, sometimes people of modest human capital. He can explain it away and tell me that it's, whatever, an economic term, if that's what you'd like to use, but you're talking about a human being, Madam Speaker. There is no human being that is modest human capital. That's insulting.

Where I'm going with this is that you can see the direct correlation between a lobbyist group asking a potential leader, who eventually will become the Premier, for some things and then they happen. They happen through this piece of legislation. That is one of the things.

There are a number of other things, and if you just go to Restaurants Canada's website – and they actually do some great work. You can look at their advocacy page. They actually do some really great work right across the country in different areas. In Alberta on I think it was July 9 or July 6 they actually had a bit of a press release. Imagine that. The press release of Restaurants Canada looked an awful lot like what the government put out. I'm guessing that there's some contact, that there's some support. The reason I'm going to this is that the government likes to stand up and just berate unionized workers, organized labour, when in fact organizations like this – have you looked at their advocacy budget? Have you looked at their political lobbying and advertising budget? I mean, it doesn't make sense. So it's okay for one group, but it's not okay for another group to organize together and to aim to change things?

Now, I don't disagree with everything that Restaurants Canada decided to advocate for. They did some great stuff, and they're still doing some great stuff. What I have a problem with is when you're okay with one organization doing it and you're not okay with another, and I'm also not okay with lobbyists being able to influence legislation and the way that Alberta operates. Who gets the short end of this stick, as always, are the individual Albertans who are the workers. In this case, all of this was about workers with disabilities. I think it would be very easy to, let's say, accept an amendment of some kind that we will make at some point, I'm hoping. We will make very clear that there will never be a minimum wage exemption for any worker in this province that has any kind of disability. We'll see. Hopefully, that opportunity will present itself, and maybe the government will decide that, no, they're going to make this commitment loud and clear, that they're not just going

to read their speaking notes and say: "No, no. Fear and smear. Don't worry about it. We'll never do that." Not good enough.

Okay. We're going to move on a little bit to some other issues that I'd like to talk about, some of the other things that changed in this piece of legislation that, you know, just fly in the face of the name of the bill, Restoring Balance in Alberta's Workplaces. I mean, let's say: even if one person is terminated, just one little, tiny example, how is this restoring balance?

I'm sure that there are a number of people here in this Chamber that in their previous work life were employers and employed people. It could be a few people, could be hundreds of people. I've had the opportunity to employ hundreds of people in my time as a worker. I have seen a lot of cases where people that are terminated for whatever reason become actually – you can imagine the loss. You can imagine the stress on the family. You can imagine all of these things. To do a simple thing like remove the ability for the worker – I'm not talking about the employer – to be paid for the work that they've already completed in a timely fashion, which in this case was three days, now that will change to over 30 days.

Now, I've heard the government, you know, share some numbers. I'm not quite sure where that math comes from, but I would suggest that most employers – and I'm not talking about microbusinesses or small businesses, very small businesses; that would probably be a little different – that most medium and large businesses use payroll companies. That's how it works. You buy the packages, you upgrade, it's got the human resource software, it does the payroll, and it does all of that. To issue a cheque or to issue a record of employment or whatever it is that you need to do doesn't take very long, and it certainly is not very expensive. Actually, in most cases it's part of your contract.

I'd really like the government to clarify. If they're going to claim that this little, simple act is actually going to benefit all Albertans, not just employers but all Albertans, and will benefit the employee in the long run, I would like to see that math. Show your work. If this little move about paying out employees is in fact going to save Albertans money, just show it, because it doesn't really make a lot of sense. I would most appreciate that. That is one thing.

One of the other pieces that I was looking at – and, again, I'm talking about that this does not restore any kind of balance for Alberta workers at all. I mean, it just doesn't. You know, giving employers the ability to make the kinds of changes that are described in this particular legislation, like allowing employers to choose the lowest amount payable for holiday pay: I mean, just all of these things are not aimed at making life better for Albertans. These are Albertans. It doesn't matter if they belong to a union, a public-sector union. It doesn't matter. They're Albertans. They're Albertans who work in this province. They deserve our respect not just during a global health emergency; they deserve our respect all the time. This piece of legislation really does none of that.

I probably don't have much time, but I want to give an example of the difference. I don't know much about unions. I have certainly learned more through my time here with the legislation, and I have met people that have been involved in unions that have explained a lot of things. Recently I've come to know a few, and that's because the government is choosing to give a 90-day notice to a little piece of disability services that are provided by public-sector workers. I worked in the nonprofit side. I know the difference. I know the difference in funding, I know the difference in the lack of support, I know the difference in the oversight, I know the difference in the availability of training, and I know the difference in the wraparound services.

They want to eliminate public-sector workers providing very complex care because it's expensive. Now, keep in mind that the entire pie is probably over a billion dollars. We're talking about \$42

million. They're looking to make this change, and I'm guessing that the estimate that I've seen, at the end of the day, when it's all said and done, will save about 2 and a half million dollars. When, really, you look at the benefit – as I've said in this place, these are some of the most profoundly disabled, medically fragile people in this province. The services are delivered, a little piece of them, by public-sector workers, who are paid more, who are actually paid what every worker should get.

**The Deputy Speaker:** Hon. members, Standing Order 29(2)(a) is available. I see the hon. Minister of Children's Services.

**Ms Schulz:** Thank you very much, Madam Speaker. I did want to address some of the things that we've heard tonight about this bill, Restoring Balance in Alberta's Workplaces Act, 2020. I know that many of the members who have stood up on that side of the House want to talk a lot about social services, human services, and the supports that go to those who are the most vulnerable in our province, and I do want to talk a little bit about the labour legislation that they introduced and the impact that it had on many of these services.

First, let's start by talking about who they didn't speak to when they introduced their legislation. One of those key groups would be nonprofits, our community organizations who support many of the most vulnerable people in our province each and every day. Many of those are community-based organizations who work with the Ministry of Children's Services, also with the Ministry of Community and Social Services. Between the labour changes made by the former government and the increase in minimum wage during a recession, it cost them tens of millions of dollars; \$81 million, I believe, in fact, was the number provided to me by a group of nonprofits who I met with early on in our mandate. Specifically, they said that they wished then that the NDP labour minister would have consulted with Children's Services, her colleague the Minister of Children's Services at that time, but that didn't happen, Madam Speaker, because if they did, they would have heard what we did. They had no notice, and the tens of millions of dollars thrust upon these nonprofits, again, providing services for the most vulnerable people in our province, were not funded by members of the NDP.

**10:10**

The Premier just pointed out the 300 per cent increase in spending in social services since 1992 under Conservative governments. I also want to say that, of course, that was faster than inflation and population growth. What wasn't funded, though, under the members opposite, Madam Speaker, was this tens of millions of costs, \$81 million in costs, that their labour changes thrust upon these nonprofits, in addition, as I've said a number of times in this House, leaving child intervention significantly underfunded. We funded that. We funded that, and we've addressed that growth in our budgets in Children's Services in the last two budgets put forward by our government.

They didn't listen to ranchers. They didn't listen to farmers. They didn't listen to agriculture workers, Madam Speaker. They didn't listen to construction workers. They certainly didn't listen to our energy sector workers. They didn't listen to nonprofits, not them either, not at all. They don't listen to anybody. Not everyday working Albertans. Just the union bosses. Not the job creators, not the small businesses, not the entrepreneurs. Just the union bosses because unions, as they've said, care about all people unless, of course, you're a Jewish person or a person of faith. Then you're a nutbar – right? – as their union boss and NDP board member has identified and we've heard tonight in this House.

Now, if union workers, Madam Speaker, don't want to support their union boss, Gil McGowan, if they don't want to support those campaigns or they don't want to support campaigns against the very industries that they are employed in, then they should have a choice not to fund those types of activities that threaten their very livelihood. They should not have to fund anti oil and gas, antipipeline campaigns if they don't want to. They should have a choice for their hard-working dollars, where those dollars go and whether they support those campaigns. They deserve to know how, where, and how much of their money is being spent. Transparency is something that workers in this province deserve.

Now, the Member for Edmonton-Glenora also wanted to talk about 50,000 jobs. You know what, Madam Speaker? The pandemic has had a very real and significant impact on our economy. This is not only the biggest health crisis we've seen in a century but also the biggest economic crisis that we've seen in the same amount of time. What they choose to forget, though, is 180,000 jobs lost when they in four years, four short years, drove investment and jobs out of Alberta. That is why we need balance.

They also want to talk about wanting more women in leadership, in council, in elected positions. Well, maybe they should check their behaviour, Madam Speaker. The division, the vitriol, the anger, the politics of fear, the choice that many members make to focus on attacks on integrity, intelligence, and intentions, not policy, not facts, not issues Albertans expect us to debate: with respect, I challenge them to set a better example, and perhaps we can get more women to run. They say that this isn't a province for women. I'm a woman, a woman who chose to live in Alberta because of jobs, because of opportunity, because of a brighter future for my family.

Thank you.

**The Deputy Speaker:** Hon. members, I see the hon. Member for Edmonton-City Centre rising to speak on Bill 32 in second reading.

**Mr. Shepherd:** Thank you, Madam Speaker. I appreciate the opportunity to rise tonight and speak to Bill 32, a bill which makes amendments to six pieces of legislation having to do with labour and employment standards in the province of Alberta.

I would just note that, following on the last speaker making claims, on any member of this government making claims about supporting transparency, given their behaviour over the last few weeks in regard to things like the fiscal update, which the minister has delayed until the end of August, passed legislation to do so, claiming that that was because that was what the Auditor General asked him to do, we know there has been much information to the contrary put on the record about that. That's not transparency, Madam Speaker. To claim that this government in any way is rising to a higher level of transparency than labour unions in this province is, frankly, laughable. Indeed, I haven't seen any labour unions going about changing their bylaws to try and hide information from their members, as we've seen this government doing with Albertans, so let's put that to rest.

Speaking of the legislation in front of us, we have here a bill that amends six pieces of legislation – the Employment Standards Code, the Labour Relations Code, that being the bulk of this act, the Police Officers Collective Bargaining Act, the Public Education Collective Bargaining Act, the Post-secondary Learning Act, the Public Service Employee Relations Act – somewhat of an omnibus bill, perhaps a habit that the Premier has brought with him from his time in Ottawa. We know it was a particular habit of the Conservative government of which he was part to bring in large pieces of legislation making many sweeping changes, perhaps in hopes of escaping scrutiny, that transparency of which they are such apparent big fans, Madam Speaker.

Now, within this bill we see a number of different changes. The one that is interesting to me, one which perhaps relates to what the Minister of Children's Services was speaking about with some of the nonprofits and some of the others, has to do with the averaging agreements. Now, averaging agreements indeed can be a beneficial tool. Indeed, I remember meeting with one young gentleman who worked for a nonprofit in a school and had some challenges around the averaging agreement because, of course, for his work there were days when it made more sense for him to stay a couple hours later one day at the school to be able to work with a youth who had a particular need that day. That became a challenge, then, for how many hours he was able to work in a week and that sort of thing. So, yeah, it made sense for him to be able to arrange an averaging agreement with his employer.

I remember bringing that young gentleman to meet with the chief of staff for the then minister of labour, the now Member for Edmonton-Mill Woods, to talk about that challenge and look at ways that we could find to help them to work within the legislative changes and that. Indeed, Madam Speaker, whatever the claims that this government wants to make, we did indeed listen to Albertans and make the efforts, where we could, to try to adjust and mitigate for the changes. This government has no claim to being more responsive. I can tell you that from having talked with hundreds of doctors across this province, so let's get off the high horse here tonight and talk the realities of this bill.

In regard to the averaging agreements it was set up so that employees and employers would sit down and they would work out their averaging agreement together. That does not strike me as being an unreasonable provision, Madam Speaker, that that would be required. This government is choosing to remove that. This change to the arrangement means that it's no longer about the employee and employer working together; it's about an employer dictating terms. Now, I recognize that that is a habit of this government. Again, Alberta doctors: this government is not interested in actually negotiating an actual contract. They, in fact, passed legislation, again a habit of this government, to give themselves new powers to be able to tear that agreement up, throw it away, and indeed impose an agreement. Now, apparently, they've enjoyed that so much that they want to make sure every employer in the province has the ability to do that with an averaging agreement.

Now there need to be protections around an averaging agreement, Madam Speaker, because there is a reason that we have employment standards. There is a reason why we have a limit of 44 hours a week or a certain number of hours of work per day. Indeed, there are realities that employees face that could prove challenging. Indeed, this government has said that they believe so much in consultation: man, you should sit down and talk to anyone before you make a decision that will affect them. We've just been roundly criticized by the Minister of Children's Services for failing to do that appropriately. In this case her colleague the minister of labour seems to think that that is not necessary, that an employer should simply have the ability to impose on any employee this averaging agreement.

10:20

**An Hon. Member:** That's why they're called employers.

**Mr. Shepherd:** Oh, that's why you call them employers, eh? Is that what you said, Member? Oh, okay. I understand, then. So if anyone wants a job, then they take what they've got, and we don't need any labour standards, Madam Speaker, because they're employers. They have the right to dictate to their employees everything about

how that job should be. No negotiating needed. Thank you, Member. I appreciate that thought.

There's no longer any need to limit the hours worked to 12 hours per day or 44 hours a week. They do not have to pay overtime for an averaging arrangement, so who in this relationship, Madam Speaker, has the incentive to abuse? Is it the employee? Is that the balance that this government is bringing with this legislation? This is entirely one sided, this is entirely without balance, and this government has provided no justification for this other than to say: well, most employers are going to be pretty good, and they're not going to do that. Well, Madam Speaker, most governments have been pretty reasonable, too, and been able to actually negotiate with doctors in the province. This is the first government and first Health minister that have utterly failed to do so.

It's not always just about the powers that are being granted. It's about whether or not you can trust the person wielding them. We need to consider the question of trust, not based on the best case scenario but on those who might choose to abuse it, and I think this government on many occasions has given us good reason to see why there need to be caveats and restrictions on power.

Now, the government has been incredibly disingenuous in their arguments on this, to be clear. When we talk about this in the context of what this means, that employees could be essentially denied access to overtime, they say: well, we haven't made any changes at all to the overtime provisions; all the overtime laws have stayed exactly the same. Yes, that's correct, Madam Speaker. They have kept those the same. They've just created a nice loophole by which an employer can escape those provisions, which they have not changed. They've just simply given an exit.

Frankly, Madam Speaker, that's an insult to Albertans, that the government would make such an argument on such a change that has such a profound impact on individuals, on employees. As my colleagues have noted, it is not an equal relationship of power. As one of the members across just noted, of course, because they're the employer, they have the right to dictate that. They themselves acknowledge it. This is not an equal balance of power in this negotiation and this relationship, yet they are providing – not only that; they're expanding the period in which this can happen. Not only can it now be imposed by an employer without any agreement from the employee; it's been extended. It can be up to 52 weeks from 12. That is a massive increase, over four times. That's not balance. That is an extreme change for which, again, we have heard no justification, for which the employee will have no recourse except to lose their job. You don't like the terms? Walk.

Of course, again, that has apparently been the view of this government on doctors in the province of Alberta though they deny the fact that many of them are preparing to take exactly that option to the detriment of many Albertans.

This government wants to talk about transparency. They want to talk about democracy. They want to talk about fair treatment. This is a single provision in this omnibus legislation, Madam Speaker, a bill on which I'm going to have to do a bit more work to understand a bit more of all the sweeping changes that this government wants to push through, because I've been somewhat busy with their omnibus health act, speaking further about transparency.

I'm deeply troubled by this provision, by this change, and indeed allowing for the unilateral cancellation of any current agreement with 30 days' notice. They're not even content to let the existing contract, that was actually negotiated between the employer and employee, stand until it's done. They've got to give a 30-day opt-out clause for any employer to just impose that new one, much as this government chooses to do in so many other situations. It's disappointing, Madam Speaker, and it's disrespectful to Albertans,



and it is not supporting Alberta workers, as much as they want to pat themselves on the back and claim that they're doing so.

I have a feeling we're going to have much more opportunity to debate this bill, and there will be much more back and forth, and the government will pump their tires some more about what wonderful people they are for standing up for Alberta workers despite what we see is the truth. I look forward to engaging in that debate further, but for now I'll adjourn debate.

Thank you.

[Motion to adjourn debate carried]

**Bill 31  
Environmental Protection Statutes  
Amendment Act, 2020**

[Adjourned debate July 8: Mr. Getson]

**The Deputy Speaker:** The hon. Member for Lac Ste. Anne-Parkland.

**Mr. Getson:** Actually, Madam Speaker, if I could turn it over to my colleagues. I believe I spoke on it last time. I adjourned debate. I'm not sure of procedures, but I believe . . .

**The Deputy Speaker:** You still have 16 minutes left, if you would like to take your time or sit down and we can move on. Please proceed.

**Mr. Getson:** Well, I'll take a little bit of a moment, then. Firstly, thank you very much for this.

**Mr. Schow:** Tell them yes.

**Mr. Getson:** I'm sorry?

**Mr. Schow:** Tell them yes.

**Mr. Getson:** Okay. Well, we'll get at it here.

Bill 31: this is a great thing that happened here. On my birthday, May 6, out in the beautiful county of Lac Ste. Anne-Parkland, there was . . . [interjection] I'm sorry? [interjection] Oh, okay. A court ruling took place. What it showed was that the definitions of words in legislation actually count. At that point in time what had happened, Madam Speaker, was that they made a ruling that silica sand was actually, in fact, a mineral. Now, this doesn't seem like much. It's kind of innocuous, a ruling that takes place, but the ramifications of this were actually pretty massive. Because there was a ruling put in place that silica was then considered a mineral, it essentially put everything else in place for the whole gravel industry – the sand aggregates, marl, clay, et cetera – meaning that it was a mineral. Then it put it as an actual quarry, so all of the operating pits out there would actually have to reapply as a mine.

Now, Madam Speaker, I'm sure it doesn't sound like much, but an environmental impact assessment would have to take place, and those things can take upwards of 77 weeks. What happened is that there were 500 applications in the hopper currently under review to become pits. Those would have been pushed off to be 77 weeks in application.

The second thing that would happen is that all existing pits that are producing over 45,000 tonnes of material a year – and that's, arguably, only 10 kilometres of road surface – would all be subject to that. Any of the operating groups that were out there, the larger companies, maybe five, would have been the only ones allowed to operate at that time.

What happened here, essentially, is that we could have ground the entire aggregate industry to a halt. That means all of our paving materials, all of our concrete, all of our sand, and everything that we're trying to do to get Albertans back to work would have come to a grinding halt. Fortunately enough, what happened was that there was a stay in that ruling, and that extended out until October.

I've very happy that the Minister of Environment and Parks was all over this like a pit bull on a pork chop. He literally got into this, understood the ramifications of it. He got right into the ramifications of this and saw that it was very important. We started consultations with the rural municipalities, the Alberta Sand and Gravel Association, and found out what the consensus was on this. Literally, Madam Speaker, folks didn't want to upset the apple cart. There was kind of an outlier here. It really took everyone unawares.

That's where we came down to the wording in Bill 31, so redefining and ensuring that silica sand is not taken in context as a mineral, clearly defining that the aggregates – the gravel, the sand, the marl, the clay – are not considered minerals. The environmental impact assessments would still sit there if we needed to use them for applications for gravel pits, but it would allow us, with the passing of this bill – and hopefully everyone votes in favour of it – to continue a steady state, if you would. That still allows all those operators to take place, it still allows all those mom-and-pop organizations, and it still allows our own private pits as the Alberta government and those municipalities to be in operation, and it still allows Albertans to keep at work. With that, Madam Speaker, I'm hoping that folks will vote in favour of this bill. It's something that is very timely. It managed to get hoisted, and quite frankly I'm very honoured to be able to speak as a private member to this. Again, colleagues, this is something that impacts all of the province. We managed to get this ahead of the rest of the queue to make sure that Albertans could get back to work.

Thank you, Madam Speaker.

10:30

**The Deputy Speaker:** The hon. Minister of Indigenous Relations.

**Mr. Wilson:** Thank you, Madam Speaker. Due to a potential conflict of interest, I'd ask to be excused, please.

**The Deputy Speaker:** Are there any members wishing to speak and join debate?

**Mr. Kenney:** Well, very briefly, Madam Speaker, I would simply like to thank the hon. Member for Lac Ste. Anne-Parkland for his leadership on this matter. Without his very robust intervention, I don't believe the government would have found a remedy to the very serious threat posed to our economy by that court decision and the uncertainty which it created. The hon. Member for Lac Ste. Anne-Parkland actually drove me by the proposed gravel site in question, which instigated the litigation here in question.

I should point out, Madam Deputy Speaker, that I understand that Chief Tony Alexis of the Alexis First Nation supports this kind of development, as do the vast majority of First Nations across the province, indeed.

Madam Deputy Speaker, it was essential that we find a rapid solution. I have to say that this is one aspect that I'm proud of this government for: its ability, even in the midst of multiple crises, with the implementation of a 362-item platform, to still be able to move through a complex policy process on a very complex issue such as this with great speed to bring certainty and statutory clarity so that the gravel, the aggregate, and the construction industries can proceed at a time when we desperately need those people going to work.

But let there be no doubt. This would not have happened without the leadership and the thoughtful interventions of the Member for Lac Ste. Anne-Parkland working with the Minister of Environment and Parks, so I'd like to thank the member.

**The Deputy Speaker:** Are there any other members wishing to join debate? The hon. Member for Fort Saskatchewan-Vegreville.

**Ms Armstrong-Homeniuk:** Thank you, Madam Speaker. I rise in support of Bill 31, the Environmental Protection Statutes Amendment Act, 2020. I've been contacted by many constituents regarding the May 6 Alberta Court of Appeal's decision affecting 500 applicants for gravel pit licences. This ruling would have effectively ruined the gravel pit owners, operators, and all businesses and workers that are related to this industry. In 2019 our government was elected with a clear mandate from Albertans to reduce red tape, and this bill would fall into line with that. Pit owners, gravel truckers, equipment operators, and labourers along with the related industry make up an important number of small businesses here in Alberta which are an important part of our economy.

Madam Speaker, the gravel industry is full of hard-working entrepreneurs. I know this first-hand since my own dad was a gravel trucker right here in Alberta. Whether it was at Steel Brothers pit in Fort Saskatchewan, Davis' pit in Two Hills, or Curly's pit in Westlock, I know first-hand how important this industry is to Alberta. My dad would usually stockpile all winter long, hauling pit run from these named pits to stockpile at locations all across northeastern Alberta.

I fondly remember his 1980 White Western Star, which he nicknamed White. It had a 13-speed Detroit diesel 6V92TA, with 3,800-pound axles. For anyone that is interested, the 13-speed was a three-speed splitter. Being a lifetime trucker and owning many trucks over the years, Dad, if he were here today, would say that this was his most prized truck. This truck was a high-gloss white with lots of chrome. Let me tell you that this truck was the envy of every gravel pit. Myself as a very young woman without a driver's licence, I often begged him to let me drive this brand new, 13-speed White Western Star, of course under his guidance. However, it would be: no way. He would be the only driver, and he made that very clear.

I recall one time at a Steel Brothers pit in Fort Saskatchewan, as he was driving his load up the pile, the side of the gravel pile gave way, and his White Western Star rolled down the side of the pile, amazingly landing on the bottom with all of its tires upward. No one was hurt. Only the mirrors were damaged and Dad's pride. In true Alberta entrepreneur spirit, there was no way this was going to slow him down. He did what any other trucker would do. He chicken-wired the mirrors on the truck, and they stayed that way until shutdown in autumn.

He also had a 1976 Chev tandem C65 with a 427 gas engine, a five-speed transmission and a four-speed auxiliary, with 34,000-pound axles, which he called Chevy. Dad was proud of his trucks, his gravel-hauling industry, and being an Alberta small-business man. If he were here today, I know he would be very proud of our government, which recognizes the gravel industry as a valued industry that has the support of our government.

Occasionally a court ruling could have unintended consequences which could have a negative impact on an industry. Our government saw this and jumped in, taking control and bringing forth this legislation to avert catastrophe. Madam Speaker, our government is forward thinking. Therefore, by amending the Environmental Protection and Enhancement Act, gravel projects can be confident that our government is working hard to create and

keep business right here in Alberta. I stand here in support of this bill.

Thank you, Madam Speaker.

**The Deputy Speaker:** Boy, did I not understand a whole bunch of those words.

Standing Order 29(2)(a) is available. Are there any members wishing to speak?

Seeing none, any other members wishing to join debate? The hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Thank you, Madam Speaker. It's a pleasure to rise today to speak to Bill 31, Environmental Protection Statutes Amendment Act, 2020. I appreciate the comments from the earlier speakers providing some context around why this bill was brought forward. As previous speakers have noted, I do understand that this is the result of what's known as the Alexis decision by the Alberta Court of Appeal. The decision came out on May 6, 2020. In that decision the Court of Appeal, as noted by previous speakers, basically ruled that silica sand should properly be considered a mineral under the Environmental Protection and Enhancement Act. Therefore, by virtue of it being considered a mineral, the extraction of large quantities – specifically, I believe it's 45,000 tonnes or more – would actually be considered a quarry as opposed to a pit. The significance of that, of course, as noted by previous speakers, is that the extraction of such large quantities being categorized or classified as a quarry as opposed to a pit means that it's considered a deeper extraction and therefore subject to different environmental regulations, including environmental impact assessments.

Now, obviously, the members across have probably a much more direct experience given their backgrounds and the stories they've shared about growing up and their experiences in that industry. I can't share, unfortunately, those same personal experiences or stories, but I do of course understand the importance of these large sand operations to our economy as well. The extraction of silica sand is critical to fracking. It is a critical part of our industry. Therefore, we do need to make sure, whenever we're doing any of the work that we do in this province, a lot of which does deal with oil and gas and a lot of natural resource industry, which has a significant impact on the environment – it's important for our economy, but it also has an impact on our environment.

In the context of environmental considerations, the groups that, likely, we hear from the most and that have been such vocal advocates and protectors of our land are, of course, the First Nations people of Alberta. Of course, this challenge here was brought forward by a member of the Alexis Nakota Sioux First Nation. They had raised concerns in the court case about the extraction I believe it was at the Wayfinder Big Molly pit, which is just northeast of Edmonton. Their concerns were that that extraction was going to have an impact on local waterways as well as on wildlife. Of course, throughout that process the Court of Appeal ultimately, to some degree, did agree with the member from the Alexis Nakota Sioux First Nation that there was a need for an environmental impact assessment. I think what I see here in Bill 31 is a reversion to the system that was in place prior to this appeal. It is an amendment to the Environmental Protection and Enhancement Act to change the definition of minerals and pits as well as to amend or remove references from the Public Lands Act that make references to silica sand.

**10:40**

From what I see being brought forward, my understanding of what's happening here through Bill 31 is to revert to the process that existed in place before the decision in the Alexis matter. I guess

I have some questions about this. I agree that we don't want regulatory processes that are going to hinder unnecessarily the development of these pits, especially if it's now put, I understand, about 500 different operations in question, who are now subject to a whole new set of regulations, including requirements of environmental impact assessments. I think we do need clarity around that because from my understanding – and again I don't have the direct understanding of the members opposite – it may not be necessary to have an environmental impact assessment in every situation. Perhaps the decision of the Court of Appeal is overly broad in that respect because it would require it any time the sand operation is over 45,000 tonnes.

Certainly, some clarity for the industry and for Albertans is important, but I think it is important to also make sure that we are still considering the impact and the considerations and concerns brought forward by, particularly, this First Nation. What we know as a basic tenet of aboriginal law in this country is that proper consultation is required, and that doesn't mean, of course, at this point that the First Nation is either right or wrong or has a veto per se, but it does mean at this point in time that proper consultation should be had.

When I listened to the members across, I did hear the Member for Lac Ste. Anne-Parkland speak about talking with the gravel industry, but I didn't hear him say anything about consultation with First Nations with respect to the specific changes in Bill 31. I would simply like to hear a little bit more about that, and I'm hoping that as we proceed further into debate on this bill, we will hear a little bit more about how Bill 31 will balance both the certainty and clarity required for the industry as well as the concerns brought forward by First Nations, perhaps through a consultation process. We do know – and I have a little bit of background with respect to aboriginal law – that even the introduction of legislation can trigger the duty to consult. I'm wondering if that has been considered by this government. I'd like to hear some feedback with respect to that.

Generally, you know, I think we do need some clarity and certainty, and if Bill 31 provides that, I would just want some more information about why this was the balance that was struck and how that balance was struck. I look forward to a fulsome discussion and debate on this bill, Madam Speaker, and to hear from other members in the Assembly.

**The Deputy Speaker:** Standing Order 29(2)(a). The hon. Minister of Environment and Parks.

**Mr. Jason Nixon:** Well, thank you, Madam Speaker, for the opportunity to respond to those questions, and thank you to the Member for Edmonton-Whitemud for the questions. First, I'd like to briefly just clarify a couple of things. The court ruling did not say anything in regard to the current process that Alberta Environment uses when it comes to the governance of gravel pits or the approval process in the province. In fact, the judge indicated in the ruling that they did not see any concerns with the process that was already in place here within the province. This case simply came down to the judge saying that the definitions between quarries and pits and between sands and different minerals were not clear. At the end of the day, this legislation just returns us to the status quo of how we have regulated this industry in this province for decades and provides that clarity when it comes to minerals and the difference between, you know, a coal mine, for example, versus a sand pit inside the province.

The hon. member asked some reasonable questions when it comes to consultation. First, as was mentioned by the hon. Member for Lac Ste. Anne-Parkland, the Sand and Gravel Association inside the province supports this, for sure. We worked hard with them to

make sure that we were able to get this right in the period of time that we had to get it to the Chamber. In addition to that, the AUMA supports this bill, and the RMA supports this bill, and that's important – and I am going to address the indigenous issue in a second – because the main partners in governing and regulating the gravel industry and gravel pits are actually the municipalities. They carry most of the burden in the regulatory process within their municipal districts. Alberta Environment has rules that need to be followed, obviously, but at the end of the day this is primarily a bylaw issue within the counties, so it was important that we made sure that we got it right.

Lastly, in regard to the indigenous consultation question I think it's important first to note that the court case that the hon. member refers to was not indigenous communities. It didn't come forward from indigenous communities. It did not come forward from one of the treaties inside the province. It came forward from one individual who was indigenous, for sure, within the process, and the indigenous communities that were in the area did not support that individual in their pursuit within the system. This was an individual who had a concern and ultimately utilized the court system, as is his right to do so. This was not something that was brought forward by indigenous communities inside the province. We have not heard from the indigenous communities that we have spoken to that have been impacted or were in the regions where this was impacted anything negative in regard to returning to the status quo.

Lastly, in regard to environmental assessments the hon. member is correct. If a pit is above a certain size, by law it requires a full environmental assessment. We don't have any pits like that inside this province, that have ever had to trigger a full environmental assessment, though that mechanism, Madam Speaker, still remains in place. If there was ever a pit that was brought forward that would go above that size limit, they would still be required to do a full environmental assessment, but it has not happened in this province in 15 years, since this legislation originally took place.

Hopefully, that provides some clarification to the hon. member's questions.

**The Deputy Speaker:** Any other members wishing to speak under Standing Order 29(2)(a)?

Seeing none, any other members wishing to join debate? The hon. Member for Drayton Valley-Devon.

**Mr. Smith:** Thank you, Madam Speaker. I wanted to rise today to speak to Bill 31, the Environmental Protection Statutes Amendment Act, 2020. Over the last five years that I've been an MLA for the constituency of Drayton Valley-Devon, I've met with several of the sand and gravel operators in my constituency. You know, they play a significant role in the economy of our province and our country, for that matter, especially when we start looking at the oil and gas industry and the amount of gravel and sand that is used across this province. Our modern economy really could not function without sand and gravel operations. Whether it's for building roads and bridges or the construction of houses and hospitals, schools, landscaping, all of these industries are affected and are dependent on the sand and gravel operations in this province.

When we are talking about this particular bill, this is a significant bill for the province and for our economy. Therefore, any changes to the regulations that are going to impact this industry are going to have a large and compelling ripple effect throughout the economy of the province. Now, Environment and Parks has had an effective and an environmentally sound regulatory system in place for more than 15 years to review and to approve projects, and I know I've had the businesses in my constituency come to me on many occasions, asking me to help them work through regulatory issues

and address the issues that they face on a daily basis to try to make sure that they have a profitable operation in my constituency.

Now, that being said, Bill 31, the Environmental Protection Statutes Amendment Act, 2020, is designed to address some recent issues that have risen in the sand and gravel industry as a result of a recent court ruling. On May 6, 2020, the Alberta Court of Appeal ruled that sand is a mineral under the Environmental Protection and Enhancement Act, and this means that sand operations above 45,000 tonnes per year each year must be regulated as a quarry instead of a pit. Before this decision, all projects removing sand were regulated as pits.

Now, for most of us, including myself until recently, a quarry, a pit: what's the difference? You know, the Speaker may think there's a big difference between a quarry and a pit, but quite honestly I wasn't sure what the difference was until we were made aware of this change in the court ruling. It actually has a significant difference and a significant impact on how our sand and gravel operations are going to operate in the province. While both may sound similar or may be similar in the minds of most people – for most of us, all we think of is: well, a pit and a quarry both remove something from the ground – under law they're very different. They are regulated very differently. Your average sand and gravel pit is regulated through a much more simple process of authorization while a quarry that produces more than 45,000 tonnes of material per year requires an approval from the Environmental Protection and Enhancement Act as well as an environmental impact assessment.

10:50

The result is that many gravel pits, if placed under this kind of regulation, will now face a costly and a time-consuming approval process. It will subject sand to the same regulatory oversight as a mineral that's found in a quarry, that has not historically been necessary when moving forward with a sand and gravel operation. It will create far more red tape for sand and gravel pit operators, that are already struggling in a depressed economy, struggling to overcome the COVID pandemic, struggling to make sure that they can maintain a profit, maintain jobs for workers, continue to be a viable and profitable part of our Alberta economy.

This court ruling has brought a level of what we would consider in this government unnecessary regulatory complication and confusion. It's unfair to the sand and gravel operators, and it creates avoidable challenges for the future of sand operations. It creates problems that could be avoidable as we move forward into the future of this province. We're not talking about just a one- or two-operator problem here. There are about 500 sand and gravel applications that are currently under review in this province, so this is actually a significant issue. They have submitted the information required for a pit authorization but not for a quarry approval. So these applications will now be considered incomplete, and they will not be authorized unless we have the passing of Bill 31.

The additional regulatory burden of revising applications, which could take months and add months to the process, is creating some really significant issues. Asking operators to revise their applications for a quarry approval, including an environmental impact assessment that could take up to a year, maybe even longer, to process, is a tall and complex issue, order, and request for sand and gravel operations during an already stressful time within this industry, so we need to address this as a government.

In order to address the implications of the court decision, we need this bill. We need it to clearly identify how sand is going to be regulated, and we need to change the definitions of minerals and pit in the Environmental Protection and Enhancement Act. We need to remove references to silica sand from the Public Lands Act. When

the Public Lands Act is amended to remove the references to silica sand, it will also remove additional uncertainty about the interpretation of what sand is. Our government agrees that there is a lack of clarity in the definitions, as was identified by the Court of Appeal, and that's why we're working to make the definitions more accurate through this bill.

Bill 31 will align the current framework with the philosophy and the intent of our legislation. Bill 31 will help to lower industry costs and government costs, for that matter, and it will help to avoid unnecessary work for pit operations with well-understood environmental impacts and instill confidence in the industry so that investment capital continues to flow into the industry. In crafting Bill 31, the Ministry of Environment and Parks reached out to the stakeholders involved in the sand and gravel industry, and the Alberta Sand and Gravel Association and the rural municipalities association are both in favour of the amendments found in Bill 31.

While Bill 31 will reduce regulatory burdens and provide clarity to the sand and gravel operators, it will also allow the industry to continue to maintain the effective and environmentally sound regulatory processes for pits that Environment and Parks has had in place since 2004. It's not like we're changing the system here, where we're leaving no regulatory process or approvals to be done. What we're doing here is making sure that we're going back to a system that was working – it's been working – that was not broken but which a court has interfered with and has created some confusion because of its decision.

Madam Speaker, in the middle of an economy that's been hit hard from four years of misaligned policies by the former NDP government, a province that's had a precipitous drop in the energy economy, and, finally, a COVID pandemic that has wiped out jobs and burdened companies with unneeded debt, Bill 31 will actually take a small step towards providing certainty within one part of our economy, the sand and gravel industry, a certainty that will balance the economic development of the industry with our need to regulate and live up to our environmental obligations.

I would encourage this House, Madam Speaker, to support the amendments that we are bringing forth here with Bill 31. I believe it's in the best interests of the industry as they have brought them to our attention. Through some of the hard work of the ministries involved and some of the MLAs, I believe that we are taking a positive step in the right direction towards bringing certainty to this part of our economy, that's so important to a whole wide range of industries.

Thank you, Madam Speaker.

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

Seeing none, any other members wishing to join debate on Bill 31? The hon. Member for Edmonton-North West.

**Mr. Eggen:** Well, thank you, Madam Speaker. I appreciate the opportunity to say a few words in regard to Bill 31. I actually found the debate and the explanation of the minister very helpful in regard to some of the questions that we did have around this bill: what had precipitated it, what was the nature of the court ruling that kind of helped to move this along, who was involved, how it would affect environmental assessment, and what is the scope or the breadth of environmental assessment in regard to both quarries and pits here in the province of Alberta. I appreciate that.

Certainly, we've been looking generally positively on this bill. Some of the questions that were brought forward by the Member for Edmonton-Whitemud: I think the minister answered them quite succinctly and to my satisfaction. That really helped me to understand the scope of this. Indeed, a couple of the comments from

different members here this evening, I think, are a fairly accurate reflection of the importance of the sand and gravel industry here in the province of Alberta. I think we're quite blessed with quite a lot of this natural resource, that we see around the province. Again, my only personal experience with gravel pits was, you know, misspent youth in high school, I guess, when I think about it, but I've seen them around. I certainly see them in the hon. member's riding in Drayton Valley when I'm out that way canoeing and so forth.

I know that the health and the function of the gravel and sand industry are a very good indicator of the overall health of the economy, too, because, of course, it's a basic building block for both concrete and for roadbeds and foundations and you name it – right? – so if we can see some positive trends in this industry, then we can probably be reasonably confident that things are starting to pick up. Conversely, if the industry is not doing so well, then that's a problem, right?

Also, we do know generally that there are some shortages of high-grade sand and silica and so forth around the world, really, so for us to perhaps better refine how we are both sort of grading and defining these different products I think will serve us well in the future. I know, just reading the news, that all around the world there are, you know, shortages of different high-grade silica and so forth, and it's good to know if we have something that we can offer into the trade, quite frankly.

11:00

I know that the whole issue around gravel pits and so forth is sometimes contentious, at least for neighbouring or surrounding communities because, of course, the industry itself has quite a high impact on roads and on surrounding areas. So as long as we are maintaining the highest level of regulation – right? – in terms of both road use and noise and dust and those sorts of things to make sure that our pits and quarries are good neighbours for all Albertans, certainly people recognize the importance of having them. You know, it's good local industry to have as well because, of course, the closer you can mine and use and extract these products to where you want to use them, the more economical they are. Of course, it's a very heavy product to move around the province. In keeping with that, then, I think that we are certainly watching this bill with some optimistic eyes.

I know that, you know, it's a little awkward, Madam Speaker, for this debate, because of course every time we talk about quarries and pits you have that natural reaction. I know. When I hear some version of my name I always have that reaction, too. That's great. It keeps us on our toes.

I look forward to hearing from some other members on this topic. Thank you.

**The Deputy Speaker:** I'm just happy that this is a positive debate. The hon. member under Standing Order 29(2)(a).

**Mr. Jason Nixon:** Well, I'll be brief on 29(2)(a) in case somebody else has some other comments for the hon. member. Just to reiterate, without getting into detail because the member didn't ask anything specific, to make it clear to him, while you're dealing with some of these issues, as he knows as a former minister, there are all sorts of different nuances as you're dealing with particularly multiple pieces of legislation. The core of the goal of the government here is to continue with the status quo, so there's no intention by the government to change what has already been taking place in the province when it comes to this issue. It's just to restore and to be able to meet, basically, what the courts found in not being able to articulate the definition that already exists within our current legislation.

This is an attempt to meet that request, to make a clear definition, and to keep forward with the status quo. There's nothing within this legislation that will change how we environmentally regulate pits or how we do quarries, but it will make it clear what the difference is between sand or other types of things that come from the ground and make sure that we're regulating that in the way that we always intended to as a province, which I think he seems to understand from what he was saying in his comments. I just wanted to reiterate that to him, that that is the intention of the government with Bill 32.

**An Hon. Member:** Bill 31.

**Mr. Jason Nixon:** Bill 31. Bill 32 is a different issue, but with Bill 31, that's where we're at.

**The Deputy Speaker:** Under Standing Order 29(2)(a) the hon. Member for Lac Ste. Anne-Parkland.

**Mr. Getson:** Yeah. Again, to the Member for Edmonton-North West: absolutely; I really appreciate the comments.

To the Member for Edmonton-Whitemud: I believe she had some concerns on if it was the nation itself that had concerns in consultation. It wasn't the nation. It was actually consulted in the original operation in the opening of Molly. Essentially, it's a pit that extracts sand, fractional sand, that can be used for our energy sector, which is an industry disruptor because we bring in most of our materials from Wisconsin or Texas just due to the formations. About 70 per cent of our material we import actually for our own industries, so this is how important this new, evolving diversification of that model is if you're looking at taking marginal farmland and using that for the upstream side and making a saleable market. Again, it was one individual who is of First Nations descent that had this ruling that was outside of the consultation with the community as well.

One of the side benefits from this was kind of that come-to-Jesus moment, where everyone went: oh, my gosh. I mean, that's what literally took place. Some of the side benefits of this, when you're making mention of utilization of roads, neighbours, friendly neighbours, all those things, through you to the member, Madam Speaker, is that the Sand and Gravel Association and the RMA are putting together a board so that they can take care of their outliers. Essentially, you've got a couple on either end that may or may not be pro for the industry or problematic or potentially are leveraging more than the resources are worth compared to their neighbours and friends. They're getting that together because it really scared everybody how bad this could get, and you could shut down the whole industry because the kids hadn't been playing along very well together a number of times.

The other thing that was a bit disconcerting was that a couple companies saw this as an opportunity and literally took quarry applications underneath existing pits, so essentially you could have had predatorial capitalism, where you take advantage of having an individual operating pit with somebody else taking the licence under a quarry.

All the kids are playing nice in the sandbox again. We as government got the definition right, which is no longer an outlier, and will make sure that the industry can carry forward with this.

I appreciate the comments.

**The Deputy Speaker:** Any other members on Standing Order 29(2)(a)?

Seeing none, any other members wishing to join debate on Bill 31 in second reading? The hon. Member for Edmonton-South.

**Mr. Dang:** Thank you, Madam Speaker. It's a pleasure to rise tonight and speak to Bill 31, the Environmental Protection Statutes Amendment Act, 2020. I know a number of my colleagues have already spoken at some length to this bill and raised some questions that I appreciate the minister has taken the time to answer tonight through his use of 29(2)(a). I think that has been very helpful and very productive here in this place.

I mean, obviously I think that the situation with the Alexis decision was rather challenging, and there were some complicated decisions that came through. I appreciate that that court case and decision were indeed only in, I believe, May of this year, so I also appreciate that the government moved with quite some speed and expeditiously in terms of addressing this issue. I know that that's something that's going to be appreciated with the industry and with the public as well.

I think, certainly while we've spoken to how we think this is generally favourable to the opposition, and generally we agree. I mean, I have some minor concerns I think that perhaps the minister – and I know, again, that we moved fairly quickly here, and that's actually okay. I think that the minister did a relatively good job in terms of moving quickly to try and address the issues immediately, and I appreciate that the ASGA and other organizations are working together to try and create some councils around this issue.

But I think that there was an opportunity, and perhaps there will be a further opportunity in the future, to sort of address how complaints of this matter could be handled outside of the court system and if there could be a different legislative structure in terms of a complaint process. We know that while there are environmental impacts of some of these standing gravel pits and quarries and that, there are going to be some sort of impacts on the communities. It may not be the case that every single case needs a full EIA or needs to go to court to determine if it needs these types of EIAs, right? But I think that certainly we do understand that these concerns that come from community members, whether it's an indigenous community or otherwise, are legitimate and do need to be addressed in some manner. There hopefully will be an opportunity in the future that this government may introduce legislation to address that and to create some sort of complaint-based process that would allow public members to have input on these pits as they move forward.

Madam Speaker, I know that you very much appreciate when the public has input on the actions of pits and so forth. With apologies, I tried.

I'd certainly like to thank the government for bringing this forward. I think that certainly there are over 500 standing gravel operations that are currently awaiting approval and are going to be impacted by this legislation and this court decision, so, I mean, certainly we know that there is a large and broad effect across the province. That's something that's quite important. We know that because it's such a large impact on such a core piece of Alberta industry and something that really as an industry we know isn't vulnerable in the same way to international pressures, right? We know that this sort of operation must remain locally and always will due to many different factors, but largely we know that it's protected in a different way than other types of industries we would normally see in construction and other types of fields. I mean, certainly to have these 500 sites affected would have been quite significant, and now the government is moving forward, so that's positive to see.

I think, certainly we understand, of course, that quarries and pits are both required to be reclaimed at the end of their life cycle, so even with this sort of motion to address the Alexis decision, it's going to still have that environmental reclamation at the end. We know that's still going to be addressed as well. Yeah. I mean,

certainly I think that if members of the public still have complaints to make, that should be brought up as part of the discussion – right? – the effects of how reclamation will happen and what types of reclamation will be done and to what extent it will be reclaimed and how much these types of things will cost. I think those should all be addressed when members of the public have concerns.

**11:10**

It may be the case that it's an individual member of the public, and hopefully a process would be able to deal effectively with both individual complaints and also community-based complaints, where it's perhaps a First Nation or perhaps a town or municipality that's making those complaints. I hope that some sort of complaint process would have the ability to differentiate and consider both of those in a fair manner. I think that certainly we want to have a process that would be able to address these issues and would be able to assure the public and assure those communities that the reclamation process will be sufficient for them. I think that's very important for Albertans, and I think that's very important for everybody in this place.

We know, again, obviously – I mean, I think the Member for Drumheller-Stettler spoke about how in his area it's so important for jobs and the economy, and we know that's absolutely the case, right? We know absolutely right now in the middle of a COVID pandemic, in the middle of perhaps the worst economic crisis that's ever been seen in this province that we need to try and ensure that there is some stability in as many industries as possible. We need to try and support as many industries as possible. So I'm optimistic that this will have some stability for those 500 sites that are currently awaiting approval. I'm optimistic that this will have a positive impact overall in constituencies like the Member for Drumheller-Stettler's.

[The Speaker in the chair]

Welcome back, Mr. Speaker. It's always a pleasure to see you here in this place as well and have you preside over me as well.

Mr. Speaker, I think it's certainly something that we think, that these changes are reasonable and do address this Alexis decision. Of course, we understand, as has been mentioned by the minister and other members opposite, that the Alexis decision was not driven by a complaint from the nation. It was driven by a complaint from a group of individuals. I think that's certainly something that's important to acknowledge, but, of course, we also have to acknowledge that it did result in a court decision that now has to be addressed. I think that's certainly something that we can appreciate that this government is moving expeditiously on as well.

I mean, certainly it's actually unusual, I think, for a government to move so quickly to deal with a court decision. I think it's actually quite unusual for a government to have made changes. In this case, I mean, it may appear to be a minor change, but in actuality it will have larger impacts, right? To be able to complete discussions with organizations like AUMA, RMA, ASGA, and all the different organizations and to be able to have that sort of understanding of the issues before moving forward is something that I think is important. I think the government has done a reasonable job of assuaging the majority of those concerns and understanding the majority of the needs of the industry along with the communities. I think that's certainly a positive thing to bring to this place and a positive action to bring to this Assembly.

Yeah. Again, I think that certainly complaints that are driven by the public, whether it's from municipalities or nations or whether it's from individuals, are legitimate. I think that it probably is correct that we don't need environmental impact assessments in every single case even if there is a complaint. I think it's certainly

correct that it's a situation where we don't necessarily want it to be only discretionary, right? We don't necessarily want a situation when there is either one or a small number of people that are simply making arbitrary decisions on this. We want some sort of process in place so that people can have an opportunity to have their issues heard.

I know all members of this Assembly spend a lot of time speaking to their constituents, who often raise many concerns with them and raise many issues that they have in their communities. Issues like gravel pits and like quarries come up, I'm sure, quite often for members that have excess of them. I have heard the same types of concerns in my riding as well. Of course, we know in Calgary, for example, that the issues come up quite frequently. I mean, of course we know that these types of concerns and issues are raised quite regularly. So hopefully this government will have the opportunity in the future to have more discussion and more debate and introduce other legislation that will address a complaint-driven process or an issues-driven process that will have a fair solution for all and a fair solution for Albertans.

I think certainly we have to balance these types of issues, right? We have to have a reasonable balance between allowing our industry to continue to work in this province and allowing our industry to continue to support this province and support jobs and also having a process that Albertans are comfortable with, that our constituents are comfortable with, that they are comfortable with understanding the extent of which environmental impacts will be both addressed during the use of a pit and after during reclamation as well. I think that those are both important parts, and I think Albertans recognize that we deal with those slightly differently. The impacts during operations are going to be different, obviously, than the impacts during and after reclamation.

So I think those are all really important parts of the conversation. I think it's all very important that we have these discussions, but I think it's an opportunity that the government will have in the future to try and make it easier for participation.

I think that all members of this place can agree that it is difficult to access a court system, right? You have to hire lawyers. You have to go in, talk to a judge. It is a complicated process, it's a complicated system, and it's something that I think is difficult for the average Albertan to navigate. I think that certainly we would like to make it easier because Albertans deserve to have a say in what goes on in their communities, and Albertans deserve to have a piece of the conversation. Hopefully, we won't be leaving Albertans just forced to go to courts in the future, and instead we'll have a process that'll both be faster for Albertans to resolve their concerns and faster for the companies that are operating in these spaces to be able to have a resolution for their projects to move forward as well. Hopefully, I think that the government agrees with us that certainly there is a need to be able to both address the concerns but also allow the companies to make clear that they will be doing the work that's necessary and expected of them under the legislation.

With that, Mr. Speaker, I look forward to hearing what my other colleagues will be saying in this place. I think that we'll be hearing from a few more members here, but it's certainly a reasonable piece of legislation that has addressed something that I think we can go a little bit further on. I know that as a New Democrat we say that often: it doesn't go far enough. Certainly, I think that this government has taken a first step and, hopefully, will be able to take a couple more steps in the future.

Thank you.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available if anyone has a brief question or comment. The hon. Member for Lac Ste. Anne-Parkland.

**Mr. Getson:** Yes. Thank you, Mr. Speaker. To the Member for Edmonton-South: if you're saying, "Reasonable legislation," that's like most people saying, "Slam dunk," so I take that as a high compliment coming from the individual across the aisle.

Just for your edification, though, with the regulatory process, what happens is that the municipalities currently – that's where this process takes place. You have an open house. You have your consultation. Notification is given. The actual operator goes through that process with the municipality. With this stay that was taken – it was actually the court ruling – it would have bypassed all of that. If it becomes a quarry status – it's almost like the energy sector when you look at it in that regard – then it would go up to the province. What we're doing is making sure we keep it at the lower level. That's where your individuals come and have the consultation with the operators. They have the reclamation plan. They do all of that fulsome consultation at the lowest level of detail, if you will.

What happened here is that we managed to get ahead of that. Again, we're keeping the status quo. It works really great. We've still got the big hammer of the environmental impact assessment if we need to pull that trigger, if it's large enough or if there are those situations that have taken place. But, again, in 15 years that's never taken place in this industry. Again, it's very well understood. Typically it's not that deep. It's superficial. It's pretty benign, you know, when it comes down to it, and it's well understood.

Again, just to waylay the member opposite's concerns, we don't have to add new legislation other than what we're proposing here today, obviously, with the definitions, the words. We don't have to add new levels of rigour, I guess, on that consultation process because it works right now. It's at that lowest level of detail with the people that are on the operations, the ones that live in those backyards, and it's the municipalities that are doing it.

Hopefully, that helps clarify.

**The Speaker:** Hon. members, is there anyone else that would like to provide a brief question or comment under Standing Order 29(2)(a)? The hon. Member for Edmonton-Rutherford.

**Mr. Feehan:** Thank you very much, Mr. Speaker. I appreciate the opportunity just to speak briefly about this bill, because I think the major points of the bill have been covered by both sides of the House. We understand, you know, that this particular bill is motivated by a particular court decision as opposed to some philosophical notion on the part of the government at this particular time, a reasonable thing to do. I know that in this particular case the Court of Appeal was using our own legislation to make the basis of the decision and was saying that the standard has to be reasonableness. What was interesting about the Big Molly case was that the Court of Appeal was making very clear that they will overturn decisions of the director when they feel that the standard of reasonableness is not met.

Now, you've come to kind of a clean solution on it here in that you've provided the courts with a basis on which to say that the product in question here is defined in such a way that it does not constitute a product that would need a full environmental review and that, as such, it is reasonable for a director to make a decision that a full environmental review is not necessary given that it's not a mineral and therefore does not violate the depth of land beyond removal of surface strata and then removal of the silica sand itself.

11:20

You know, I think that when I look at this bill, a short bill solving a particular problem, it seems to address it reasonably well. I mean, I think that's appropriate. My only concern – and it's only peripherally related to this particular bill – is that while you've kind of resolved the implications of the court decision, you haven't necessarily addressed the larger, underlying issue of sort of aboriginal rights. I know that the minister was gracious enough to stand up and remind the House that this was not necessarily a treaty organization or even a First Nation that was bringing the cause to the courts but, rather, an individual. But I do want to remind the government that that individual was a First Nations person who was using the argument that their personal treaty rights were being violated. While technically you're right that it wasn't brought forward by an organization that represents treaty rights per se, it was brought forward by an individual who does possess treaty rights. Treaty rights are seen as both collective and individual rights. The question is still out there, and this bill kind of in some way skirts that question, probably necessarily because we can't stop all of our gravel and sand . . .

**The Speaker:** That concludes the amount of time for Standing Order 29(2)(a) as that's what was called when the hon. member rose. Now, I have a sneaking suspicion that he may want to continue on the bill as per usual, and given that I see no one else, the hon. Member for Edmonton-Rutherford to continue.

**Mr. Feehan:** Thanks. I won't need much longer, anyway. I think I expressed the concern that I have.

The reason why I do address it is because when we're talking about sand and gravel, one particular project, called the Big Molly project, is taking place just west of the city here, near Alexis First Nation, but it actually isn't the only court case on sand and gravel presently in the system. The Mikisew case, for example, in the Fort MacKay area is a similar kind of question, and that is being brought forward by a nation. I'm just wanting to point out that while this bill has a certain finesse in dealing with a particular problem, it doesn't actually address the larger problem, which is probably going to have to be addressed by government at some point along the way, and that is the issue of aboriginal rights.

I noticed that the Premier quite accurately suggested that the chief of Alexis First Nation is very clear that he's not against development. That's absolutely not a stance he's taken. He's more than happy to participate in development. However, he has said publicly on many occasions, as have all of the chiefs, that what they're actually asking for is participation in the development process and appropriate recognition of the implications of land and resource extraction and development on their treaty rights. Therefore, at some point along the way I think the government is going to be forced into making a decision to look at the consultation processes that need to go on to ensure that future cases don't get to that larger issue, that, you know, we sort of somehow steered around a little bit in this particular case.

Now, I know that, you know, the decision regarding Fort MacKay and Moose Lake, the Prosper Petroleum decision, is also on the government's table right now. That has a similar kind of underlying philosophical demand, and that is that we have to look at the decisions that we make in terms of our land and resource extraction and the implications for aboriginal treaty rights, something that is being more and more pursued by First Nations. Today, when I happened to spend some time with the chiefs from Treaty 8, again the issue came up about, as they put it: look at all the resources that are coming out of our traditional lands; what benefit is that to us? Some people

occasionally get occasional jobs, but they certainly are not provided the rights as First Nations believe them to be defined in the treaties, and that is a share of the resources of that land and resource extraction. I know that gravel and sand has been mentioned to me by First Nations as included in that because they don't differentiate whether you're taking out a tree or oil or sand or gravel, all of which has value and none of which contributes back to the First Nations communities at this time.

I guess I just want to say that while I appreciate the work that's been done in this particular bill to move in a particular direction around a particular decision, I look forward to the government taking hold of that larger question that we have around First Nations rights and the question of land and resource extraction and sharing the wealth that comes from that benefit.

Thank you.

**The Speaker:** Standing Order 29(2)(a) is available. I see the hon. Member for Lac Ste. Anne-Parkland.

**Mr. Getson:** Yeah. Thank you, Mr. Speaker and to the member opposite. Again, I can't speak about the broader issue of fulsome consultation across the province or changing legislation other than what we already have. What I would suggest, through you to that member, is that the system works. This is proof in the pudding here, to be quite honest. Again, Chief Tony Alexis and the Alexis First Nation were onboard with this project. They were completely onboard with it; consultation took place. There was one individual who had two appeals to this decision. It was based on the language that was here, that's being rectified, and that's kind of off centre.

I can only speak as the local MLA: I love my chiefs out in that area. We've had a great conversation right from day one. I actually have a quarterly meeting that takes place with the three First Nation chiefs and the Reeves from the counties that are in our area, and we talk about the broader issue. When I'm out there doing consultation, we're talking about this. It's an ongoing relationship. That is what we have. I'm not saying that that's the be-all and end-all, and I'm not saying that it has to be legislated, but it just happens to come down to those relationships. It's literally building those bridges, making sure we have fulsome consultation, participation, full participation in the area and the activities. I am finding, honestly, as the member opposite would from his travels throughout the province and his former position when he was in the former government, that a lot of this is not necessarily legislation to make it happen. It's that handshake. It's to make sure that you're engaging with the communities and that you are participating full on and that everyone is open about it.

We're finding the same thing along Lac Ste. Anne right now when it comes to the flowering rush. You know, it kind of got stymied and stalled out a few times because of the work that I would like to say we're doing with Chief Tony and his folks and me being there and getting some of these old relationships rekindled and going in the right direction, again not fixating on the sandbox and being agitated by existing legislation that sets us apart but by bridging that by true, you know, COVID handshakes at this point and making sure that we're all talking about the same thing within the region. That is powerful when it happens.

I appreciate the comments. All I can do as the MLA for the area is to keep bridging those relationships.

**The Speaker:** Standing Order 29(2)(a) is available, with approximately three minutes remaining, if there's anyone else who would like to provide a brief question or comment.

Seeing none, the hon. Member for West Yellowhead caught my eye.



**Mr. Long:** Thank you, Mr. Speaker. It's a privilege to rise this evening in support of Bill 31, the Environmental Protection Statutes Amendment Act, 2020, recently introduced by the extremely honourable Minister of Environment and Parks. The minister and I both have the privilege of representing some amazing Rocky Mountain constituencies here in the Legislature. In fact, our constituencies actually share a boundary in the western part of the province. When the minister introduced this bill, I know he did so with the intention in mind to help support and provide clarity for Alberta businesses and provide jobs for our deserving residents.

This government was elected in 2019 with a clear mandate from the people of Alberta to reduce red tape. Mr. Speaker, as I'm aware, not everyone in the Assembly understands what red tape is. Just to be clear, it refers to the redundant layers of bureaucracy and paperwork requirements that have built up over time in Alberta. They strangle and suffocate businesses and reduce incentives to invest and do business in our province. An Alberta Court of Appeal decision on May 6 complicated approximately 500 applications for gravel pit licences. In one decision in one afternoon these applications ground to a halt.

Mr. Speaker, in our representative democratic system our constituents need to be able to reach out and voice concerns. I have heard from many of my constituents about the long and detrimental wait times associated with acquiring government approvals.

**11:30**

Should all project applications involving our wonderful Albertan landscape be examined thoroughly? Absolutely, they should. Should the benefits of these projects be conclusive? Of course they should be. Should working families go without because it was decided that all silicate operations above 45,000 tonnes per year be considered mineral quarries rather than gravel pits? No, they should not be. This is what our industry faces at times when trying to do business in Alberta. In this particular case, projects that would have gone through a straightforward process will be subject to far more complicated authorizations before beginning or continuing their operations. To stop this decision from pointlessly damaging the jobs of rural Albertans, the minister introduced this bill, and that is why I support it.

Mr. Speaker, our government recently announced the Alberta recovery plan. This plan will dramatically kick-start our economy, but the spirit of that plan will be undermined if decisions like the one on May 6 are allowed to impact our businesses. The amendments contained within the Environmental Protection Statutes Amendment Act, 2020, will lessen the ominous administrative workload destined for silicate projects in this province. By amending the Environmental Protection and Enhancement Act, this government is taking the necessary actions to continue these projects. Not only that, but this signals to the market that Alberta is a stable regulatory environment to do business.

Our government is committed to making Alberta the most dependably favourable tax and regulatory environment in which to invest and succeed in all of Canada. The certainty of this will provide small, medium, and large companies the ability to operate with confidence that the UCP government has the backs of workers in this province. With this bill the minister continues to uphold our high environmental regulatory standards while ensuring that companies can have their applications approved in a timely and reasonable fashion.

The May ruling by the appeals court primarily impacted Wayfinder Corp. and their Big Molly silica sand project located only a short drive outside of West Yellowhead. At the beginning of

April last year the company announced that Wayfinder began working on the development of the Big Molly regional frack sand facility in 2016. After an extensive permitting and approval process that included hundreds of individual meetings with landowners, municipal and provincial regulatory organizations, the facility is now operational. Let's keep it that way, Mr. Speaker. Let's help employees put food on the table and the thousands more across Alberta employed directly and indirectly in this field.

Although Big Molly is located in Lac Ste. Anne-Parkland, the nature of rural economies means that the loss of a relatively small number of quality jobs can dramatically impact an area. Rural Alberta depends on businesses like the many gravel and sand pits located in West Yellowhead to not just keep our economy going, especially during a pandemic, but to be the catalyst for our economic recovery. I just want to thank the minister tonight for his proactive approach to this issue, for helping to provide clarity and stability for future economic growth, as well as the continued environmental stewardship that rural Alberta is proud of.

Thank you, Mr. Speaker.

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

**Mr. Getson:** Actually, I really thank the Member for West Yellowhead. I also do want to point out that even though you're adjacent to God's country, I did grow up in your constituency. Also, one other thing I want to point out for you, Member, is that, actually, Wayfinder is out in your location in Obed. The frack facility that they have out in God's country, in Lac Ste. Anne at Glenevis, they actually move that product up to Obed, where they put their polymer coatings on it, and that's what used to plug up the wells when they're doing the frack process. So you and I share a common interest. It's definitely tying our constituencies together, and it's a really good industry.

Thank you.

**The Speaker:** Hon. members, there are approximately four minutes and 30 seconds remaining in Standing Order 29(2)(a). Is there anyone else wishing to provide a brief question or comment?

Hon. members, we are at second reading. Is there anyone else that would like to provide a question or comment?

If not, I am prepared to call the question or allow the hon. Minister of Environment and Parks to close debate.

**Mr. Jason Nixon:** Waived.

[Motion carried; Bill 31 read a second time]

## Government Bills and Orders Third Reading

### Bill 25 Protecting Alberta Industry from Theft Act, 2020

[Adjourned debate July 9: Mr. Nally]

**The Speaker:** Is there anyone wishing to add a comment in the debate? The hon. Member for Calgary-Mountain View.

**Ms Ganley:** Thank you very much, Mr. Speaker. I'm pleased to rise and speak to this bill. I think, as has likely been outlined in this House several times, this bill makes amendments to a private member's bill that was passed previously. I think that generally these amendments have been well received by various folks. This is certainly something that is of serious concern. Certainly, I'm well aware of the fact that this impacts a lot of large companies, but it also impacts a lot of private individuals, especially in rural areas. I

know certainly it has the support of the Rural Municipalities of Alberta, RMA, so I think that's certainly an important thing to hear.

I do think – and I would urge all members to vote in favour of this bill. I think it is an ongoing issue in Alberta, and it's certainly something that's worth acting on, so I thank the minister for bringing this forward.

I think it's worth noting that metal theft is incredibly problematic for the individuals who are being stolen from. It's also potentially a very dangerous activity to engage in – certainly, I know that in some instances individuals have found themselves through various life circumstances in a position where they're trying to engage in this activity – because sometimes the metal, which is obviously used in wires, can be electrified, and that can be very dangerous for the individuals involved. It can also cause large outages in terms of various utilities for individuals who are receiving the power or the Internet or the cable that the wires were providing. That's obviously a big concern, so I'm glad to see that we are addressing this.

I don't know that I have seen yet a statement from the chiefs of police on this matter. I know there were some concerns about exactly how the implementation goes. I certainly hope that the minister is working very closely with them to ensure that that's implemented in a way that doesn't add unnecessary regulatory burden in that manner.

I think I'm definitely glad to see this. I'm glad to see the government acting on this particular matter. I guess it bears saying this late evening after much contentiousness that it's nice to see that we are still capable of agreeing on some things across the aisle, so that is definitely good to see.

I would urge all members to support this bill. I think it's important to bring into place sufficiently strong measures, which is what this bill is doing. Again, it's not bringing the whole thing into place, but it's amending it, bringing into place these sorts of stronger measures to deal with this to send a strong signal to individuals out there. I'm pleased to see this coming forward.

I think with that, I will close my comments.

**The Speaker:** Hon. members, is there anyone else wishing to join the debate this evening on third reading of Bill 25? The hon. Member for Edmonton-North West.

**Mr. Eggen:** Well, thank you, Mr. Speaker. Again, I just want to echo my colleague's comments from Calgary-Mountain View that, in sum, this bill seems to get the job done in regard to scrap metal specifically and revisions to the act.

**11:40**

We know that, again, it's very important to have a clear legal framework to trace scrap metal, and we know that it is a significant part of our overall recycling program, I think, in terms of the sheer weight of scrap metal that is recycled or brought back for smelting. It's the biggest one in Alberta for sure, right? Also, if you're looking for ways by which you can reuse something and recycle it, the energy that is taken to initially manufacture the given metal, whatever it happens to be – copper or steel or other metals – by being able to recycle that, you are creating maximum efficiency for the whole idea of recycling, too.

We also know that, as was described previously in debate, we have, I think, more incidents of theft that are obvious to the public that are taking place in regard to scrap metal. Sometimes it's just kind of tragically senseless, really, what we have been seeing in some places in Alberta. I know, as I mentioned before, that in my community of Griesbach, that I do represent, that has a strong military history theme, many of the plaques, or almost all of them, really, on the various monuments and even the street signs and so

forth – there were metal-looking plaques throughout the community, and a person or persons were coming through, and they stole all of them, pretty much, right? It was hundreds of thousands of dollars of destruction. You know, it upset everybody, too, because, I mean, this is part of a community. You make a choice to live there, to have the history. It's a nice enhancement for the people that live there, and someone came and stole them all. In fact, the alloy that was used in those plaques was not even recyclable anyway. It was a zinc mixture, I suppose, something like that, that you couldn't even melt down, so it was just a senseless theft of metals.

You know, it seems to be, I think, an indication of people that perceive that there's value in this, unscrupulous people who are willing to steal that stuff. I see it as well in city parks. You have the city benches that people have, and you can pay to have a memorial for someone on the bench. Again, this is an alloy that's not something that you can actually sell, but someone has gone through whole areas of the river valley and taken all those plaques, right? Again, that's just a small thing, but it's an indication of a growing problem on job sites and on existing electrical systems and power systems around the province, catalytic converters on cars, you name it.

Yeah. I mean, I think it's good to make sure we are getting a grip on this and having some identification that's associated with it. I mean, let's not forget that, you know, often it's some of the poorest members of our society that do engage in the scrap metal recycling just by looking for these things here and there, right? We don't want to preclude people from making some money from scrap metal recycling, even on a very small scale, people literally looking for these things as they travel around on foot, but we do want to make sure that it's legal. We're not allowing people to steal and rip up critical infrastructure or steal parts off cars or park benches or monuments and things like that.

In sum, I would encourage all members to vote in favour of this bill, and I appreciate the debate that has taken place over the last few days.

Thanks.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available if anyone has a brief question or comment.

Seeing none, is there anyone else wishing to join in the debate this evening?

If not, I am prepared to call the question.

[Motion carried; Bill 25 read a third time]

## Government Bills and Orders Second Reading (continued)

### Bill 30 Health Statutes Amendment Act, 2020

[Adjourned debate July 8: Mr. Dach]

**The Speaker:** Hon. members, before the Assembly this evening is Bill 30, Health Statutes Amendment Act, 2020, for second reading. Is there anyone that would like to debate? The hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Thank you, Mr. Speaker. I'm pleased to rise today to speak in second reading of Bill 30, the Health Statutes Amendment Act, 2020. I anticipate, again, that I'll have many opportunities to speak to this bill. This is my first opportunity to do so, and I'm glad to put my initial thoughts on the record with respect to Bill 30.

In particular, earlier this evening, Mr. Speaker, I spoke to Bill 32, which introduced a number of amendments to the Employment Standards Code and Labour Relations Code. In my comments on Bill 32 I noted how during the pandemic, this extraordinary, challenging time, we heard the government stand up over and over and thank Alberta workers, essential workers for their hard work and then turn around and immediately introduce legislation that picked their pockets and basically made it more difficult and more expensive and more challenging for workers in this province.

Here we have a bill which is really roughly in the same vein with respect to how this government values the people of Alberta who have worked so hard during this pandemic but also outside of this pandemic. By that I mean that I think that all of us, all Albertans, are grateful for the hard-working front-line health care staff in this province, who have carried us thus far through the pandemic. Of course, their work is continuing as we are not through the woods on this one yet, Mr. Speaker, as you know.

In particular, I think that so many Albertans are grateful to have such a strong public health care system, which we all take pride in as Canadians and as Albertans because it means that we all have access to quality health care in a way that is the envy of so many other countries in this world. Yet here we have a bill that seems intended to do precisely what this government indicated when they were campaigning that they would not do. We all saw the pictures and the photo op of the now Premier signing a big cardboard statement about his commitment to publicly funded health care and that he would maintain that. Of course, very quickly we are now seeing their true colours although I have to say, Mr. Speaker, that I didn't believe it when he did it then. So I'm actually not surprised that this is coming forward because we always knew that this was truly the intent of this government when it came to health care, that they were going to introduce American-style privatized health care to Alberta, that they were going to open the doors.

We saw it beginning with their fight that they began with Alberta doctors last fall, yet they persisted and continued to pursue that fight with the doctors during a global pandemic. It's no wonder, Mr. Speaker, that of all the Premiers and leaders of our country, the first ministers of our country, this Premier is the only one whose popularity did not go up during the pandemic. Largely that's because he continued to pick a fight with doctors, with front-line health care workers during a pandemic. It was during this time that we saw the Minister of Health stand on a driveway and yell at a doctor because he didn't like a meme he posted on Facebook.

This government has not let up on its attack on doctors, and fundamentally what Albertans are saying is that they've not let up on their attack on our public health care system. This is clearly what Bill 30 is intended to do. It's clearly intended to weaken the public system by opening the door further, wider for privatized health care. We see that because it is clear that the provisions of this bill allow for further activity by private health care corporations and clinics in the areas of public health care.

11:50

Let's begin, Mr. Speaker, by saying that okay, there is one provision in this bill, in Bill 30, which is related to the pandemic. That was, of course, the amendment once again by this government to the Public Health Act, an act that they cannot seem to stop amending and changing while still reviewing it. It's now subject to constitutional challenge, the amendments they've already made. It seems they cannot seem to get things right when it comes to the Public Health Act and they don't know what they want to do with this act.

They have amended it to ensure that the 14-day quarantine requirements for international travellers remain in place while the orders of the chief medical officer of health are in effect. Okay. Great. I think that's probably the most innocuous piece of this legislation that nobody would have issue with. Of course, opening up the Public Health Act again but failing to address its fundamental issues that they've introduced is, once again, problematic and is taking lightly the role of this Legislative Assembly, Mr. Speaker.

More concerning, of course, are the number of provisions within this act that are intended to open up our public health care system to American-style privatized health care. We know, for example, that this bill clearly allows government to enter into agreements with private companies, private corporations to administer medical clinics, so moving doctors off a fee-for-service basis and into a salary position and letting the private corporations then manage the administration of a health clinic.

Of course, while the government and the Minister of Health have all kinds of talking points about how this is just freeing up doctors, doctors who, by the way, they have been incredibly critical of, antagonistic towards, and have actually been attacking as private citizens on social media and in this Assembly – but let's be clear that what this is going to do is allow publicly traded companies to take over what are now public operations, public health care.

And, really, let's be clear. I mean, everybody here knows – and I, you know, took business corporations law in law school – that the main focus, the primary objective of a private corporation is to create profits for its shareholders. It's not about ensuring access to public health for all citizens. That's not their driving force. It's not the reason why private corporations are created; they're created to drive profits for their shareholders. And that's exactly what will be motivating these corporations that will now be administering public health clinics. We know that that's really just the beginning of a creep of corporations into the public health care system.

It's also clear that doctors will then become dependent on these for-profit companies, really, to administer their clinics, which, of course, have incentives that are not in line with what our doctors' objectives are or our public health care system. It really layers in unnecessary medical procedures and services and opens the door wider to these membership fee based clinics. That's entirely the objective of that. It's one of the reasons, actually, again, our members were aware that the Premier and the government were not going to keep their promise to maintain a strong publicly funded health care system. That's why, I believe, my colleague the Member for Edmonton-Rutherford brought in a private member's bill specifically to address some of these membership-based, block fees private clinics. Of course, that bill didn't even come to the Assembly for fulsome debate because it was blocked by the government members. So this is really what we're seeing, this creep into the system.

Really, this is not about strengthening our public health care system. I've long heard – and I hear it repeated over and over by the members on the other side – about how allowing private clinics would just take some of the pressure off the public health care system, but we know that that's not the case because the individuals who can go to private clinics and the types of procedures and surgeries they can perform there are usually the more simplistic, less complex ones. It continues to leave the more complex cases for the public health care system, which continues to place extraordinary pressure on that public health care system. What we need to be doing, rather than allowing people to use their dollars to go and remove it from the system, is to actually strengthen our public health care system. But that's never been an objective of this government.

I maintain that the members on this side of the House were always aware of that and many Albertans were. I think it, again, goes to the trust issue that Albertans have with this government, Albertans who did believe when the Premier signed that big cardboard billboard. Some obviously believed in him because, you know, you would think that when a Premier makes that promise, he means it. But, of course, he knew that he had to say that in order to get elected. He knew that that was the goal, that you have to say that you're supporting the public health care system even if you have no intention of doing so. That again goes to the trust issue that Albertans have right now with this government and with this Premier.

It's similar to the broken promises made around funding for education and many others, Mr. Speaker. Let's be clear. What we've seen right now from this government in the last, well, few months, during the pandemic and even before, is that they've definitely broken faith with doctors. This Bill 30 seems to be intended to divide doctors and weaken the position of the Alberta Medical Association to enter into an agreement with the government. Of course, the government themselves broke that ability by cancelling, by ending the contract and refusing to go back to arbitration with the AMA. What's interesting about this tactic, I believe, by the government, which is to divide doctors and try to get them to enter into side contracts with the government rather than through the AMA, is that I think that the government has shot themselves in the foot on this. Obviously, it's become very clear to Albertans that you can't trust this government's word and certainly you can't trust a contract that you enter into with them because they will break that in bad faith. That's exactly what has taken place. That's exactly why we currently have a constitutional challenge launched by the Alberta Medical Association alleging that. Certainly, I think that for the government of Alberta to put themselves out there to doctors and say, "You can trust us; enter into a contract directly with us," most doctors see right through that, Mr. Speaker.

In fact, I actually had a conversation with a rural emergency room doctor just last week who said, you know, that he voted UCP. He had traditionally considered himself a Conservative, but he was absolutely outraged. He said that he could not believe the treatment by this government of doctors, particularly during a pandemic, and that he has absolutely no trust left in them. He assured me that he would not be voting for this party anymore in the future because of that.

While I think that the government is holding itself out to some doctors and saying, "You know, come enter into contracts directly with us; don't worry about going through the Alberta Medical Association," I don't think that a lot of doctors are buying that, and in fact I think that they see right through that. What I'm hearing is conversations that they're not going to let this government divide them. But that's certainly what this government is trying to do.

Mr. Speaker, I know that there will be plenty of opportunities to speak to this bill again, but I do want to also mention that I am concerned about the fact that the Health Quality Council of Alberta will now report directly to the minister as opposed to the Legislature. This is an issue of independence, and we've seen already that this government does not respect independent offices of the Legislature. We saw what they did to the Election Commissioner. We saw how they amalgamated, for example – although these were not independent offices of the Legislature, they should have been – the Health Advocate, the Seniors Advocate, and the mental health advocate all into one individual who is, of course, a key supporter of the government. I'm not surprised that they're further trying to undermine the legitimacy and independence of bodies which are not meant to be partisan, which are meant to just

report back to the Legislature about the status of our health care system and ensure that quality standards are being met. Now, of course, the Health Quality Council of Alberta will no longer be reporting to the Legislature but directly to the minister.

Even more importantly, of course, is the number of changes that Bill 30 brings forward to the configuration of regulatory colleges. Now, I don't even have in the 15 minutes that I typically have to debate on this bill time to go through all of the bad appointments that this government has made thus far to various panels and boards. Clearly, they have done away with the standards as well as the fair and open process that was established by the NDP when they were in government to appoint individuals to boards, which actually required them to meet various standards with respect to diversity and gender equity and to have that process in place. They've done away with that. Now we see them appointing individuals who are responsible for selecting judges in this province who have clear records of being racist and sexist. In fact, while that was brought to the attention of the Minister of Justice, he refused to acknowledge that there was anything wrong with those, and even after that individual stepped down when more blatant racist and sexist comments came out, he still refused to denounce that person.

**12:00**

Clearly, the selection of individuals to boards and colleges by this government is not based on quality. They're based on partisanship. They're based on affiliation and support for the government, not on qualifications and quality. Now we're going to have a number of changes to regulatory colleges in the health care system where there will be more government-appointed public members. Again, if government was committing to some kind of transparent process for that, perhaps Albertans can get outside, but right now Albertans have a very difficult time trusting this government about anything when it comes to health care, Mr. Speaker.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available. I see the hon. the Premier has risen.

**Mr. Kenney:** Thank you, Mr. Speaker. I'd just like to respond to some of the grossly misleading comments by the hon. member opposite, which are, you know, in the spirit of the NDP's classic medi-scare campaign. I don't think a day has gone by in my lifetime when a New Democrat politician somewhere in Canada wasn't accusing a Conservative or Liberal government of, quote, privatizing health care, two-tier, U.S.-style health care. The first thing you learn when you go to NDP school is how to repeat that talking point ad nauseum. They say it year after year, decade after decade, day after day. It's not true now; it wasn't true then.

Mr. Speaker, when she refers to this bill bringing in American-style health care, privatization: how? When the NDP refers to the Americans' two-tier style privatized system, what they're referring to is the lack of universal public insurance for medically necessary services. There is not one syllable in this bill which diminishes the principle of public insurance and universality, which are the key characteristics of the Canadian system and, frankly, most systems outside of the United States. Nothing.

What she refers to, Mr. Speaker, is that it allows government to enter into agreements with private corporations. Well, she will be shocked to learn that from the very birth of medicare in Saskatchewan in 1965, under every NDP government in Canada, including here in Alberta, the government entered into agreements with private corporations to deliver health care because – guess what? – virtually every physician is a private professional corporation. Very typically they congregate into corporate associations.

When you go down to Jasper Avenue and go to the local walk-in clinic, it is a shock. I don't want to disturb the members opposite, so trigger warning. If they go down to that clinic, it is a private corporation, and even worse – even worse – that private corporation is made up of a bunch of professional private corporations of the individual doctors. My gosh, there are two levels of private corporations. It's American health care happening right down there on Jasper Avenue at the walk-in clinic. What rubbish. How absurd. Every surgeon who goes into a government hospital to do surgery is contracted with the government as a professional corporation.

Under the NDP 15 per cent of Alberta Health surgeries were conducted in, shockingly – Mr. Speaker, again, fasten your seat belt. They were performed in privately owned, corporately operated day-surgery centres. [interjections] I know. It's unbelievable. I mean, how did U.S.-style health care break out under the NDP? What we're doing is to expand the opportunity to contract out publicly insured, government-funded, universally accessible surgeries to those kinds of centres. Why? So people don't have to wait for two or three years in pain on the wait times that the NDP built up. Open-heart surgery wait times increased by 50 per cent under the NDP; for cataracts, by 30 per cent; for hip replacements, by 30 per cent; for knee replacements, by 23 per cent.

Mr. Speaker, all they're really concerned about is defending the union boss monopoly as much as they can. What we're concerned about are these patients who are waiting in pain, who very often – you want to talk about U.S.-style care? You know what many of them end up doing? I know people like this. I'm sure we all do. After two or three years of debilitating pain, when the choice is more wait or addiction to painkillers – guess what? – many of them pick up, and they take out loans, and they go down to the United States. That's supporting U.S. health care. I have an Edmonton friend who went down to be operated on in Denver by an Edmonton surgeon, and he woke up in a recovery room next to an Edmonton physician, all three Canadians in a hospital in Colorado taking our dollars out of our health care system because they didn't want to wait in the back of queues.

That's why we proposed in our platform to reduce surgical wait times to no more than four months in four years by replicating elements of the highly successful Saskatchewan model for health care reform, the Saskatchewan surgical initiative, which this bill does, Mr. Speaker.

**The Speaker:** Hon. members, is there anyone else that would like to add comments, not on 29(2)(a), on the main bill, second reading? The hon. Member for Calgary-Mountain View has the call.

**Ms Ganley:** Thank you very much, Mr. Speaker. I'm pleased to rise and speak to this bill. I suspect, as my colleague before me has indicated, that I will have many opportunities to speak to this bill, but this is also my first. As my colleague before me has indicated, I have massive concerns about this. I do believe that it brings American-style health care to Canada, and I think that I can make a very good case for that. [interjections] I hear the members across the way laughing. I'm not really sure that this is particularly funny, but if the Premier would like to continue chortling his way through the evening, that is his business, I suppose.

[Mr. Hanson in the chair]

The concern here is that it does open up for further corporations to come in, and I think, Mr. Speaker, the allegation that an individual operating as a corporation is exactly the same as a large multinational corporation is absurd. I think the suggestion that because someone like a doctor or a lawyer operates as a private corporation, again, which is a very different entity than the sort of

corporations we're talking about in this case, having mainly to do – well, there are a whole bunch of legalities around it, but they're very different things, and the members opposite know that they're different things.

I think it's worth addressing, you know, I mean, not the comments of the members opposite but certainly some of the comments of reasonable Albertans walking around out there. I have this conversation with folks quite a lot about this. I think, you know, people often say: "Well, why don't we allow more privatization in? Those who can pay can go and pay, and it'll make the queues shorter for everyone else." That's the argument that I typically hear for this.

The challenge, I think – and you can look internationally at this – is that in instances where you have seen that happen, that's not ultimately what the result is. If you look south of the border to the U.S., where there are some elements, ostensibly, of a public system, that's how we would be headed towards – there would still be some elements of a public system. I'm not suggesting that this would be complete privatization, simply that it would be opening the door to that U.S. system. That hasn't been the effect. It hasn't been the case that the queues for the people who are not able to afford that private care are shorter than they are up here in Canada; in fact, quite the opposite. So I think that that is a huge concern.

I think another big concern is, as my hon. colleague before me stated, that the sorts of corporations that this bill allows in have a motivation to maximize profit. You know, my friends across the way keep suggesting that we say this because we think that they're evil. I'm not saying that. What I'm saying is that they maximize profit because it's literally in the Business Corporations Act. They literally have an obligation to their shareholders to maximize that profit, so that is how they comport their business, because that is how that structure is set up. Mr. Speaker, maximizing profit is just not the motive that should underlie our decisions in health care. It just isn't.

12:10

We hear often and I have heard from a number of people that private providers in the long-term care space, which is a good example to look at when we're considering something like this, these for-profit providers, are more efficient, and therefore they have lower costs. But the problem is that that's operating off some very bad data because those private operators only take the least complex patients. There are five different levels of long-term care beds available up to dementia care, which is the highest level. What these private corporations do is that they say, "Oh, look how much more efficient we are," and they publish statistics for the cost per bed of the lowest level of care. That lowest level of care – and all of these things have requirements around them for how many staff-to-patient ratios you can have. They say: "Look, our beds are so much more efficient. It's much cheaper to run our beds." Okay. Well, yeah. That's because your staff-to-patient ratio is, you know, 1 staff to 10 patients, and for a dementia care bed it's 1 staff to 1 patient. It's not because you're more efficient; it's because you're literally providing a different service.

[The Speaker in the chair]

You know, a lot of this happens when we talk about health care, when we talk about bringing these private for-profit centres in. There's a lot of this sort of misapprehension of the data and sort of deliberate attempts to compare apples to oranges, and I think it's very frustrating because it's difficult for Albertans to make the right decisions when they don't have the right information.

I think another big concern in this bill is that we're seeing the Health Quality Council of Alberta, rather than reporting to this

body, to the Legislature, report to the minister. That's a pretty big concern for me because it means that once again information about the health care system, about whether it's getting better or whether it's getting worse, doesn't flow to the public. It flows instead to the minister and then, mediated through the minister, to the public. I think we've seen this minister's mediating of information and how accurate it ultimately is, which is to say not at all. That is a huge concern for me because the Health Quality Council of Alberta is there to provide information to the public through their duly elected representatives. That is us here in the Legislature. Instead of doing that, they will now be reporting to the minister, who can bury the information if he wants to. That's a huge concern.

I think another big concern is that, you know, doctors have been quite clear. They've attempted to negotiate in a number of instances with this government, and this government has treated them very poorly. It has been very disrespectful in its negotiations. It has not negotiated, in my view, in good faith at all, and now it's inviting doctors to sign directly. Now, I want to be very clear about this. I'm not attacking a move from a fee-for-service model to a salaried model. I don't actually think there's anything wrong with that. The question is the terms of that deal. The problem is that the minister isn't willing to discuss those terms. In fact, he's trying to circumvent the association which doctors have democratically elected – democratically, again – to represent them in these negotiations. They're trying to circumvent that democratically elected body and trying to contract directly with doctors because they know that the individual physicians will not have the same ability, necessarily, to negotiate one on one that they would as a large group. It's an attempt to take that power, again, away from them.

I mean, the reasons to oppose this are actually very similar to the reasons that I opposed the removal of a complex care modifier when the government was considering that. In fact, of all the proposals they made to doctors, that was the only one on which they chose to back down, at least temporarily. The reason is because what it does is that it creates two systems: one system that's for-profit, that's able to take on those patients who are less complex, who don't require as much time to treat, who don't have as many comorbid conditions, and a different system that deals with everyone else, not just those who can't afford to pay but those who have more complex conditions that maybe can't get into the other system.

In addition to getting to pick based on who pays, they also get to pick based on which patients they take, so that leaves the public system in a situation where, you know, you have a public system with a doctor who has patients that have a complexity, and they're taking, like, 25 minutes per patient. Meanwhile you have a private system where each patient is less complex, has fewer comorbidities, has fewer sorts of other vulnerabilities that surround their medical condition – usually, with the sort of people with health conditions, it tends to tie into all aspects of their life; you know, it affects their employment, it affects them legally, and it affects them in all sorts of different ways – so that system can deal with patients more quickly. This is often used as an argument for: oh, well, the private sector is more efficient. Well, no. If you're self-selecting certain patients, then you're just taking the easier patients. That's not greater efficiency. In fact, it's often less efficient, but of course we have this tendency to compare people directly when in fact we're talking apples to oranges.

I think there are a huge number of concerns about this bill. I think it's the wrong path forward for Albertans. I don't think it takes us in the direction we want to go in. I think that this weird dichotomy, to suggest that because professionals like doctors act as corporations, inviting in not a doctor acting as a corporation, not an individual doctor making choices but, instead, a corporation that is

larger, whose, again, obligation under the Business Corporations Act is to maximize profits for their shareholders – that's a very, very different thing. Those two entities have very different drivers that will cause them to behave in very different ways. It will cause them to set up the systems in very different ways.

You know, when we talk in this place about whether we're making the world better or worse, we're usually talking about where we're placing the incentive in the system, and that is exactly the problem that I have with this bill. It is placing the incentive, instead of on maximizing the overall health of the population of this province, on maximizing the overall profit of the people delivering the health care, and that is wrong. I think that puts the emphasis in the wrong place because the purpose of a health care system should not be profit. The purpose of a health care system is the health of the population, of the people of the province. That is why it is so important to ensure that we're continuing to prioritize a public system that acts for everyone.

At the end of the day you can go down to the States and you can look at the examples. You can see the stories of people who have been turned away from private facilities, people who have died en route to public facilities because they were not able to pay, and it's not worth the lives. It just isn't, especially because we see the cost to administer. The administrative cost of the system in the United States is almost 800 per cent of what it is up here. There are rooms of people in these private hospitals dedicated to interacting with all these different private insurers, and that, to me, is not efficient at all, and I think the suggestion that that creates a better system is just incorrect.

**12:20**

I think that, you know, as we're making these moves, the government is saying, "Oh, well, it's not going to be like that; just trust us," but I think the mistrust that doctors have in this government is well founded. You know, trust is earned, and certainly the actions that this government has taken previously do not cause health care professionals or, in fact, receivers of health services or citizens of this province to have a lot of trust. I think that that's legitimate.

I think that in seeing the changes that are being made in this bill – the changes in reporting, the changes in contracting, the changes that allow an increase in for-profit entities operating in the system – they are a huge concern. There is, of course, one piece of the bill that I think does do something worth while, which is to say the amendments to ensure that the 14-day quarantine for international travellers remains in place. I guess it's worth noting that one good thing. But, overall, I think this bill will not be good for the people of Alberta.

**The Speaker:** Hon. members, Standing Order 29(2)(a). I see the hon. Premier has risen.

**Mr. Kenney:** Thank you. Mr. Speaker, I have a lot of regard for the member opposite, a former Minister of Justice. However, I can only infer from her remarks that she's not had a chance to study this bill closely because she raised a number of complete red herrings that appear nowhere in the bill.

She was just a moment ago speaking, like her predecessor, the previous NDP member, about private insurance. There is not a word, not a syllable in Bill 30 – I've just reread it myself sitting here now – about private insurance. She's talking about a classic NDP fear campaign, a caricature of the American system, which is not in any way, shape, or form proposed in this bill.

Mr. Speaker, she refers also – she kept saying that there is a statutory obligation on corporations to, quote, maximize profit for

shareholders. I've just scanned the corporations act. There is no such provision. Of course, there are tens of thousands of nonprofit corporations in this province, many of which are involved and have been for decades in the delivery of health care as corporations on a nonprofit basis. There's nothing precluding a nonprofit, chartered surgical facility from entering into an agreement with the minister now, as they have in the past. Under the NDP, under previous governments much of our long-term care has been delivered by wonderful nonprofit and, in many cases, charitable corporations. I know the word "corporation" is a pejorative for the NDP, but in reality it is simply a way that people collectively organize themselves as charities, as nonprofits, and, yes, sometimes for profitable purposes.

Now, on this point she's right that there are many corporations that seek to maximize their profit by operating in the health care system, like every physician and surgeon in our system. Here's the irony. The NDP is attacking this government for trying to stop 6 per cent annual increases in physician compensation.

**Member Ceci:** Not true.

**Mr. Kenney:** It is true, Mr. Speaker. This is black on white, data, irrefutable.

Look it up right now: \$4.2 billion in physician compensation in 2015, when they came to office, \$5.2 billion when they left office, a 23 per cent increase. I believe it's a 6.2 per cent average annual increase, higher than population plus inflation. While our economy contracted by 18 per cent, from \$365 billion to \$300 billion, while nurses and all other health care workers were put on a freeze, they increased physician compensation by 23 per cent. If measures are not taken to contain that, it will go up by another \$2 billion, by another 40 per cent. Yet she criticizes corporations profiting from the health care system. What we are trying to do with respect to physician compensation is to put some limits on the profits that are made by corporations from the health care system. Where is the party of the workers in that? They're siding with the 1 percenters.

Now, why are they really against expanding the use of chartered surgical facilities, which they use, I remind them? Mr. Speaker, I'm going to just throw this out there as a challenge, because they've intimidated they're going to have a lot of debate on this bill, and understandably so. It's a very serious matter. I encourage them to

debate it vigorously. I would encourage one of them to please answer this question: if the government contracting to chartered, privately operated surgical facilities to do publicly insured surgery procedures is such a terrible thing, then why did the NDP do that for four years? Why were 15 per cent of the surgeries by AHS contracted out to corporately operated surgical facilities? Why was it so wonderful under the NDP and so terrible for this government to keep a platform commitment?

I would like to point out to the member page 14 of the bill.

- (3) The Minister shall not approve a proposed agreement unless
  - (a) the Minister is satisfied
    - (i) that the provision of insured surgical services as contemplated under the proposed agreement would be consistent with the principles of the Canada Health Act (Canada),
    - (ii) that the proposed agreement indicates performance expectations and related performance measures for the insured surgical services and facility services to be provided.

Mr. Speaker, this guarantees that those contracts will be publicly funded in compliance with the Canada Health Act.

**The Speaker:** Hon. members, I see the Minister of Transportation and Deputy Government House Leader has risen.

**Mr. McIver:** Thank you, Mr. Speaker. I wanted to thank members from all sides of the House for their contributions and their debate this evening, not just on Bill 30 but on all the legislation that we dealt with.

At this time, Mr. Speaker, I would like to move to adjourn debate on Bill 30.

[Motion to adjourn debate carried]

**The Speaker:** The hon. Minister of Transportation.

**Mr. McIver:** Thank you, Mr. Speaker. I wish to advise the Assembly that pursuant to Standing Order 3(1.2) there shall be no morning sitting Wednesday, July 15, 2020.

I now move that the Assembly adjourn until 1:30 p.m. Wednesday, July 15.

[Motion carried; the Assembly adjourned at 12:28 a.m. on Wednesday]









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