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Second Session

Alberta Hansard

Tuesday morning, November 24, 2020

Day 70

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 30th Legislature

Second Session

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Legislative Assembly of Alberta

10 a.m.

Tuesday, November 24, 2020

[The Speaker in the chair]

Prayers

The Speaker: Lord, the God of righteousness and truth, grant to our Queen and to her government, to Members of the Legislative Assembly, and to all in positions of responsibility the guidance of Your spirit. May they never lead the province wrongly through love of power, desire to please, or unworthy ideas but, laying aside all private interests and prejudice, keep in mind their responsibility to seek to improve the condition of all. Amen.

Please be seated.

Orders of the Day

Government Bills and Orders Second Reading

Bill 47

Ensuring Safety and Cutting Red Tape Act, 2020

[Debate adjourned November 18: Ms Goehring speaking]

The Speaker: The hon. Member for Edmonton-Castle Downs has 14 minutes remaining should she choose to use it.

Is there anyone else wishing to speak? The hon. Member for Spruce Grove-Stony Plain.

Mr. Turton: Yes. Thank you, Mr. Speaker. It's an honour to rise today to speak to Bill 47, Ensuring Safety and Cutting Red Tape Act, 2020. This act encompasses several key elements that are critical to the future of our province, to first responders and their families, and to all working Albertans, with changes to OHS and radiation legislation, changes to the Workers' Compensation Act, and the creation of the Alberta heroes fund.

Now, again, I want to make clear that there are no substantive changes to workers' rights and protections in this bill. The proposed changes this bill is making will restore balance to the system, ensure its future sustainability, and implement changes that will make workplace health and safety laws easier to understand and follow. The focus of the amendments to OHS is to change the behaviour of people who are involved in health and safety in the workplace from simply box checking to being focused on identifying the risks and then developing strategies and processes to address those risks and actually make our workplaces safer. We will empower these professionals to identify the risks specific to their workplace and determine the best way to ensure everyone is working in a safe and healthy manner. Mr. Speaker, this bill will also confirm the processes for dangerous-work refusals to help ensure those serious health and safety concerns are solved more quickly. It's about results rather than process.

I want to be very, very clear. If Bill 47 passes, workers will still have the right to refuse dangerous work without reprisals. Now, this is extremely important, Mr. Speaker. They will have the same rights and protections related to dangerous-work refusals as they had before. What Bill 47 does is clearly define what is considered an undue hazard and the circumstances when work refusals are appropriate. Employers and workers can and should work together to address potential dangerous conditions before they reach the point of refusal. The process for dealing with dangerous-work refusals will be simpler, streamlined, and easier to follow for

workers and employers. Working Albertans will retain the right to both refuse dangerous work and to appeal any decision made about the work refusal. Workers will also continue to be able to notify an OHS officer if they disagree with the employer's inspection or actions. This will make our rules here in Alberta similar to other jurisdictions and provinces right across Canada.

I can't stress this enough, Mr. Speaker. Workers have the same rights and protections with dangerous-work refusals that they had before. This is also true for the discriminatory action complaints. We're making changes with the intent to improve and clarify the complaint process for both employers and workers. If passed, we will change the name of discriminatory action complaints to become disciplinary action complaints because that's a more accurate term, and it reduces the confusion with human rights laws. Workers will still have the right to file a complaint if they believe they've been unfairly disciplined for exercising their rights or duties under OHS laws.

The rules around complaints will be clear, which benefits both workers and employers. There will be a six-month limit from the time of the alleged unfair discipline to file a complaint. Now, this time frame will help ensure that complaints are investigated properly and resolved fairly. Complaints become more difficult to investigate if too much time passes. Witnesses may not be available, work sites may have changed, and key documents may no longer exist.

In regard to investigations Bill 47 also allows OHS officers to dismiss a complaint before investigating if that complaint is clearly frivolous or is of highly questionable merit. Now, this doesn't mean that complaints won't be heard. What it does mean is that resources, both the government's and the employer's, can be directed to serious, legitimate concerns.

Now, Mr. Speaker, we are looking at reducing red tape, which includes how complaints will be dealt with through a collective bargaining agreement grievance process where an agreement is in place. Parties working under a collective agreement best understand their work sites, workers, and are capable of resolving a disciplinary action complaint. Employers will still have to prove that a disciplinary action is not related to a worker complying with health and safety laws. Employers should be able to justify disciplinary action since they have the most control over the workplace and hold or control most employment records.

As I've mentioned, Bill 47 is about balancing labour laws and making them easier to understand, which is why we will incorporate the Radiation Protection Act and its regulations into the OHS Act and its existing regulations. Now, this means that all workplace health and safety laws will be finally in one place. This makes things simpler and easier for workers and job creators and helps avoid the confusion of conflicting rules. These proposed changes to the radiation protection provisions will mostly be administrative ones such as reducing redundancies and aligning the wording. Alberta has a highly regarded radiation protection program, so it makes sense to keep radiation protection laws intact.

At the end of the day workplace health and safety is in everyone's best interests. The financial cost of workplace injuries and illness is much too high, but this does not compare with the human cost, which is much greater and immeasurable and affects families all over Alberta and in my riding of Spruce Grove-Stony Plain. With these updated laws, we can help ensure that Albertans can come home safely from work each and every day.

Bill 47 is also proposing changes to reduce duplication under the Workers' Compensation Act. As part of Bill 47 the current Fair Practices office and Medical Panels office will be transferred to the Appeals Commission, that already independently deals with WCB issues, to ensure efficiency while maintaining independence. We

are making changes to ensure that key benefit programs and services can continue in the future while keeping premiums affordable for job creators. Now, this is something that is extremely important to me as a dual-ticketed tradesman and as a 20-year member of one of the largest trade unions in the province, the carpenters union of Alberta.

Injured workers will still have access to fairness reviews, medical panels, and appeals advisory services. The employer and worker appeals advocacy services will continue under the independent Appeals Commission. Services will be provided by existing organizations, which ensures consistency, cuts red tape, and puts Alberta in line with other provinces. No other province currently has three separate offices to deal with all of these services. These changes will result in savings of roughly \$2.5 million each and every single year, which can instead be used to help families and provide incredible services throughout our province.

Again, Mr. Speaker, we are maintaining core services for injured workers and employers. The WCB will deliver fairness review services, and the Appeals Commission will deliver appeals advisory services, and both of these services will continue to be free of charge to injured workers and employers. A fair and balanced workers' compensation system will continue to provide for ill and injured workers, ensure that workplaces remain viable, and support Alberta's recovery plan: creating jobs, building and diversifying our economy, and, of course, making Alberta an incredible place to live for families.

Finally, Mr. Speaker, Bill 47 will see Alberta's government follow through on our platform commitment to create the Alberta heroes fund for first responders. The heroes fund will provide a one-time tax-free payment of \$100,000 to eligible families of Alberta's fallen heroes. As I was going through the amendments, I thought of a hero that lived in my riding of Spruce Grove-Stony Plain. Corporal Jim Galloway lost his life in the line of duty protecting the families of Spruce Grove almost 16 years ago. We are eternally grateful for heroes like Corporal Galloway, and we hope that this fund will provide comfort to the families of heroes that gave their lives in the ultimate sacrifice.

Our government is dedicated to cutting red tape and streamlining processes, and this means that eligible families will not have to apply for the heroes fund when they're dealing with immense family strife. The Workers' Compensation Board is administering the heroes fund and will work with recipients based on its current process.

Mr. Speaker, passing Bill 47 keeps the Alberta government's commitment to protecting the lives and livelihood of Albertans, and I am proud to support the bill today.

Thank you.

10:10

The Speaker: Hon. members, Standing Order 29(2)(a) is available if anyone has a brief question or comment. I see the hon. Member for Edmonton-Ellerslie has risen under 29(2)(a).

Member Loyola: Thank you very much, Mr. Speaker. I want to thank the Member for Spruce Grove-Stony Plain for sharing his perspective on this particular bill, Bill 47, and of course it is just that, a perspective. I can understand that the member perhaps even believes that what he is saying is beneficial for workers here in the province of Alberta. I'll put it that way. I'm being very careful to choose my words carefully because, of course, I don't want to say anything unparliamentary, but I cannot think of any other bill where we are at such a contrast with this government. What makes it all the more confusing for Albertans that are watching this from home at this time is the fact that all of us get up and we talk about how

much we care about workers and that we care about the number one important factor, which is that workers need to make it home safely at the end of the day.

Now, although, as I stated, I respect that the Member for Spruce Grove-Stony Plain has his own perspective, when you start looking at the bill and what's actually happening within this bill and how we're actually turning laws back to the 1970s – as has been stated by members on the other side of the House several times, they say that, well, they're trying to strike a balance. The Minister of Labour and Immigration has stated this multiple times, that they're trying to strike a balance, but the fact is – and we have demonstrated historically, factually speaking, Mr. Speaker, that Alberta was so far behind before the Alberta NDP government and that it was truly us, when we were in government, that actually created a little bit more balance. When we started comparing jurisdiction across jurisdiction of this fine federation of ours, we demonstrated that, hey, we're not going to go too far one way, but we knew that labour laws needed to be updated here in the province of Alberta.

What's most surprising about this particular bill, Mr. Speaker, is the fact that the government did very minimal consultation when it came to this particular bill. I've stated it before, and I'll state it again. My perspective – again, my perspective, just like the Member for Spruce Grove-Stony Plain has his perspective – is the fact that when it comes to consultation and this government, it's like they reach out to the people that they know, their friends and allies. They consult with their friends and allies and then call it a consultation. From what we know about this particular bill, the government received a total of 95 submissions, which doesn't seem like a very large sampling of Albertans when it comes to labour laws.

What it seems, though, to me is that this cabinet has decided: well, we're going to reverse everything that the previous government did in terms of moving labour law forward here in the province of Alberta in striking a balance, and we're just going to turn back the page to where we were back in the 1970s. When it comes to worker safety, nothing could be further from the truth when the members from the other side get up and speak, stating that they think that this is going to be more safe for workers here in the province of Alberta.

What they've demonstrated is that workers can't even deny doing unsafe work, and then not only that, but the employer doesn't even have to state that another worker has decided that they do not want to do this work. See, this is something that I just find incredibly unjust. I'll put it that way. If you know you're exposing yourself to hazards in the workplace and you decide that because of these hazards it would be completely and utterly unsafe to do this particular job, well, under what's happening with this particular bill, that wouldn't even have to be shared with other workers, Mr. Speaker.

The Speaker: Hon. members, is there anyone else wishing to speak to the bill? The hon. Member for Edmonton-Rutherford has the call.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate the opportunity to speak to this horrendous bill, Bill 47. I think that given the time of year it probably should be renamed the Are There No Workhouses bill, sponsored by Scrooge as opposed to a member of the Legislature. I'm very concerned about the direction this is going. Certainly, moving the workplace protections for workers back to the era of Scrooge and all of the horrendous things that happened at that time, we really are seeing a regression of a hundred years of labour legislation in this province.

It really defies the lessons of history. I mean, clearly this government has failed to spend any time understanding where

workmen's compensation and where occupational health and safety have come from and why it developed over the years in the way that it has. Originally, around the turn of the century there were workers being hurt because there was a failure of occupational health and safety initiatives in the workplace, and as a result, workers were suing companies. Workmen's compensation was set up not as a government initiative but as an initiative of employers because they were getting their pants sued off and they were losing great sums of money a hundred years ago. So they set up the workmen's compensation board as a way of ensuring that workers' health and safety were taken care of without the employers having to worry about lawsuits. So this is not some kind of leftist, socialist policy that came into our world. This is actually an initiative of employers in order to set the conditions for their companies to be successful.

Now, two things came up at the same time, and two things have been worked on for a hundred years in this province and really across western civilization and spreading throughout the world, and they were on the one hand preventing lawsuits against companies so that they would not go broke defending themselves and, on the other hand, ensuring that workers were safe so that they had no need to sue the companies. Both of those things came up together, and both of those things are being attacked in this legislation, which is completely ridiculous.

You know, I have so many concerns about this legislation. My 15 minutes that I'm allotted here will simply not allow me to even get to a quarter of them. So I will start to go through some of these issues and, hopefully, have an opportunity when we get into later stages of debate to address some of the other concerns.

Let's just take a few minutes to talk about occupational health and safety initiatives here in this bill. The fact that the whole design of this bill is to reduce opportunities for workers to have input into their own safety: that's the issue here, that safety is now something that is going to be secondary. Safety should always be job one. I think that's the slogan for some corporation, and I think they're right, and now this bill is literally taking that away.

This bill eliminates much of the oversight as to whether or not workers are working in safe conditions, the mechanisms by which we ensure workers will be able to be safe, that workers will be able to sit on committees that will ensure their safety, that workers will be able to be educated about their safety, that workers will be able to refuse unsafe work. All of those pieces have been attacked by this government.

It's particularly surprising for a government that touts how it supports oil and gas and oil and gas workers, yet they are the ones that in many ways are going to be the most affected by this kind of legislation. They are the ones whose ultimate compensation from workmen's compensation is going to be decreased because of the level of their wages. A cap being put on is going to mean that oil and gas workers are going to be particularly affected.

10:20

We also know that oil and gas workers have really been thrown under the bus because there have been changes to the joint OHS committees that are going on, which are fundamentally important in oil and gas industries, that in those oil and gas industries instead of having a joint occupational health and safety committee, there is going to be a prime contractor identified, and there's going to be no requirement that a prime contractor has a joint occupational health and safety committee. Instead, they get to appoint one of their people to oversee the work. We've gone from a position where oil and gas workers fully participate in designing the safety of their own work to merely being supervised by an individual about it, and that individual has limited responsibilities and limited abilities to enforce such as to supervise the proper use of PPE, for example,

which is pretty critical at this time in COVID, that a supervisor can't even be given the responsibility to ensure that proper PPE is being used.

Let's go through this occupational health and safety section here piece by piece because the number of ridiculous and devastating assaults on the safety of workers is really high, and it will take us time to go through each and every single one of the atrocities that we find in this legislation.

The very first piece I want to just address is the fact that in this legislation it actually reduces the worker's right to know about hazards in their own setting, that there is no longer an obligation for the joint safety committees to identify to a worker about possible hazards. Instead, what they have is the duty of the employer to provide some information on hazards. The workers have no role in defining what the hazards are and in ensuring that other workers know about those roles. In fact, they've actually removed the current definition of health and safety, so we don't even know what they consider to be health and safety of workers in this setting. They simply have left it wide open for them to define it as narrowly as possible and to diminish the health and safety of workers, to always do the least that they can possibly do.

I'm not surprised about this kind of action given what they've done with COVID, but basically they've said: well, let's just wait until the ICUs fill up, and then we'll worry about what kind of action we can take after the fact. Well, that's essentially what is happening here in this legislation as well with regard to a variety of concerns in workplace settings, that we're just simply going to wait to see where people get hurt, when people get hurt, and then begin to deal with the injuries as they come up, but we'll also make sure that they don't get proper, full compensation when they're on workmen's compensation and that if there is a refusal to work, they don't continue to get paid until the resolution of that has happened. Workers are absolutely being thrown under the bus here in this legislation.

The biggest concern, of course, at this particular time is that there have been up until this time joint employer-employee committees, joint OH and S committees, and those committees will now be substantially reduced and eliminated in many settings where they're no longer required. Up until now workers were able to see who was on their joint committee, and when they identified a negative situation at their work site, they could go to members of that committee and say: "Could you please address this in the committee? It's something that I've identified as a hazard at my work site, and I would like to have it addressed jointly by workers and employees to make sure that we come up with a reasonable solution." Now in many cases there will not be a joint committee, and even if there is, there's no obligation to post the names of those members of the joint committee. That completely seems ridiculous to me at this particular time.

I'm also concerned about some of the definitions and what they've done in terms of the ability to refuse that work if they see it as hazardous. We know that they have changed the definition of what used to be called dangerous conditions. In other words, the issue was that the condition of employment was something that was problematic from the viewpoint of the employee. Now they've changed it to undue hazard, which seems to imply that a certain amount of hazard is okay. We have the okay hazard, the maybe-we're-a-little-bit-nervous-about-it hazard, and then, somewhere up top, the undue hazard. Now, that's ridiculous. So it's okay if a certain number of things happen? They could refer to this as the "well, you already have nine other fingers, so what are you complaining about?" section of the bill.

This is really just not okay. I think it's very important that we have very clear definitions in the legislation of what a hazard is,

how it will be defined, how both workers and employers will have an opportunity to help to define that hazard and to take actions against that hazard. But now we have it defined in such a way that unless it's particularly egregious, you're supposed to live with dangerous conditions. I think that that's completely ridiculous.

The other part that's concerning here is that if there is a refusal to work because of unsafe conditions and the employer is not acknowledging those kind of situations, then there is no avenue for complaint about that. It doesn't exist in the legislation. There isn't a joint working committee to go to. So the problem is that workers are now being told: "Look, if it's an ongoing, regular hazard, just live with it. If it becomes a particular, undue hazard, then maybe we might deal with it, but if you don't like how that's defined, there's nobody to go to to say that this is unacceptable." It shifts the burden to kind of a serious threat – that's the language used in the bill – away from ongoing, consistent threats.

I mean, issues like that are very problematic because if you take many work settings, it's not the big, overwhelming events that cause a lot of injury; it's the small ones. It's working in a hospital and getting stuck with a needle that has been used on a patient. That goes on all the time, every day. That's an ongoing hazard that may not be considered an undue hazard under this particular legislation, yet more workers will be caused grief by needle sticks than they are by, you know, the roof falling in and the collapsing of the floor. It really, absolutely does not follow what the threat is to the worker here in this particular situation, and of course the word "serious" while being used in this legislation is not defined, so we have no idea what's going on here.

In addition, not only does it have to be a serious threat, an undue hazard, but it must pose an immediate threat, so if you can predict that danger is about to come, that's no good. You have to wait until the threat is imminent before you actually can do something about it. Again, that's a ridiculous approach to health and safety. The whole nature of our world is that we have learned to assess risk ahead of time and to avoid risk ahead of time. Instead, this government has decided that you can't look forward to potential threats and try to achieve those kinds of resolutions before they even come up. If there's no immediate threat, then you don't have a right to refusal of work. I think that that is very problematic. It certainly is limiting what it is that workers need for themselves. Given that they've eliminated the necessity for joint occupational health and safety committees in many settings, there's no place for them to even debate these kinds of issues now anymore.

I'm also very concerned that they've removed a number of activities that would have previously been the work of the joint occupational health and safety committees; for example, the development and promoting of measures that protect occupational health and safety. Now you're only dealing with those imminent threats, immediate threats. That's the language used in the legislation. The committee is no longer there to develop things that will actually assess risk ahead of time and be able to deal with them, so they're not promoting measures that protect occupational health and safety. This is something that – you know, given what we've learned about the nature of work over the last 100 years, it's incredible that this would be true.

10:30

The Speaker: Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Ellerslie.

Member Loyola: Thank you very much, Mr. Speaker. I do believe that the Member for Edmonton-Rutherford was just starting to get into the differences between the past and post this piece of legislation, specifically on joint occupational health and safety

committees, and I would like him to have the opportunity to continue informing this House on the particular differences that would exist with this bill.

Thank you.

The Speaker: Thank you for your brief question or comment.

The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you, Mr. Speaker. As I was saying, I'm very concerned about the activities that have been removed from the joint OH and S committees as well as developing and promoting measures that protect occupational health and safety.

They also have eliminated any of the measures for checking the effectiveness of the interventions on health and safety, so not only can you not plan, do risk assessment for potential safety measures that come up, but you also can't check to see whether or not the measures that you have been employing in order to try to reduce risk have indeed reduced the risk. You know, this is just normal strategizing for well-being, something we all do every day in our own lives, and all of that has been eliminated by this government this time.

Finally, they also have eliminated the ability to develop educational programs that help workers to understand the nature of hazards that they have to deal with and to potentially deal with those hazards through increasing awareness and increasing their ability to make choices that will be in their best interests.

All of these things are simply throwing the worker under the bus for some very small benefits for the employers, because most solid employers will of course continue to employ risk-reduction strategies. They will continue to not want their workers to get hurt, but there will not be any ability for the workers to participate in that process. They won't be able to look at the shop floor, to look around the hospital, to look around their work setting and say: I have identified a problem, and I am aware of the people on the joint safety committee who I can go to to help deal with this problem.

I'm concerned also that as well as eliminating participation on these joint OH and S committees, there's no longer any requirement to provide time and wages for committee members to receive training. Even if they do have a committee of some nature or another, they don't actually have to provide the circumstances in which the worker will actually take time from their work to learn that which they have to learn and to prepare themselves to be a good, full participant in the joint committee.

All told, these changes to stop identifying risk, to stop responding to risk ahead of time in a proactive manner, to stop workers from being able to refuse situations that are at risk unless it's absolute imminent risk – "immediate" is the language they use if the risk itself happens to be an undue hazard – and the lack of the ability of the workers to participate in a committee to help do all of these kinds of work are truly an assault on workers in this province. It's truly designed to throw workers under the bus and is very similar to the COVID policy that's been used by this government, that is: we'll just wait to see who gets hurt, and then we'll decide what to do after the fact.

This is really an unacceptable way to deal with things. You wouldn't do that with your own family members. You wouldn't leave a hazard in the house and say: well, let's just see if anybody actually hurts themselves on it. You would actually go and you'd try to deal with it ahead of time, and you would hope that all family members would participate in good practices to ensure that no one in the family, because you care about all family members – and that's the way a work setting should be, too. You should have a situation where all workers are looking out for all workers, where

employees and workers are together, are working together to ensure that the concerns of both the employer and the employee are being met in terms of risk assessment.

Thank you.

The Speaker: Hon. members, is there anyone else wishing to join in the debate this morning? I see the hon. Member for St. Albert has risen.

Ms Renaud: Thank you, Mr. Speaker. It's my pleasure to rise and speak to Bill 47, Ensuring Safety and Cutting Red Tape Act, 2020, and add my comments to those of my colleagues in strong opposition to this piece of legislation. I think that, on this side anyway, we can certainly agree that Albertans deserve a government that has their backs, that invests in people, and that builds an economic recovery for all people, and this piece of legislation certainly does not add to that goal.

Some of the changes in this particular piece of legislation that are extremely concerning are the changes to WCB, workers' compensation. Under the UCP injured workers will receive less compensation and benefits and experience more hardship navigating the system. I think that even members that are new to this Chamber since 2019 likely will agree that a fair amount of casework that arrives at constituency offices involves WCB, which is sometimes a very difficult system to navigate. I'm sure members will agree that some of the casework or some of the background that we receive when we are supporting constituents that are having difficulty navigating is really complex, is really disturbing, and the injuries that they've sustained in the workplace are significant and severe. I know that my constituency office has done a fair amount of work trying to support constituents to navigate a system that is already very difficult and that doesn't tend to easily favour, in some cases, the rights of workers.

So I find it incredibly alarming that the government is choosing to go in a direction to make it increasingly more difficult and increasingly more challenging for Alberta workers. To give you an example of less compensation and benefits and more hardship in the system, I think that we can all agree, even sitting in this place, we can appreciate how complex and how ever-changing – the legislation, subsequent regulations and policies and rules are difficult sometimes for us to even follow and keep track of. Imagine that you are an Alberta worker, and through no fault of your own you have been severely injured in some capacity, and you are having to navigate the system. Why on earth would a government take steps to make it more difficult? There is a host of new caps and benefit reductions that will mean that workers on WCB get less. For example, this legislation will cap maximum insurable earnings. This means that if an Albertan who earns a high income in a dangerous job, which is not uncommon in oil and gas, is injured, they will receive less compensation than they're entitled to today.

The UCP is also removing presumptive coverage for psychological injuries where workers experience a traumatic event, limiting it to only a select few occupations. Now, given, you know, just the track record of the UCP so far with certain occupations this leaves me very concerned. I would like to focus some attention on one sector that a lot of people don't even know about, let alone understand the risk that these workers face. I have in this Chamber spoken about community disability workers before. To be clear, there are tens of thousands of Albertans who work in this sector that are educated, that are trained, and that do this work. They're not very highly paid.

However, the work that they do is incredibly important, and it is not unusual for disability workers to be injured on the job in a variety of ways. Sometimes that is a physical injury, right? Some of the

activities that disability workers are engaged in involve lifting or transferring or assisting people. Sometimes it involves nonviolent crisis intervention, which actually can involve some physical movement. It also involves sometimes supporting people with disabilities that struggle with severe self-injurious behaviour . . . [An electronic device sounded]

10:40

The Sergeant-at-Arms: Order.

Ms Renaud: Sorry.

. . . that requires intervention by disability workers to sort of stop or redirect. So there are a lot of psychological injuries. Obviously, these are much more difficult and much more challenging sometimes to diagnose and understand.

An example for this particular sector – and keep in mind that there are tens of thousands of Albertans, primarily women, that do this job and that are subjected to some trauma that is hard to explain. Let me give you some examples. These are not unusual, sadly. This is the reality of this sector, and these examples are examples that I know of, that occurred where I worked.

For example, if you are supporting people that are perhaps medically fragile or have severe seizure disorders or are aging and have other complicating issues, sadly it is not unusual that there is a death at home. Sometimes that work is done on purpose so that there is someone with a disability – for example, they understand that they are coming towards the end of their life, and it is their desire to stay at home and to spend as much time at home as possible. The staff are trained and supported to do all of that work so the person can stay in an environment that is familiar until, of course, they reach that threshold where they have to go into acute care. But there is some significant psychological trauma that occurs when you are doing this work. There is a relationship that takes place, that develops. There is a lot of skill involved. This can actually take a toll, and when you are doing this kind of work day in, day out, month in, month out for years, it does take a toll.

I would also like to say that disability workers are very skilled at supporting people who present with very complex behaviours. Perhaps they are aggressive in some way towards themselves or towards others or out in the community or when, you know, they're being transported in some way. There is this high degree of stress and awareness and vigilance when staff are doing this work, and that, too, can take a toll. It is not unusual for staff in these areas or for Alberta workers in these sectors to eventually, almost like this repetitive injury, get to the place where the injury just becomes too much, and it becomes overwhelming, so they require assistance and support.

For the UCP to suggest that coverage needs to change and be reduced in any way for Alberta workers without an appropriate assessment or in-depth consultation with representatives from every sector is not only irresponsible but is quite dangerous and incredibly short sighted. If we do not take care of Alberta workers, all Alberta workers, all of them, not just some of the first responders – they are essential but not just that group – if we do not apply sort of this fair lens to all of the sectors to ensure that all Alberta workers are supported in the best way possible to ensure that they receive whatever support they need to either be well into the future, unable to return to work, or to get to the point where they can return to work, it is incredibly irresponsible.

I'm going to move on a little bit. I certainly, as with my other colleagues, have a number of questions. This is a massive piece of legislation. It makes really far-reaching changes that have the potential to cause a lot of damage in individual lives and sectors, so I have some questions that I hope at some point the government will

stand up and answer. The first thing is that – you know, I can remember sitting on the other side, and I can almost remember every piece of legislation that went through. We would have members from the then Wildrose or the Conservatives – then they became the UCP. They would always ask: is there an economic impact study, and will you share that information? Every time, hammer it home: “Did you do a risk assessment? Did you do an economic impact study?” I would ask the government members that very same question. I would suggest to the members on that side that if your leadership has not shared that information with you, I would question how you’re going to vote. Ultimately, you are responsible to your constituents, which include Alberta workers, so if you can’t stand up and say, “We are making these decisions for the right reasons; here is the evidence; here is the data,” then I don’t think you’re doing your job.

How can you call a one-month consultation in the summer, in the midst of a pandemic, on the WCB a fulsome review? There is no way that you can call a one-month review of something that is so complex you having done your job, due diligence to explore every option, to get feedback from every sector, and to look at any potential changes. I think it is incredibly irresponsible to actually say that you believe that doing that work for a month in a pandemic, when people are incredibly distracted, worrying about their livelihoods, worrying about their families and their health, is sufficient.

I note that the UCP received a total of 95 submissions during that one-month consultation in the summer. That does not feel like a large sampling of Albertans, 95 submissions. Well, I would submit, Mr. Speaker, that, you know, likely the 95 submissions are a direct result of the fact that it was in the summer, in the middle of a pandemic. It doesn’t seem to me like the UCP took extensive steps to get feedback from every sector to ensure that you asked all the hard questions, that you looked at: “What is the potential risk of doing this? How can this make things worse? How can it make things better?” I don’t see that happening with the format that this government has used.

For general submissions, 18 per cent were workers – 18 per cent – while 69 per cent represented employers or employer groups. Are there more employers in Alberta than there are employees? I would suggest that there are not. Often I have found, certainly as I have been an employer – I have worked with WCB, I have managed hundreds of staff, and I have certainly had to deal with more WCB claims than I can probably remember – that it is always important to get feedback from your workers. It is not simply enough or sufficient to get feedback from the employer because I will tell you that the perspective of the two is incredibly different. I’m not saying that one is more important or more valuable than the other; they are just different.

When you do your job, a solid job, consulting – consulting means asking the questions you might not want to hear the answers to, but if you are limiting your audience, then you are not going to get those answers. Then once again you have a decision based on cover that you’ve arranged for yourself to make it look like it’s a good idea when it is not.

Another question that I have is: did you meet with Albertans who have suffered injury and illness and who have interacted with WCB? I don’t believe – I would love to be proved wrong. I would love it if the government would submit that information.

The Speaker: I might just interrupt and provide some caution to the Member for St. Albert that I would encourage her to speak through the chair. She might say, “Mr. Speaker, did they consult?” as opposed to directly implying to an individual inside the Assembly what they may have done or not done.

Ms Renaud: Thank you, Mr. Speaker. That was a very good idea. I will do that.

Mr. Speaker, I would ask, through you to the members, if they did in fact meet with Albertans who have suffered injury and illness and interacted with WCB. Related to my earlier comment, if you don’t ask the correct questions and if you don’t ask the correct people, you are not going to get really good answers, and you’re not going to get information that maybe you didn’t know about. These are the questions that need to be asked. This is what real consultation looks like. It’s not just choosing to ask questions to parties who you can, you know, fairly safely guess are going to give you feedback or answers that you’re looking for.

Some other questions that I have for the members, Mr. Speaker, are: how will reducing safety obligations and access to WCB for Albertans restore the balance that you keep talking about? Now, it seems to me that, you know, if you’re going to say that you are balanced, then you need to demonstrate that.

10:50

Just going back to some of the stats that I mentioned a little earlier about people that chose to respond, you know, we’ve got 18 per cent from general submissions that were from workers while 69 per cent represented employers or employer groups. That doesn’t seem very balanced to me, so, Mr. Speaker, I would suggest that government members concerned with truly finding balance and truly getting fulsome responses would change their approach.

The Speaker: Hon. members, Standing Order 29(2)(a) is available if anyone has a brief question or a comment for the Member for St. Albert.

Seeing none, are there others wishing to speak? The hon. the Member for Edmonton-McClung has the call.

Mr. Dach: Thank you, Mr. Speaker. With great pleasure I rise to speak to Bill 47, a debate which revolves around the WCB and the services and benefits it provides to Alberta workers. I know that I speak from very valuable personal experience when I talk about the impact that the WCB payments have on families who have been in benefit of them. I come from a family of six children whose father was a construction superintendent and foreman and who, unfortunately, suffered a couple of injuries on the job. One of them caused him to be on WCB for two years with a family of six. I know that every dollar counted during that time frame after my father broke one leg and smashed the heel on the other leg, causing him to be off work for two full years. If we wanted to know what winter jackets we were going to be wearing the next year, we just had to look at what our cousins had been wearing the last couple of years, and that would be what we’d be wearing. The dollars were very, very slight. It’s not something that allows a family to do anything but survive, and that we did. But, thank goodness, the WCB payments were there.

This Bill 47, Mr. Speaker, is loaded with terrible decisions which would have affected my family in horrific ways and made it impossible to have survived. It chips away and chips away at the benefits that families are able to receive under WCB. It weakens. It waters down. It defunds. It delists. Who’s left to defend the workers who depend on these payments? It defiles the sanctity of the principle of WCB. That is built into the name, compensation. Compensation is what it’s supposed to be doing. Families such as my own, that I grew up in, depended upon that compensation. The terrible consequences that will befall families as a result of the WCB protections that are being minimized and watered down by this bill, that our Alberta workers depend upon, are something that I would be scared to imagine.

WCB is not a frill. It's a compensation package that delivers basic sustenance to individual families such as my own, whose parent suffered a significant injury. I know that it's still not too late, Mr. Speaker, in the immortal words of Tommy Douglas, to make the world a better place, and withdrawing this bill would certainly do that. It's unimaginable that this government would bring forward such an attack on WCB. It shows a true motivation to limit the ability of workers to be fairly compensated if they're injured on the job.

I have lots more to say on this, Mr. Speaker, but I think I should direct people to albertasfuture.ca to see what we're planning to do with respect to workers' rights.

With that, I move to adjourn debate on Bill 47.

[Motion to adjourn debate carried]

The Speaker: The chief government whip.

Mr. Ellis: Well, thank you very much, Mr. Speaker. I'd like to thank the members opposite also for their comments on this bill this morning.

With that, I'd like to move that the Assembly adjourn until 1:30 p.m. on Tuesday, November 24, 2020.

Thank you, sir.

[Motion carried; the Assembly adjourned at 10:55 a.m.]

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