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The 30th Legislature
Second Session

Alberta Hansard

Wednesday evening, December 2, 2020

Day 75

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 30th Legislature

Second Session

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New Democrat: 24

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Legislative Assembly of Alberta

7:30 p.m.

Wednesday, December 2, 2020

[The Speaker in the chair]

The Speaker: Hon. members, please be seated.

Government Bills and Orders Second Reading

Bill 47

Ensuring Safety and Cutting Red Tape Act, 2020

Ms Hoffman moved that the motion for second reading of Bill 47, Ensuring Safety and Cutting Red Tape Act, 2020, be amended by deleting all of the words after “that” and substituting the following:

Bill 47, Ensuring Safety and Cutting Red Tape Act, 2020, be not now read a second time because the Assembly is of the view that the proposed legislation will not ensure the safety of workers in Alberta, and therefore additional consultation is required.

[Debate adjourned on the amendment December 1]

The Speaker: We are on amendment RA1. The hon. Member for Lethbridge-West.

An Hon. Member: No.

The Speaker: Oh, concluded. That’s okay.

I see the hon. Government House Leader has risen.

Mr. Jason Nixon: Well, thank you, Mr. Speaker. I’m rising to request unanimous consent to move to one-minute bells for any votes associated with Bill 47.

[Unanimous consent granted]

The Speaker: Hon. members, is there anyone wishing to speak to amendment RA1? The hon. the Leader of Her Majesty’s Loyal Opposition.

Ms Notley: Thank you very much, Mr. Speaker. I am pleased to be able to rise and to speak to this amendment, which I believe is an amendment proposing that the matter be referred to committee.

The Speaker: Reasoned.

Ms Notley: A reasoned amendment. There we go. Okay. Right; there we go. So it’s a reasoned amendment, the successful agreement with which by this House would result in this bill not going past second reading. That would be a good thing. I’m glad to be able to speak to this matter and why it is, on behalf of our caucus, that we believe that this bill should not go past second reading.

This bill in essence attacks both the safety laws that keep working people safe in their workplace, and having successfully attacked the laws that would keep workers safe in their workplace, it then proceeds to attack the benefits that would become payable to them as a result of the injuries they sustained from the illness or accident that they are a victim of as a result of the inevitable failure of the remaining laws for them to stay safe or, in fact, any of the laws that are geared toward keeping workers safe. It’s an attack on working people and their families from both fronts. It makes it more likely for them to either become ill or sustain injury, and it also ensures that they don’t receive the compensation to which they should be entitled, should that occur.

Let me just begin, Mr. Speaker, with why I think it’s quite outrageous that this government would decide to make working people, those people who are most likely to be in the kind of work that has them be injured at work, the targets of their legislative initiatives in this session. This session has been dominated, of course, by conversations about what is most front of mind to the people of this province, and that is COVID and the pandemic. Secondary to that are the economic challenges that many Albertans are facing. Yet somehow in the middle of that, where we’re hearing all this rhetoric about pulling together and supporting each other and we’re hearing rhetoric about honouring our front-line essential service workers and being so glad for their help, it’s strange that we would use this opportunity, then, to attack them so definitively. I guess nothing surprises me anymore.

I will say that it’s deeply, deeply unfair that there are so many people out there working each and every day to keep us fed, to keep us receiving the kinds of goods and services that are essential to our lives, to keep us healthy, to keep our loved ones alive and that at this time we would choose this opportunity to go after them. It just speaks to the general values, I guess, that are a priority for this UCP government, and it’s unfortunate. It’s unfortunate for over a million working people in this province.

Let me begin by talking just a little bit about the types of workers that this will most disproportionately impact. I’m sure many people in this Assembly are aware that prior to my time as an elected official I did spend some time specializing in the world of both workers’ compensation advocacy, disability law advocacy, and health and safety law development. I can tell you a few things that perhaps not everybody necessarily knows. Interestingly, politicians like us are very unlikely to need workers’ compensation. Politicians like us are very unlikely to need a health and safety committee. Politicians like us: we go to work; we’re pretty lucky. You know, we are those standard sort of white-collar folks. We earn more than the majority of folks, and we work in a relatively safe environment, Mr. Speaker.

That, however, is not the case for, for instance, health care workers. Perhaps people in this building are not aware, but health care workers are among those most likely to be injured when they go to work. They are among those most likely to sustain some form of occupational disease or repetitive injury when they go to work. Interestingly, they are also generally women. One interesting statistic, for instance, is that those who are most likely to be a victim of a violent assault are not police officers, are not, you know, the typical pictures of first responders that the folks over there may imagine in their brains. No, it’s women; it’s nurses. They are most likely to be the victims of violence in their workplaces. They are the most likely to sustain long-term injuries as a result of that, but that’s not the only kind of injuries that they are likely to experience. They are also as or more likely to sustain back injuries from lifting, for instance, than you would expect, say, even of a construction worker although, of course, they too experience a number of injuries. Those injuries can be permanent injuries that last throughout their lives.

Now, health care workers are also very, very likely to be exposed to occupational disease in a variety of ways. There’s a long range of repetitive strain challenges that health care workers in particular can be subject to. They can be subjected to long-term respiratory illnesses as a result of exposure to a number of different chemicals that they are required to use when at work, for instance. And, of course, particularly relevant to where we are today, they are also much more likely to be subjected to long-term illness or injury as a result of exposure to pathogens at their workplace.

This, of course, isn’t the only group of people that this horrendous piece of legislation impacts – I will talk about the other

people that are also impacted by this legislation – but I just want to paint a picture that disproportionately the workers that this horrible collection of changes to the legislation that is being put forward impacts are, in fact, front-line health care workers. They will be more likely to be injured and therefore they are more likely to lose at the hands of this UCP government as a result of this piece of legislation being put forward in the middle of a pandemic.

7:40

Now, we, for instance, talk a lot about the crisis in continuing care, Mr. Speaker. We know that, for instance, in the month of November five seniors a day died in continuing care in this province. We know that the single most important way to keep those people alive, or the way we could have kept those people alive, was to ensure that we didn't have health care aides and other front-line health care service workers in continuing care moving from workplace to workplace. But at last count our chief medical officer of health has exempted at least 25 continuing care centres from that fundamentally important rule that would have otherwise kept infections down and saved people's lives, and do you know why she had to exempt these continuing care centres from that fundamentally important rule that otherwise would have protected the lives of those five seniors a day? Because there are not enough people working in continuing care, and they had to allow them to move from place to place.

Well, why do you think there aren't enough people working in continuing care? Well, it's dangerous, especially now, and the pay is very low, and the work is very hard. We've already talked this week and last week about how this government has essentially looked a gift horse in the mouth and said: we are more interested in fighting with Justin Trudeau than we are in getting \$300 million of wage top-ups out there so that we can hire more people to do this work. So already, you know, they've significantly denigrated the work of these important, critical front-line caregivers in our province.

But the other thing about people who work in this area is that they are systematically the subject of injuries. They're the victims of injuries in their workplace. They are the people who are most likely to be the victims of violent outbursts by the people for whom they care. It's typically dementia-related, and it happens regularly. They are the most likely to be injured as a result of having to lift and move and adjust human beings, often when there should be two of them doing it rather than just one. Why? Wait for it. Short-staffing again.

So the very people who are on the front lines right now, keeping our loved ones as safe as they possibly can in continuing care centres and helping as much as they can to keep the spread of this virus under control, those are the people who will be disproportionately impacted by these cruel cuts to their rights to be safe and these cruel grabs to the compensation to which they would otherwise be entitled. So again I ask: what drives the priorities of this UCP government? I can't even begin to imagine.

Now, the ridiculously named act, Bill 47, that we were talking about is the so-called Ensuring Safety and Cutting Red Tape Act, which, of course, is not ensuring safety. It's ensuring the absence of safety, so that's definitely a thing. But moreover, it is not restoring the balance. That is the most ridiculous thing I've ever heard. Don't ask me. Ask any legal scholar. Ask any objective expert. The fact of the matter is that before our government acted, for instance, to put in place mandatory health and safety committees, we were the only province in the country without mandatory health and safety committees. So how is making us an outlier in one of the most fundamental health and safety measures restoring the balance? You've got to have a really strange

understanding of the English language, Mr. Speaker, to suggest that making us once again the safety outlier is restoring the balance.

The multiple ways in which our workers' compensation system was abusive to injured workers was something that we tried to reduce and minimize, but going back to that old system is not restoring the balance, Mr. Speaker. That is enabling exploitation and enabling the victimization of working people.

So that, overall, is my view with respect to how incredibly misguided this piece of legislation is and how hurtful it will be to all working people who don't look like us, with our suits and our ties and our white collar and our lovely salary and our safe workplace, people who actually go in to work and, in fact, get injured on a regular basis. This is very, very damaging to them. Those people are the people that all of us have been rhetorically celebrating since this pandemic began, and now we are disproportionately attacking them.

Let me talk a little bit about how this is happening, and let me start with the range of attacks on worker rights that exists within this bill as it relates to the Workers' Compensation Board. Now, I'm sure many people have already spoken about this, but I will speak about it again because I think it's very critical. To understand how this works, one has to go back to the genesis of the workers' compensation system. There is a misunderstanding often by people on the other side that somehow the money that funds the workers' compensation system is employer money and that somehow what we need to do is give more money back to the employers because it's their money. Mr. Speaker, that is fundamentally flawed.

The way this worked is that back, you know, sort of in the latter part of the Industrial Revolution – you might remember that time – we had people going into coal mines that were regularly exploding, and we had kids who were 11 or 12 years old, you know, in factories who were, like, losing limbs on a regular basis, and they were breathing in poisons as they went to work. There were a lot of people getting injured and dying when we transitioned from an agrarian society into the Industrial Revolution and through that.

Slowly over time, when families would lose primarily fathers and husbands to very serious injuries or to death as a result of the profound negligence of their employer, the legal system developed so that those people could try to sue the employer for the damages they experienced. The law was such, was very clear that master-servant law – that's how it was structured historically; it's how it's still actually referred to in the law books – stated then, and it's true now, that when you are working for the employer, you must do what the employer tells you. That's a fundamental rule in the workplace. You have an obligation: work now, grieve later. That's what it looks like in a unionized setting. In a non-unionized setting it's actually technically still referred to as the master-servant relationship. You have to do what you're told unless it's illegal.

Because of that, it means that the worker has very little control over the way they do their work and the way in which they can stay safe. For instance, if they are asked to pack 100 boxes on an assembly line in 10 minutes and the worker says, "I can't possibly do that without throwing my back out and cutting myself multiple times," the employer can say: "We need you to work faster, and that's your job. Just do it until you can't." That's literally – except in very rare circumstances, they have to do it.

Going back to this time, people would start to sue their employers. Originally, of course, the legal system, as you can imagine – late 1800s, early 1900s – was not particularly sympathetic to workers. They would come up with all these lovely legal principles to blame the workers for the accidents that occurred: you know, voluntary assumption of risk. The worker was told to go down into the coal mine. Everyone could tell that it was about to explode, but – you know what? – the worker went in

anyway. No one dragged him in, so it was a voluntary assumption of risk, so half the fault of that worker's death was the worker's. You know, principles like that.

Originally, it was, you know, 1 person out of every 100 would sue and maybe get something. Then it was 2 people out of every 100 would sue. Slowly the law evolved to the point where they realized that they needed to address this issue, the fact that employers, who had the legal right to tell people what to do with very little exception, were repeatedly putting people into dangerous situations, and they had to be held accountable. Slowly workers' lawsuits started to be more and more successful, and slowly some employers started to get a little nervous because this was starting to get a little expensive for them. This got a little worrisome for them.

7:50

Meantime, even where those 1 out of 10 workers or 1 out of 5 or whatever it was at a certain point would succeed in suing their employer for the injuries that they sustained, what was happening on their side was that, well, (a) it might take them five years to get the matter through the courts, and they would go bankrupt trying to hire lawyers, (b) they might still only be winning 1 out of every 5 times, and (c) they would still have the fault apportioned. Even though it was costing the employers a lot, workers were also losing a lot.

So in the early 1900s workers, worker representatives, employers, employer groups came together. There were a number of commissions that were done, led by the government, and they reviewed this, and they decided that they would orchestrate what has been referred to as the historic compromise. Workers would give up what is otherwise their constitutionally protected right to sue their employer for putting them into harm's way, and in return for that the employer would pay workers on a no-fault basis. Workers would no longer be told that they had to prove that it was the employer's fault versus theirs if they were injured, and they would get paid less, but they would get paid quickly so that their families didn't starve, they didn't lose their homes, all the kinds of things that were happening before. That was the compromise. One of the other wins, of course, for employers was that they didn't have to pay private insurance, liability insurance, which was also something that was starting to develop at that point and becoming increasingly expensive. That was a historic compromise at the time, and at the time it seemed like a pretty good deal.

Now, fast-forward 100 years. In the absence of the bar to suing the employer now, the courts have changed quite a bit, first of all, and so have the other rights of workers. Workers now could have access to other income support programs. They could in some cases have access to disability insurance that they would have negotiated. They could have access to CPP disability, EI disability, those kinds of things while they were in the process of suing their employer. Laws around negligence and liability have evolved significantly, so employers would ultimately be far more likely to be found at fault, and the size of the awards that would be given to workers would be much, much greater than anything that they ever get through the WCB.

Suffice to say that as things have evolved, what workers give up today for losing their right to sue their employer is far greater than what it was when they first had the historic compromise. Nonetheless, in the most recent version of the Supreme Court of Canada looking at whether this bar to workers' ability to sue their employers is still allowed under the Constitution, they said: "Well, you know, the balance of the historic compromise is still there. Each side wins. Yes, workers are giving something up, but they're still getting something, so we're going to allow for this otherwise

unconstitutional bar on the right of these employees to sue their employer." Fine.

But I give that background in order for people to understand that this is not the employers' money. What this is is a cost-saving measure for the employers. Workers are losing out from what they would get otherwise, and employers are paying significantly less even now than they would if we didn't have a workers' compensation system. If you don't believe me, I suggest that you look to many states south of the border where employers do in fact pay massive liability premiums in the absence of workers' compensation systems. The reason that this is important, again, is that workers' compensation is not just a cheap and interesting way to give money back to employers with no consequence, because if you cut it enough and if you make it unfair enough, what will happen is that workers will go back and say: "You know what? We've had it. We want our right to sue." Then wait till employers see how much that will cost them.

Let's talk about the different ways in which this particular piece of legislation cuts the benefits that working people would receive in the event that they are injured. There are a lot of ways. Let's just, as we're going through this conversation, imagine the worker that we are talking about. I'm just going to do it on the basis of a hypothetical person who essentially represents a composite of at least 15 people that I represented during my time working as an advocate for injured workers. We're going to say that it's a nurse who's been nursing for about 20 years, who mostly works at the bedside caring for people who are in acute care but not in ICU, who probably got her nursing degree with about two years of nursing training and then got the remaining RN as a result of practical experience back in the time when you could do that. She's in her mid- to late 50s, and she is mostly caring for seniors, who inevitably end up in our acute-care setting while they wait for the not always available long-term care beds, that we have a shortage of in this province. Let's just say that that's our worker.

Many times nurses will work overtime. Up until we changed the legislation three or four years ago, the workers' compensation system only compensated people at 90 per cent of net to a certain cap. When we came along, that cap was still below \$100,000 a year. Yet this nurse, who we're going to say worked a bit of overtime because she was trying to also pay the tuition, that, of course, is skyrocketing now, of her children to go to university, would be earning more than that cap depending on how much overtime she worked. But because of that cap that was in place before, she wouldn't be compensated 90 per cent of net anymore. She would be compensated at 80 per cent of net or 70 per cent of net, depending on how low that cap was.

Just to diverge a little bit to another hypothetical worker, let's talk about one of the folks that does pipefitting at Suncor up in Fort McMurray for eight or nine months of the year, who typically earns about \$150,000 a year. Of course, that person as well was subjected to the cap of about \$90,000 or \$88,000 or whatever it was before we pulled the cap off and then 90 per cent of that but 90 per cent of the net of that. That was what that fellow, if he was injured through someone's negligence or just through a sheer accident that was unavoidable – he would have only been compensated 90 per cent of net of the cap, which is about \$90,000, even though he regularly earned about \$150,000 a year. That guy was certainly not getting full compensation for what he lost. Assume that he was permanently injured. Say that he was 32 years old and he was used to making about \$150,000 a year and he would never be able to do any kind of physical labour again and he only had a high school degree. Boom. He's gone from earning \$150,000 a year to 90 per cent of net, with a cap of about \$80,000, which is roughly – I don't know what that is – \$68,000. That's what he gets.

That's what it looked like under the old system. We said: sheesh, that's sure not fair. That is not fair to those people who worked very hard to be able to earn that extra amount of money, so we're going to take the cap off on the maximum amount that workers can be compensated, whether it be that nurse who's working overtime or whether it be that pipefitter in Fort McMurray. That's what we did because we thought it made sense.

Now this bill puts the cap back on. We don't know exactly how much it's going to take out of these injured workers' pockets, but we do know that the fact sheet that the government itself put together was, hmm, about \$30 million a year. Roughly \$30 million we are taking out of the pockets of injured workers. Great. Let's do it. Let's do it. This is the time to take \$30 million away from disabled and injured workers.

8:00

The next thing that this bill does as it relates just to the benefits that these injured workers would receive is that it also eliminates the regular cost-of-living increases. Again, if you are injured – let's say you are that nurse, and you are 55 years old, and you are permanently injured, and you cannot go back to work – 10 years from now, needless to say, that 90 per cent of net with the cap is no longer what you were earning, your salary has gone up and inflation has gone up. It's worth much less than it once was, and now these guys want to reduce the rate at which that payment that you would receive goes up. They want to do that. Well, we don't know exactly what they want to replace the formula with, but we do know that their own fact sheet suggests that the Workers' Compensation Board would save about \$230 million over three years, so I don't know. It's roughly \$70 million, \$75 million, again, out of the pockets of working people and injured working people. The many ways in which these guys can find to go after working people – and just to be clear, these are not unionized folks necessarily. These are regular working people. But, yeah, we need to find ways to take money out of their pocket. Yeah. That is another way in which they want to go after this.

Another way in which these working people are undermined through the changes here is that it also removes the obligation of the employer to keep these folks on their benefit plans. You can imagine the value of these benefit plans. Imagine this nurse. Imagine she's got three kids. One of them has diabetes. Another one has asthma. That benefit plan pays \$300, \$400 a month of prescriptions for her family. Now, because of these changes, the employer is no longer obliged to keep this nurse on the employer's benefit plan. Yes, the nurse herself can get access to some medication potentially through Workers' Compensation for her own injury, but the plan that she was part of, that her whole family is relying on, that's not available to her anymore, thanks to these heartless cuts made by this UCP government. Let us remember: this is my 55-year-old nurse who's taking care of seniors in a hospital in the middle of a pandemic. Who knows? Maybe she'll catch COVID-19. Maybe she'll be outside in the newly acquired Red Cross tent in minus-20-degree weather, and she will catch a horrific flu and get pneumonia. We can't tell exactly what's going to happen. We just know that health care is not a safe place to be working these days. Therefore, it makes no sense to attack the very benefits that would accrue to someone as a result of working in a place that is not safe these days, unlike, for instance, the very lovely place that we all have the privilege of working. There are some of the changes.

Now, it doesn't stop there, of course. This bill also takes away the obligation of employers to reinstate workers in modified employment should they be injured at work. I find it really interesting, Mr. Speaker, because you know earlier this week, and

perhaps late last – no, it was earlier this week – we heard both the Justice minister and the Premier wax poetic about the alleged Charter rights that allow people to break the law, put other people's lives at risk by intentionally spreading a virus, and that somehow their Charter rights under no circumstances can ever be limited. By the way, any lawyer will tell them that section 1 would automatically allow a law that limits the ridiculous, irresponsible behaviour that we observed on Saturday. The so-called legal opinions provided by the Premier and his Justice minister were incredibly inaccurate. But the point is that they claim to be very, very concerned about the Charter. Something that actually is protected by the Charter is the rights of somebody with a disability, and flowing from that, the jurisprudence flowing from those issues creates something referred to as the duty to accommodate.

Now, I can tell you that when I moved back to Alberta in the early 2000s and commenced work advocating on behalf of injured workers, I was shocked to discover the degree to which employers in Alberta had no idea that there was a concept called the duty to accommodate. As a union lawyer, of course, we educated them through the means that we had at our disposal, but that didn't help with all those folks who were not unionized who were being victimized by the Workers' Compensation Board, which had no – no – practice at all of informing or educating or compelling employers to exercise their obligation to accommodate injured and disabled workers.

In fact, we had situations where the Workers' Compensation Board would look at this nurse that I have described and say: "Yeah. We know that you're making, you know, well, if we were compensating you for all the overtime that you worked, over six figures a year. We know that you are being compensated right now at the rate which is at our max. We know that you are five years away from your pension. We know that you have a benefit plan, which is taking care of your whole family. We know that you have earned, over 25 years, two months of vacation, all those things. We know that. We know that you are one employee with an employer that has something like 20,000 people doing the work that you do. But because your employer doesn't want to find a different way for you to do your job and you can no longer lift those nonambulatory patients out of their bed over to the bathroom, you must quit your job and take this job here that we found you, making \$12 an hour as a parking lot attendant, and if you don't do that, you will be fired, and you will also lose your workers' compensation benefits."

If you think that I'm making that up, the fact of the matter is that that is exactly the way it operated here in Alberta. It was shocking. Basically, what was happening is that we had this agency of the government of Alberta systematically bullying people into giving up their Charter-protected rights to be the beneficiaries of the employer's duty to accommodate. Only in Alberta. The Alberta advantage. Come to Alberta, and you can bully whatever you need to out of injured people, you can treat disabled people in complete disregard of the Charter of Rights and Freedoms.

The provision that we put into the Workers' Compensation Act to stop that was for that reason, to ensure that the Workers' Compensation Board understood that employers have an obligation to re-employ according to the rules around the duty to accommodate and also to maintain the workplace relationship between injured workers and their employers as much as possible. It doesn't mean that it must automatically happen every single time. Our rules allowed for there ultimately to be a separation between employer and worker if there was just no way to work it out, but it did require that there was a bona fide effort on the part of the employer to try to accommodate, as opposed to this situation, where the WCB became bully-in-chief and tried to force that 55-year-old nurse to quit her 20-year-long job and give up all the benefits that I just

described. That's what was happening. But that's where these guys want to go back to. That's what they want to return to. Again, middle of a pandemic: let's see how many ways we can attack our essential services and front-line support workers. That is – jeez; I'm just on page 1 here. We've talked about the benefits.

8:10

The next thing that they are doing with respect to cutting WCB eligibility is that they are removing the presumptive case for certain types of psychological injuries subsequent to trauma. Now, interestingly, it was this predecessor government that put that in place for a very unique group of people. It was, frankly, a bit of a photo op to offer presumptive PTSD to firefighters and police officers, should they be involved in trauma. And, to be clear, we supported it. We thought firefighters and police officers should be eligible to get presumptive PTSD coverage should they be exposed to trauma.

Unfortunately, we had this ridiculous situation where if, for instance, an officer responded to a horrific accident on the highway and was traumatized by the horrible particulars, for lack of a more human word, of the accident, the officer would get presumptive PTSD coverage – great – the ambulance driver would get presumptive PTSD coverage, the nurse would not get presumptive PTSD coverage, the Alberta Transportation person or the tow truck driver would not get presumptive PTSD coverage.

If an officer responded to a call about the death of a child and got to the home and saw the child and subsequently experienced symptoms of PTSD, that officer would get presumptive PTSD coverage, but the social worker who went with him to that call would not get presumptive PTSD coverage and, instead, would have to fight for years to get coverage and likely wouldn't get it at all.

I don't know if you're noticing the pattern here, but, just to be clear, the pattern is very clear. Certain men got it; almost no women got it. That was the pattern, and the women who tried to get it had to get it with a different set of rules that involved the WCB digging back into their lives for 20 years and the employer and the WCB together saying: you know, you don't really have PTSD; I think eight years ago you had a drinking problem, and I'm going to dig up evidence to conclude that that's the case, and so you're not going to get coverage for this. Again, just in case you think that's not true, trust me, it is. I've done those cases.

That's what it looked like before. That's what we tried to fix; that's what you're undoing now again. Just think a bit. Just think about what we've heard about from our front-line health care workers in just the last two weeks alone. We've heard about a doctor going into the ICU where – and doctors have all said: listen, you know, we are about a week and a half away from making life-and-death triaging decisions. And we heard about a doctor going in to serve in the ICU for the first time since her residency. She's not actually an ICU doctor. She has not practised as an ICU doctor. She's now going into an ICU where she's going to be asked to make life-and-death decisions. She's exhausted. Physicians are exhausted. Nurses are exhausted. Health care aides are exhausted. They are facing spiralling numbers.

Of course, everyone over here says: "Oh, it's fine. It's all good – it's all good – everything is fine. We've got it totally under control." Then, of course, we find out that, no, actually, the government of Alberta has asked the federal government and the Red Cross to start giving us hospital tents and emergency hospital capacity; just to be clear, the only province that has asked for it. But everything is okay, and there's no trauma to be seen anywhere in our health care system, yet, strangely, what we're going to do is make sure that these very front-line health care providers are going to be prevented

from getting access to the supports that they might need as a result of this.

I sure hope that I don't hear a single person over there talking about how folks need to take care of their mental health, and thank you so much to our front-line health care heroes and we support you in your need to have your mental health cared for, because what you are doing in this legislation is that you're making sure that they don't get help for their mental health. Got that? You're clear? You're doing that. You're saying to nurses, to doctors, to health care aides: no workers' compensation assistance for mental health problems arising from what is going on right now. Okay? You're all clear on that. Anyway, that's another one.

Now, let's just talk a little bit about what happens when things go wrong in the WCB system and people are not treated fairly after all the things that we've just discussed. One of the things that the WCB review panel put together – we had a large panel that spent about a year reviewing the workers' compensation system, and they came up with a series of recommendations, not all of which I actually agreed with, to be honest, but nonetheless, we listened and we implemented the vast majority of the recommendations, and one of them, which certainly wasn't my idea, was this idea of a Fair Practices office.

What it was intended to do was essentially be external to the organization but effectively work as an ombudsman office, so it was different than the individual worker's appeal. Rather, what it was was an attempt to mitigate the bureaucratic abuse of power that exists within the workers' compensation system, because after a year of review these guys came to the conclusion that there is a crazy-making level of abuse of process within this system.

You know, everyone here is aware of the number of times we've seen people basically lose it in a very inappropriate and also dangerous way in the parking lot of the workers' compensation system because in part they are at their wits' end in terms of trying to navigate a system where the rules no longer exist. It's Orwellian at best.

I can give you examples of it, like the classic one I used to see when I practised was, you know, they would make a decision about whether someone was eligible for benefits. It would be an irrational decision. We would appeal it. We would go, ultimately, to the external appeal body, the Appeals Commission. We would present it to them. The Appeals Commission would say: "Yep. You're right. That was a dumb decision. I'm sending it back. You guys need to make a different decision." And then you know what the WCB would do? They wouldn't make the decision. They'd just hold onto it. They wouldn't do it. They just wouldn't do it. They would wait out the worker. They wouldn't make the decision.

Or what they would do is they would ask for one new sentence of medical evidence, and they'd make a new decision except it was the same one. They would send that worker back through an eight to 18 month process to get an appeal again to get the workers' compensation Appeals Commission to order them to give this person benefits. They would intentionally wrap these workers up in this cycle of abuse. That's just one thing that I observed repeatedly.

That's not a question of: "Was there enough evidence? Is there an appeal or not an appeal, the way you would normally consider an appeal?" Mr. Speaker, this was a fundamental breach of natural justice. This was an abuse of bureaucratic authority, and it happened and was observed so much that it was necessary to create this Fair Practices office.

What does this piece of legislation do? Well, this piece of legislation removes the Fair Practices office and puts it internal to the Workers' Compensation Board, answerable to the Workers' Compensation Board, removing its independence and gutting its capacity to do its job. It also – I think we're down to one person, if

I'm not incorrect, that will be doing that job. I believe I understood – and I'm happy to be corrected by our labour critic, the Member for Edmonton-Mill Woods – that they who manage that office receive something like 300 complaints, and of those 300 complaints found a third, a hundred incidents of institutional bureaucratic unfairness. I highly doubt that that will continue if they are actually asked to weigh in on whether the people that they are employed by are acting fairly.

8:20

We also see a reduction in the amount of time that people have to appeal their decisions. Again, given the way in which the WCB plays around in making decisions, you could definitely – and the complexity of the matter, moving it from two years down to one, means that many people will not have the same opportunity to appeal. It's not clear why that's been done because, you know, it wasn't like there's been a massive explosion in appeals or anything. It just seems like a petty, attack-the-worker kind of move, quite honestly. But anyway, that's another thing that is going to undermine the rights of workers.

Now, another thing that's going on, just still in WCB, where workers are being treated unfairly, is that we are specifically introducing a provision where workers have the duty to co-operate. The employer no longer has the constitutionally Charter-protected obligation to accommodate. There's no longer a duty to accommodate in here, but the worker has a duty to co-operate. So going back to my 55-year-old nurse, she no longer has a right to say to WCB: "No, I'm not going to give up my 20-year job and my pension and my this and my that. I just want a job that allows me accommodations in my job so that I'm not required to lift patients anymore." Instead, she'll be told: "Uh-uh, uh-uh, honey. You're not co-operating. You get yourself out there, and you learn how to be a parking attendant, or you're going to lose everything." That is what we're going to see as a result of actually writing in this ridiculous duty to co-operate. It is a license for abuse. It is a license for abuse by the employer, and it is a license for abuse by the Workers' Compensation Board.

I have seen countless examples of where people who are permanently injured are told that they must accept one of two six-month retraining programs for a job that will ultimately pay about half of what they were earning. They're not given any choice, they're not given any agency, and they're not given the opportunity to retrain in any way that is meaningful. They must do what their caseworker at WCB demands that they do. The examples of abuse of that already were in place, and this injection of the duty to co-operate will make that even worse.

Again, why are we finding ways to attack workers, many of whom are the essential workers and front-line health care workers that we are all, allegedly, in support of and celebrating when the cameras are on?

I note that we are also looking at changes to the accident fund, and it appears that the rules around the accident fund, where there is a so-called surplus, suggest that there's less discretion on the part of the Workers' Compensation Board – I could be wrong on this, but this is what I believe I'm seeing here, so I'm happy to have the minister tell me that's incorrect – but that there is greater pressure embedded in the change for so-called surpluses to be returned to employers as opposed to investing in other mechanisms that might ultimately, for instance, ensure greater levels of training, greater levels of support and training for, say, helping employers learn the constitutionally obligated duty to accommodate, just as a, you know: how about that?

Again, let's be clear, Alberta as it is has been so successful at limiting the amount of compensation that injured workers get for

years, notwithstanding the fact that we have more injuries and more disability than pretty much any other province in the country, employers were actually paying half the national average into workers' compensation. Members over there will go: "Oh, look at us. It's the Alberta advantage. Yay. Isn't that a good thing?" But what it actually means is that we are incredibly, unfairly shortchanging workers who are more likely to have been injured.

I just need to remind folks that, you know, it used to be the case that the former ministers of labour would say: "Oh, look at these WCB stats. There are hardly any lost claims. You know, we're the safest. We're the safest in the world." Of course, the problem was that those stats were defined by whether people were accepted or not accepted as having a legitimate workers' compensation claim. So they could be gamed quite dramatically. The way you actually could tell how safe Alberta was and how many people were being injured and how dangerous our workplaces were was to look at the fatalities. You can't game a fatality. That stat sticks. We for many years had the highest number of fatalities per capita in the country. It was very clear that we were the most dangerous place to work. The workers' compensation statistics that suggested, "Oh, no. Hardly anybody is getting injured," was a result of us simply systematically rejecting WCB claims at a rate significantly greater than anywhere else in the country, and that is why employers paid lower premiums.

My concern is that these new rules around the accident fund are going back to this idea that the goal is to give money back to employers rather than even, for instance, contributing to a jointly run health and safety program that would give employers the tools to improve safety standards at the workplace, to use the money to actually help them to increase safety for their employees.

When I lived in B.C., there was, in the health care industry, a joint employer and worker fund that was created out of the workers' compensation fund in general to do things like research repetitive strain injuries to pay for more lifts and things like that, to reduce musculoskeletal injuries in the hospital sector, to provide more research around replacements to toxic chemicals that were creating respiratory problems. Anyways, it was a fund that was a few million dollars. Well, it was a bit more than a few million dollars. But in any event, what it allowed for was foundational changes to reduce the rate of injury in the workplace. That's what that money was used for.

It's not clear to me that these changes would allow for any surplus that might arise to be used for a jointly beneficial outcome like that. Quite frankly, if you reduce injuries, you reduce lost time hours. You also increase efficiency in that workplace. You increase output. Correspondingly, you don't have lives destroyed by permanent injuries that undermine people's quality of life and the lives of their families.

Now, moving on, I want to talk just briefly about some of the changes that we also see being made to health and safety. This is the other side of it. I probably should have started with this because health and safety is how you prevent accidents; workers' compensation is how you try to compensate people for when they have unfortunately been the victim of accidents in their workplace. Nonetheless, we're at health and safety now.

As I said before, we were, at one point, a province that didn't even have mandatory health and safety committees in workplaces with more than 20 people. If you go back a bit, again, advocates for workers' health and safety, going back again to the coal mines, going back to, you know, the recommendations that came out of the Westray explosion, any kind of very serious health and safety tragedy where people were killed while at work, the multiple injuries from violence that we see – I mean, you know, of course we see police officers periodically having very tragic, tragic

outcomes when they are killed in the line of duty. We also see public servants with tragic outcomes when they are killed in the line of duty. I participated in the investigation of a death of a social worker. It was right after I got out of law school. I know that you can have very, very, serious injuries in a broad range of ways. The point is that no matter what happens, no matter the nature of the tragic death or injury, when you look at how to prevent them, it comes down to three things: the right to know, the right to participate, the right to refuse. What's happening here is that this government is undercutting all three of those fundamental rights that workers need to stay safe, healthy, uninjured, and alive in their workplace.

8:30

This legislation purports to move forward and undermine in several different places the degree to which the employer is compelled to advise their workers about unsafe circumstances in the workplace. Now, I know folks over there like to go: "Oh, that's red tape. It makes things really hard if I have to tell people that it's dangerous. I don't want to do that. That's red tape. Let's cut red tape." Well, that red tape keeps people alive. Why it is that we would make decisions to reduce the ability of working people to know what safety challenges are in front of them before they go into a workplace: again, I can't understand it. I'm missing what's going on here. To me, no employer should feel that they've done their job if their employees are getting injured, if their employees are getting sick, if their employees are dying.

One way to make sure that that doesn't happen is that employees know about the hazards to which they are exposed. There are a variety of ways in which that comes into play. Whether you're dealing with chemical issues, whether you're dealing with equipment that hasn't been maintained or has been serviced by someone new with new instructions for how to keep it working, whether you're dealing with social workers going into homes of people without knowing the risks that exist within that home and the possibility of violence, whether you've got a nurse walking into a hospital room without knowing the level of infectiousness of whatever condition it is that that patient is dealing with, whether you're dealing with any kind of health care or social service worker dealing with a client or a patient who has a history of violent behaviour, these are all things that workers should know when they go into work, these are all things that the employer must be obliged to tell them, and these are all things that are being undermined by changes in this legislation.

The other critical right is the right to participate, and that's through workplace health and safety committees. What I see happening here are two things: the obligation to have these committees is being limited considerably throughout the different workplaces, the obligation for those committees to have equal representation is being eliminated, and the right of workers to select who is on the committee, speaking on it and standing up for workers, has been eliminated. Effectively, you still have a thing called a safety committee, but it's not really a safety committee anymore because you have eliminated the right of workers to participate and to choose who will be their voice on that committee. So it's not the same anymore. It's window dressing.

Yet health and safety experts, people who have examined horrific accidents in the past, consistently recommend that this is a critical way to increase safety in the workplace. Nobody knows about what is dangerous to some degree. The employer will know about the kinds of examples that I just talked about in some cases. There are new toxic materials: "I know what toxic materials I ordered. The employee does not." Sometimes the employer won't know what's behind a door. Is that patient inclined to violence? That house where

you're doing a family visit: does it consist of a family where there's domestic abuse and a history of the use of weapons? The employer won't know that, nor will the worker.

Sometimes there will be situations where the worker actually knows what's unsafe and the employer does not. The worker will say: "No, actually, you know, you can't push that trolley that way because the two front wheels have been broken for the last seven days, and it doesn't work. We can't actually move the medicine from point A to point B the way you're suggesting because it doesn't work." Or: "We can't move the chicken legs from this room in the packing plant to that room in the packing plant because the trolley that you think works doesn't work." Many times the workers will actually know more.

But, thanks to this legislation, the plan is to ensure that workers cannot select who is on that committee. They cannot be the ones to tell their committee rep what's safe and unsafe. Instead, they will have to speak to, probably, their boss, and for anyone over there who wants to suggest that, you know, a packing plant worker feels super comfortable going and talking to their boss about what is safe and what is not safe, you're living in a fantasyland if you actually think that everyone has an equal voice. You are intentionally turning a blind eye to the fact that insisting on removing that right to equality of representation in these committees will in effect quiet or silence the voice of workers who would otherwise identify the way in which their job puts them or their colleagues in danger.

The other thing that is happening with this change in the legislation is that we are fundamentally undermining the right to refuse. The right to refuse: you know, like, it's the last bastion. It's the last way that workers can keep themselves safe. It's a really underutilized right as it is. Why? Workers are scared to use it. They're intimidated. It's rare that they use it, but it is so fundamentally important that it be there and that all the ways in which intimidation can be used to discourage them from using their right to refuse are eliminated so that they can actually use their right to refuse. You know why? Because if they don't use their right to refuse, they may die.

That is something that should be untouchable, yet these guys are going after even that. How are they doing it? Well, they're narrowing the scope of what people can refuse, what amounts to unsafe work. That means that, you know, they might say, "I want to exercise my right to refuse unsafe work." "Well, no, they've changed the definition, and this doesn't amount to that, and blah, blah, blah, blah, blah." So that's the first thing.

The second thing. When somebody does refuse to do unsafe work, what we had said was, you know, that the employer has to tell the next worker that they ask to do it that that has happened. It circles right back to that whole right-to-know thing. But you're purporting to eliminate that as well. So that worker will not have the benefit of having their colleagues understand that. "Well, yes, I know this work process. I know this to be unsafe." "Okay. Fine. Don't do it." Then you bring in a junior employee who doesn't know it well enough, and they're not told. And that happens. That happens all the time. Again, the answer should be for the employer to fix the unsafe situation. But this gives them an opportunity to just keep doing the work unsafely. I just don't know why you'd want to do that. I just don't know why you want workers to be more unsafe.

I think there are other ways in which the right to refuse is undermined. I think we've also ensured that certain types of employees may have their right to refuse further limited. And then when someone exercises their right to refuse, only the employer investigates it. It is no longer the case that the worker has a representative there to investigate it.

Now, in case you think I'm being some wacky, union, mind-controlled zombie who's just doing speaking points, let's talk about

a practical example of where stuff goes bad when that's the way it works. Let's talk about Cargill – okay; let's do that – a meat-packing plant with many employees who don't speak English. Almost all of their employees are vulnerable employees. The employer has a horrendous record of a dangerous workplace. Employees are worried about going into a packing plant with an outbreak of a deadly virus, and what happens? Who does the investigation? The employer. The employer walks through the plant with their own camera, and they show the public health officials: "Oh, look, it's so safe in here. There's so much space between people. There's no way anybody could catch a virus. It's just great." Was the worker rep involved in that little camera walk? No. Someone the employer picked was but not the worker rep.

8:40

What happened? Two thousand infections. Two people died. Biggest outbreak in North America. Why did that happen? Because of exactly the practices that this government is rewriting into this health and safety legislation and ensuring are replicated in work site after work site after work site across this province. You fundamentally don't get that workers have to have a right to keep themselves safe, and you are doing everything you can to undermine that, going against every expert opinion. What you will get is more Cargills.

I just can't believe how cruel and short-sighted and cavalier and mean-spirited this collection of changes is to the real-life working experience of people like those who go to work every day because they don't have the privilege of doing the kinds of jobs that we do, who don't have the privilege of working from home over Zoom, who go to work every day in grocery stores, in meat-packing plants, in continuing care centres, many of whom, by the way, live in northeast Calgary, many of whom desperately deserve an apology from this Premier, all of whom also deserve to stay safe at the workplaces that they do go to. This government is attacking those rights, attacking their basic ability to keep themselves safe.

These are not egregious, off-the-charts rights that are built into this legislation. This legislation brought Alberta up to the national standard. That's all. That's all. And now it drags Alberta back to about 1978. To be clear, in 2015 we were behind the rest of the country when it came to keeping workers safe. We had the highest per capita number of fatalities. We had no protection for farm workers. We had no right to health and safety committees in workplaces, joint work site health and safety committees, where workers had a right to participate. We didn't have that in 2015. There are elements of this legislation that take us back to the '70s.

We have just seen what it looks like when workers who are vulnerable do not have the capacity, the legal right to protect themselves. We are seeing it all across this province and at the very time that the salience of this issue, the importance of this issue is being demonstrated day in and day out, the consequence to families and loved ones of people getting sick as a result of a virus spread at their work. When we are seeing that each and every day, this government is choosing to move on a broad series of changes that will undermine people's safety and ability to keep themselves safe at work.

Honestly, of all the times – you know, Mr. Speaker, I understand we're ideologically different. We're on different ends of the spectrum. We have different views on whether working people should have more rights, fewer rights, all those kinds of things. But now, in the middle of a pandemic, we bring in a broad-ranging set of changes that will make people more unsafe in their workplace, and then pay them significantly less if they are so unlucky as to become ill or injured or, heaven forbid, to die in their workplace. Now is the time you bring this in? It's like you haven't been

watching what's been going on. It's like you haven't been talking to people. I can't imagine the workers that have come to you to say: "Oh, you know, it's really irritating to me when my employer says: 'I'd rather you not do that because it's unsafe.'" I can't imagine that you're hearing from a flood of workers, complaining about safety in their workplace.

For all those reasons, I think that members in this House should vote in favour of our reasoned amendment. That would ensure that this bill goes no further because this bill is a bad bill, and it will hurt people. It will hurt lots of people, millions of working Albertans. This government should think twice, reverse course, and stand up for the actual safety of working Albertans. The very Albertans who are most vulnerable to injury in the workplace, who are most likely going to need the income that comes from workers' compensation, are the very Albertans who are essential, the very Albertans who are on the front lines, the very Albertans who are keeping us safe, and the very Albertans who are caring for our loved ones. Now is not the time to attack them through this piece of legislation. So I urge members to reconsider and to support our motion.

Thank you.

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

Seeing none, is there anyone else wishing to speak to amendment RA1? Seeing none, I am prepared to call the question.

[The voice vote indicated that the motion for amendment RA1 lost]

[Several members rose calling for a division. The division bell was rung at 8:47 p.m.]

[One minute having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Dach	Notley	Sabir
Eggen	Phillips	Schmidt
Feehan	Renaud	Sweet
Nielsen		

8:50

Against the motion:

Aheer	Guthrie	Neudorf
Amery	Horner	Nixon, Jason
Copping	Jones	Toews
Ellis	Kenney	Toor
Getson	Long	Turton
Glasgo	Lovely	Wilson
Goodridge		

Totals:	For – 10	Against – 19
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[Motion on amendment RA1 lost]

The Speaker: Hon. members, before the Assembly we have Bill 47 at second reading, Ensuring Safety and Cutting Red Tape Act, 2020. Is there anyone else wishing to speak to second reading?

Seeing none, I am prepared to call on the minister to close debate for second reading. The hon. the Minister of Labour and Immigration, should he choose to do so.

Mr. Copping: I'd like to close debate, Mr. Speaker.

[The voice vote indicated that the motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 8:53 p.m.]

[One minute having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Aheer	Goodridge	Neudorf
Amery	Guthrie	Nixon, Jason
Copping	Horner	Toews
Ellis	Jones	Toor
Fir	Kenney	Turton
Getson	Long	Wilson
Glasgo	Lovely	

Against the motion:

Dach	Notley	Sabir
Eggen	Phillips	Schmidt
Feehan	Renaud	Sweet
Nielsen		

Totals:	For – 20	Against – 10
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[Motion carried; Bill 47 read a second time]

Government Bills and Orders Committee of the Whole

[Mr. Milliken in the chair]

The Deputy Chair: Thank you, everybody. I would like to call the committee to order.

Bill 43 Financing Alberta's Strategic Transportation Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered at this time? I see the hon. Member for Lethbridge-West has risen.

Ms Phillips: Thank you, Mr. Chair. I am rising to speak during the Committee of the Whole stage to Bill 43, an act that defines what type of highway infrastructure can be tolled and the conditions under which a toll may be applied. Let me start by stating that there may in fact be a case in a different scenario, in a different political context, with different people guiding the affairs of Executive Council, there may be a case for an extraordinary measure to be taken in one far northwest corner of the province in order to shorten transportation times for some select types, in particular, of commercial traffic. When a specific proposal comes forward, it is incumbent upon a government – when the target of the policy is clearly defined, there are specific boundaries and collars around the policy, and the measure is clearly communicated to citizens, we can all move forward into a world of pragmatism where we say: okay; it is possible in the context of 300 vehicles per day, as we were advised by the Minister of Transportation, which is a comparably small number, I'm advised, that a \$200 million expenditure, for the benefit of a small-ish number of users, many of them commercial, according to the Minister of Transportation, is not – the extent of that public expenditure is potentially not entirely justifiable in the public interest; therefore, one might, as Executive Council, as the Assembly want to consider another funding mechanism, even though we know that tolling highways is certainly not the way that we have financed highway infrastructure as a rule even across Canada but specifically in Alberta at all.

9:00

There may be, in particular, given the interventions of Mackenzie county – and if there is truly no other way and we've had a good-faith conversation about that and we are assured that the government has explored all options, one might imagine that a limited proposal might meet the standard of reasonable. This may be an approach that a reasonable majority government operating in a good-faith democratic conversation with its citizens may undertake, and in this context the Official Opposition may offer some reasonable amendments and discussion of the relative merits of introducing this level of infrastructure privatization, new mechanisms of revenue to the Crown.

We as the Official Opposition may introduce ways to better collar the legislation to protect people, and we would in this context likely come out, in fact, with a better legislative product at the end of the day regardless of whether the Official Opposition ultimately voted for the legislation or against. This is the normal course of events in the context of a Westminster system, where there are appropriate ways for people to examine the proposals of Executive Council for all elected to ensure that the public interest has been upheld, to reflect opposing points of view, and for folks to ultimately use the institutions provided to us to at least try to reflect the wishes of the broader electorate. That is not, Mr. Chair, what can happen here, and it has nothing to do with the opposition; it has everything to do with the nature of the legislation that has been proposed and, I would argue, the character of this government. Ultimately, it comes down to their character because what is offered in this toll road legislation is diametrically opposed to every representation that the UCP made to the electorate in March and April of 2019.

When one says categorically, without equivocation, "I will not do a thing," and then promptly turns around and categorically states, "I am doing, in fact, that thing, and I will be doing it in a way that is even more pronounced and egregious" than, you know, folks even thought was possible when the conversation was first broached, well, we have a fundamental problem of character here, Mr. Chair. When that conversation involves a massive infusion of cash for projects that were committed to previously as public-interest projects, effectively holding communities hostage to a new toll arrangement, then we have a further series of problems. I would argue the government is setting itself up for a series of political problems for themselves, maybe in fact a bridge too far, if you will.

The toll road bill: this one is enabling legislation for a brand new source of revenue to the Crown. This is a broad legal structure to raise revenue – that is to say, to tax – for public infrastructure. If one can drive on it with wheels, it can be tolled, according to these definitions.

It applies to new infrastructure, but this, too, is very sneakily defined, Mr. Chair. The application of a new lane to an existing highway qualifies as new infrastructure. The broadening of a project to allow for capacity or safety such as fixing on- and off-ramps qualifies as tollable infrastructure. These are the definitions in the act. Expanded highway infrastructure under section 1(c) of this act means "highway infrastructure that is reconfigured to increase capacity, including by adding lanes or strengthening or widening a bridge."

We arrive at particular infrastructure proposals for particular communities, the stated intention of this bill in the first place, to address a particular infrastructure problem in the far northwest of the province, but that's not what this does. This allows the government to address infrastructure problems for all 4 million people in every corner of the province, everywhere.

We do have particular infrastructure problems that all hon. members can cite from their particular geographic constituencies.

We have one in Lethbridge. I have spoken of it on occasion in this place. The highway 3 bridge over the Oldman River was given an investment to refurbish and strengthen it in – it was part of the capital plan initially. This work was undertaken over the 2016 to sort of '18 period. It was a large period to ensure the safety of that 60-year-old bridge.

Why do that? Well, it takes a good amount of time to design, procure, build a bridge: engineering, labour, Water Act approvals, weather, flood risks. All of these things mean that design and front-end engineering of a bridge project is quite a process. It's a big project, and it costs a lot of money. This one, for example, is \$100 million. The approach recommended and followed by us, recommended by the professional civil service, was to fix the bridge first, make sure no one falls into the river, and then get a new one into the capital plan once that work was done and the correct costing could be undertaken. That was the series of events. We followed that process, Mr. Chair, to make sure that the right sequencing and the right costs, all of it, were known to all involved.

We announced that that bridge would be in the capital plan in and around February or March 2019. Then the UCP leader came to Lethbridge in March of 2019, spoke at a rally, and told the media in the ensuing Q and A that he in fact would uphold the commitment to the bridge. People voted on that basis. A few other promises, too, you know they voted on such as upholding the health care system and not allowing it to collapse and a commitment to creating jobs, not overseeing the worst performing economy and job market in Canada. Those promises were also made, but that is an aside. This was a commitment to a bridge, and that's what concerns us now with Bill 43. But the government reversed that commitment at its first available convenience.

So now here we are. Given the duplicity with which the governing party has approached this particular issue, committing first in no uncertain terms to no tolls, providing such a broad definition of tollable infrastructure that it could conceivably be applied to a highway that is resurfaced and shoulders expanded, Mr. Chair, and refusing, at least so far, to signal that they are open to any amendment that might collar their stated attempt to provide a solution for people in the smallish community of Mackenzie county, the people of Lethbridge can only conclude that they will be held hostage to a toll if they want the highway 3 bridge brought up to the required safety and capacity standards that will mirror the needs and the economy in southern Alberta after 60 years.

The other reason why the people of Lethbridge may come to such a reasonable conclusion is that the Minister of Finance outright rejected the idea that it would not be tolled when I put it to him as a question just two days ago. Now, folks may be paying a significant new tax if they want a bridge that is safe and has more lanes. If this is not the case and will never be the case, then the governing party could right now – the government could commit to that. Executive Council could undertake a letter. They could write to city council. They could say it in those words, that any new lane, any safety upgrades on highway 3 will not be subjected to a toll. They could also simply amend their legislation to collar it to the specific issue at hand at Mackenzie county if that is in fact a good-faith assertion on their part.

There is a final reason why the people of Lethbridge may arrive at the conclusion that they will be paying an exorbitant and unnecessary new tax for a bridge that runs directly through their city and is the main thoroughfare. People don't trust the claims of this government anymore. I go back, indeed, to my opening remarks, when I sketched this alternate universe where democratic norms are respected and where the guardrails of political conduct remain in place. That world does not exist in Alberta right now. The government has shredded every norm, every usual expectation of

levelling with the public, and every usual process. The public is noticing. One can see this in the dismal popularity. One can see this in the abysmal approval ratings of the COVID response and the economic management. One can see it in the mounting frustration that is walking through our constituency doors virtually, via e-mail, that is surfacing itself on social media postings, that is contained, Mr. Chair, when I talk to constituents on the phone or via Zoom. One can see it in the level of engagement of Albertans who have noticed this government's way of doing business, and they do not appreciate what they are seeing.

It is for those reasons that we will give the government a chance to actually return to a sense of normalcy around this bill. Ultimately, this will be, in my view, in many ways for their own good in the context of double-digit unemployment, skyrocketing property taxes, rising income taxes, and the threat of a new health care tax. Then pile on top of that a number of new road tolls, and this series of events can add up to political malpractice. Our amendments are offered to the government, in the context of these toll roads, in the spirit partly of saving them from themselves. My concern is more that the pocketbook of working people, Mr. Chair, will remain my focus, but if we can also perform the dual public interest function of disabusing the governing party of their hubris, then I guess that's a happy side effect.

9:10

So I will conclude my remarks by indicating, Mr. Chair, that we will be offering a number of good-faith amendments on this piece of legislation because we care about building infrastructure that works for everyone in this province, that facilitates all kinds of activity: private, individual, commercial. Ultimately, if the government would like to place an appropriate collar on this legislation in order to make it specifically speak to the infrastructure need that they purport that it is designed for, then I think at that point the Official Opposition would have to potentially reconsider our approach to this bill. It does not appear that that is a course of action that will be chosen by the government, and that is lamentable. I know that this will not be well received by the people that I represent or indeed many of the people that are represented by the members across the way.

Having said that, I will leave the government with the offer of reasonable co-operation because we remain committed to a good-faith engagement and democratic conversation regardless of what may be happening across the way and what the people of Alberta are increasingly noticing.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

Are there any members looking to join? I see the hon. Member for Edmonton-North West has risen.

Mr. Eggen: Well, thank you, Mr. Chair. I just have a few brief comments in regard to Bill 43, Financing Alberta's Strategic Transportation Act. Again, this is something that I've come to learn over the last number of days, really. We have two things happening in this bill. We have the concerns of Mackenzie county and La C ete area around a specific structure that people are anxious to have built, but then you have the UCP government combining this notion to a more general approach to infrastructure building here in the province of Alberta. So while I might, you know, be interested in the necessity of this bridge as part of the regional development for Mackenzie county, this notion that we would attach it somehow to further builds in the future for any number of infrastructure projects I find to be deeply, deeply troubling.

One of the things that we know – I've heard this government say it as well – is that it's good to build for the future. It's good to

anticipate for the sake of economic diversity, for building the economy and so forth, to build the infrastructure that can support that growth in the future that we all want and need in this province. So somehow to be politically manipulating that notion by putting in the possibility of people having to have tolls on the roads that they drive on, tolls on the bridges that they pass over, tolls on other critical infrastructure that we all need, not just to transport and to move from place to place but to help build the economy of this province: I find that to be very confusing, disingenuous, and it goes against, I think, common sense of what the vast majority of Albertans want and need, especially during this time.

This whole idea that, "Okay. We need this bridge. We need a road. Do the roads need to be improved or expanded?" suddenly moves to monetizing that and putting a toll on that I think is not just bad practice, but it's very poor politics and a very poor judge of what Albertans want and need at this time and in the future as well.

What about a road like highway 2, for example? We all use it during normal times quite a lot. It's one of the busiest roads in Canada and certainly the busiest road in Alberta. This idea that you move from a public necessity to having perhaps an addition or additional lanes on it that people have to pay to drive on – right? – goes against the very principles by which we have built this province over the last hundred and some years. The idea that somehow different counties would have to compete and say, "Okay; we'll take the toll bridge over this other one," and then somehow competing against another jurisdiction that might need a bridge, so changing the conditions or the presumption about building this thing based on this notion of tolls, again, cheapens the whole thing. It also somehow pulls away from the sense of community in building something together for the sake of the common good here in the province. We can differ with ideology around different aspects of how we move forward in this province, but, I mean, this whole idea of boiling it down to toll roads and toll bridges: I don't think it washes. I really don't.

You know, I've seen other jurisdictions in Canada and around the world with toll roads and so forth. You know, it creates, again, a gap between people who have money and people who don't have money. It creates a gap between convenience and safety and somehow monetizing that on a user-paying basis. Again, we don't need that kind of thing here in this province. The notion that the good people in Mackenzie county, somehow talking about their bridge and then attaching it to this larger notion around tolls and so forth here in the province: again, that's widely unfair.

As we've said before, the hon. Member for Lethbridge-West and others in our caucus, if we can perhaps boil off or take that piece away about generalized toll bridges and infrastructure projects in general in the future, I think that would go a long way to making this bill more acceptable not just to this caucus, the Official Opposition, but to Albertans in general, too.

So we're offering that opportunity. We're offering that way by which we can, you know, build legislation that is practical, that makes sense, that actually addresses what the initial beginning of this bill was, which was talking about a bridge over the Peace River in Mackenzie county, and then take it away, remove it from this whole generalized notion of new infrastructure projects having to be built as toll projects.

I think it's reasonable, and I would suggest that all MLAs would consider voting for that. Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any members looking to join debate on Bill 43?

If not, I am prepared to ask the question. Are you ready for the question on Bill 43, Financing Alberta's Strategic Transportation Act?

[The remaining clauses of Bill 43 agreed to]

[Title and preamble agreed to]

The Deputy Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Deputy Chair: Any opposed, please say no. That is carried.
I see the hon. Government House Leader has risen.

Mr. Jason Nixon: Thank you, Mr. Chair. I move that we rise and report Bill 43.

[Motion carried]

[The Speaker in the chair]

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

Mr. Ellis: Thank you very much, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 41. Thank you, sir.

The Speaker: Hon. members. All those in favour of the report, please say aye.

Hon. Members: Aye.

The Speaker: All those opposed, please say no. In my opinion, the ayes have it. That motion is carried and so ordered.

9:20

Government Bills and Orders Third Reading

Bill 41 Insurance (Enhancing Driver Affordability and Care) Amendment Act, 2020

[Debate adjourned December 2: Ms Hoffman speaking]

The Speaker: Hon. members, is there anyone else that has a brief question or comment? The hon. Member for Edmonton-McClung has risen.

Mr. Dach: Thank you, Mr. Speaker. A pleasure to rise on Bill 41 and to add my commentary to the debate here this evening. I'm struck by the simplicity of the design of Bill 41 even though many components exist and some may call it complex. Underlying the bill is a very solid premise with two pillars. What it first of all shows is the power of the insurance lobby in this province. The outcome, of course, is a bill that was basically, many say, written by the insurance lobby. What it does, of course, is minimize the benefits to those making claims, those insured, those who supposedly are the customers of insurance companies, and it maximizes the profits for companies who provide that insurance.

"Who pays the price?" of course, is a question commonly asked when we're considering legislation, Mr. Speaker. Well, in this province, as in any other province, you just follow money, and it answers a lot of questions. Who are the customers who buy insurance in this province? Well, it's businesses. Businesses have to buy auto insurance. Individuals, private citizens need of course to pay for auto insurance. Then, of course, you have public vehicles, transit systems, school boards. School buses need to be insured. All sorts of public vehicles are having to bear the cost of vehicle insurance. Then, of course, there's a whole sector of other customers of insurance companies, and that would be the nonprofit sector, who also have to pay for auto insurance.

I know that as a result of the time lag that it took for the government to make changes and decisions where the cap was removed from the insurance rates, what happened was that we saw about an average of 24 per cent rise in insurance costs for all of these different sectors of customers for the insurance companies. Mr. Speaker, it makes one wonder: what's the quid pro quo? What's the payback for this one successful insurance lobby, this powerful lobby of insurance corporations, to have the ear of the government so that everybody else satisfies their desire to increase their profits? "What's the quid pro quo?" one wonders. What's the payback to the government? Well, I'll get to that in a moment.

But let's look individually at some of the costs that have to be borne by certain of these groups. One in particular I came across very quickly after this cap was removed was a woman who came forward to me at a nonprofit organization's function, which is an annual function that served youth. It's quite a significant organization that serves underprivileged youth with programming and activities and events in the community. They had an annual event where they would get together at a local hotel in two different servings, where families of low income would come and receive food and some small gifts. There was actually a performance and a play put on for them at what is now called the Orange Hub. It was well attended. It was an annual event that people looked forward to. Those on low incomes came to it.

Quite often this organization, Mr. Speaker, would also provide transportation to these low-income families to ensure that these children could get to this event. Well, the woman who was organizing this event, the head of their organization, was terribly upset because she had no idea how they were going to continue to provide transportation on the bus that they owned, that they bought, because the insurance costs were just through the roof. They had no ability to pay the increased insurance costs that they were facing as a result of the rate caps being removed. I know from her also that other nonprofit organizations who own their own bus were also in the same boat with being bewildered as to how they were going to actually keep that vehicle on the road because the insurance costs were prohibitive.

Also, many of the seniors' lodges, Mr. Speaker, have their own handibus, let's say. The insurance costs tipped them over the edge, and they were being forced to face the prospect of giving up that transportation, which was a vital instrument in providing for a better quality of life for the senior residents who were living in the residences that happened to be fortunate enough to have a small handibus that they used to be able to afford the insurance for.

Mr. Speaker, that's one element. The nonprofit organizations now, of course, are not going to be able to afford insurance and don't know how they're going to maintain transportation services that they've once offered. They've got vehicles sitting around that they can't use because they can't insure them. They don't have the budget to insure them as a result of the increased insurance costs that have been forced upon them by this government's changes in legislation as a result of responding to a very powerful insurance lobby in this province.

Now, minivans for youth groups are one thing, but school buses are another. We've had school boards very much clamouring to know why they've had to suffer the horrendously large insurance cost that this legislation has caused. It hurts so many individuals, so many businesses. It really is confusing to know why the government saw fit to suffer the complaints from such a wide range of Albertans, whether they'd be businesses, individuals, public organizations, major fleets of vehicles on the road, or nonprofit organizations, whether it be young people looking to get into the workforce and needing to insure a vehicle to get there. This wide range of individuals, corporations, organizations, nonprofits all

suffer huge increase in insurance costs, Mr. Speaker, because the insurance lobby had the ear of this government and basically got to write Bill 41 and maximize their profits by minimizing the benefits to those they purportedly serve with their suite of insurance products.

The UCP's handling of this whole auto insurance legislation has been a mess, and, as I mentioned, Albertans are paying the price. They've let profitable insurance companies take the pen on Bill 41 with new regulations and a report laying out the future for automobile insurance to help them profit even more, and everybody suffers as a result except for the insurance companies. According to the UCP's own report the industry has pocketed an additional \$820 million in premiums from hard-working Albertans this past year. Of course, now we're in the middle of a pandemic, so folks are going to have to fork out hard-earned dollars or dollars they don't have any longer to pay for insurance to just either keep their businesses afloat or keep the family vehicle insured so they can get to work if they are at a job that will require them to drive to work, to keep the small-business vehicle on the road, to allow the community handibus to serve the public.

Albertans are paying skyrocketing premiums, an average of 24 per cent, Mr. Speaker, more for insurance. Led by the Premier's former chief of staff and UCP campaign director Nick Koolsbergen, the UCP let the insurance industry lobbyists control the future of insurance.

9:30

Now, once again, Mr. Speaker, it demonstrates very clearly the priorities of this UCP government. The \$4.7 billion gone towards already profitable corporations with the hope that they would somehow trickle down those profits to create jobs in this province: well, in fact, none of that happened. That money went out the door and out the window. Those corporations in turn paid their shareholders dividends or they reinvested it elsewhere, but it certainly didn't result in jobs or benefit to private citizens or regular Albertans in the province or businesses in this province.

Once again we see another example of a very false argument that the insurance changes that are contemplated in Bill 41 are somehow going to be to the benefit of Albertans. What they do, though, Mr. Speaker, is raise the cost of insurance for everybody, and the only beneficiaries are the insurance companies that wrote the legislation, for all intents and purposes, in the past. A number of different things, not only with respect to corporate rates, have been implemented through this legislation, things that continually shrink the benefits to the insured while managing to expand the profits of the insurance corporations.

Many of us who have dealt with insurance companies over time know that their goal is to minimize their payouts and increase their profits to their shareholders whereas one would hope that the underlying goal is a little bit more humanitarian in that they hope to satisfy the compensation requirements of those who are making claims while at the same time knowing that they have to stay in business. But the balance is tilted with Bill 41, Mr. Speaker, very much in favour of the insurance companies.

Insurance companies will benefit from many different elements of this legislation. For example, lowering the prejudgment insurance rate for Albertans who have been in an accident will ensure that they get less. Decreasing the number of medical experts that can be used in a claim limits the ability of Albertans to bring forward the evidence they find necessary. It's like tying your hand behind your back, Mr. Speaker, by being told as a claimant – and you're trying to prove damages to yourself, your injury claim, and the legislation is hereby restricting the number of medical reports brought by experts that you can bring to the table to prove your

case. It is a debilitating measure that only serves to increase the likelihood that the claimant will lose their claim.

That in and of itself, Mr. Speaker, is another glaring example of this government bending to the will of the insurance lobby and yet again turning its back on citizens it serves, turning its back on businesses who they purport to be champions of, turning its back on the nonprofit entities that are their partners in serving the most vulnerable and lower income populations in the province, making sure that public interests that hold fleets of vehicles are ending up paying insurance premiums that will take away from the tax dollars that could otherwise be put to purposes that they have in their budgets but now are going to pay for higher insurance premiums to benefit a powerful insurance lobby.

Mr. Speaker, this legislation's changes to the direct compensation property damage element open the door to a no-fault insurance system. Any plan to bring in a no-fault system that includes health elements will take away the ability for injured Albertans to sue. That is exactly, of course, the intent of the legislation. It will give the insurance industry full control of the Automobile Insurance Rate Board through UCP hand-picked appointments.

The Speaker: Hon. members, Standing Order 29(2)(a) is available for a brief question or comment for the member. The hon. Member for Edmonton-Decore.

Mr. Nielsen: Thank you, Mr. Speaker. I appreciate the comments from the Member for Edmonton-McClung. He had made some references to some of the organizations that serve seniors in his area, some of the, you know, assisted living facilities that use a bus to get some of their seniors to different locations. But I'm also wondering if he's heard from any of his seniors just within the riding in general. I know during discussion I've brought up an example of some insurance rates that had gone up for one of my constituents, just as one simple example. I'm wondering if he might be able to touch on some of the feedback he's heard about that and what kind of rises in costs that may have resulted in their insurance rates going up.

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

Mr. Dach: Thank you, Mr. Speaker. I know that the member wanted me to talk about a specific element of the industry. I didn't quite get the wording of it. But I know that the general thrust of this legislation is to make sure that everybody pays for the desire of the insurance companies to be more profitable. Whether or not this was a necessity for the insurance companies to have these changes is, I guess, a matter for debate, but I posit that it was not. My position is that the insurance lobby managed to convince the government to make these changes even though it's going to hurt all of the aforementioned groups who are customers of these insurance companies. Basically, they got the government to allow them to rewrite the regulations and the rules so that the customers of these insurance companies will pay more. They'll have less opportunity to defend themselves in making their claims, either directly to the insurance companies or in the court system, by way of bringing fewer witnesses forward to support their claims. The nonprofit organizations that I spoke about and the whole raft of nonprofits who do have transportation equipment, vehicles that are insured, will certainly have a goodly portion of their budget eaten up by insurance costs, that otherwise would have gone to serve the communities, the vulnerable and low-income communities that they are designed to assist.

Mr. Speaker, the question, of course, is begged: what's the quid pro quo? Where's the payback down the road? I haven't gotten to

that yet, but I will. The only payback that you can see – because it's certainly not to the citizens of this province or the businesses of the province, to the public entities that own fleets of vehicles, to nonprofit organizations. All these individuals, all these groups, all these people who are customers of the insurance companies are going to be paying through the nose for insurance to increase the profits of insurance companies. So when asked, "Where will the government benefit?" well, I think that always is pretty clear when it comes to insurance companies, and that is the hope on the part of the government that some of that money will be channelled back to the party by way of donations, perhaps to third-party organizations during election campaigns or referendums or other political campaigns that this government is enabling funding to be made to by way of legislation.

That, Mr. Speaker, I think is what Albertans should be following, following the trail of the money that will be generated as higher profits for the insurance companies in the upcoming municipal elections, in the upcoming referendum that may be attached to municipal elections, and in the upcoming provincial election. This is the way that the government, I believe, is looking to change the rules of the game in terms of election financing, by loosening up funds that could be directed their way, by favourably allowing groups, powerful lobbies like insurance companies to profit more, and by way of a thank you, suggesting they pay it back that way.

9:40

The Speaker: Hon. members, are there others wishing to join the debate? The hon. Member for Lethbridge-West.

Ms Phillips: Thank you, Mr. Speaker. I rise to speak to second reading of this bill that proposes a number of changes to automobile insurance for Alberta drivers and their family members and folks who are injured as a result of a motor vehicle collision. There are many concerning changes proposed in this piece of legislation, and I think it's incumbent upon me to zero in on a couple that I find the most egregious and provide some comments and dispatch some of my duties to represent people who do not have the privilege of speaking directly to members of Executive Council and the government with respect to the feedback on these changes.

First of all, this bill, provides – I guess, signs over is in some ways a better way to put it – the Automobile Insurance Rate Board. It assigns them a number of powers that used to reside in the hands of the elected, the cabinet, and the minister. It then moves those powers around rate setting and so on. This is in sections 4 to 8 of the bill. It assigns those powers over to an unelected, an unaccountable Automobile Insurance Rate Board. Something of a gift, I suppose, to folks who can engage in more targeted and sustained lobbying, shielding the conversation around vehicle insurance from political scrutiny and ultimately accountability, and putting Albertans at the mercy of an opaque system rather than one that everyone has come to understand, which is that if you don't like the decisions of a government, you vote them out. In this case, people fundamentally do not like an average of a 24 per cent increase in their automobile insurance. This bill proposes to shield the minister, Executive Council from criticism on those decisions that they have taken.

Another piece that I think is really important to appreciate is the major changes that are made and limitations of one's legal right to a civil litigation process that is fair once one has been in a motor vehicle accident. For example, one that caught my eye was the limit to the number of expert medical reports that can be used in a claim. This is a limitation on the amount of evidence for what can be very complicated diagnoses, courses of treatment, and so on to make a case for a full assignment of liability to the insurance company in

the event of a motor vehicle accident. That is, after all, Mr. Speaker, why we pay premiums. That full right to be able to ensure that one gets exactly what one paid for under the policy has been limited by this legislation. This has a happy consequence for the insurance companies. Because insurers pay for medical reports and court costs, it will limit their final payout amounts. There are a number of other changes in this bill that will do exactly that as well. So here what we are doing is that we are limiting the ability of victims to introduce all the evidence they feel is necessary to make a claim, which will indirectly result in lower net payout amounts to victims as well. Now, with these changes – these are just two that I've pulled out of the bill, Mr. Speaker – one might ask, well, who benefits? Who benefits from shielding the government for accountability for allowing insurance rates for vehicles to go through the roof? Who benefits from limiting someone's ability to seek remedy through the civil litigation system for the full gamut of compensation for injuries sustained as a result of a motor vehicle collision? Who benefits from those changes?

Now, the minister has alleged that ultimately Albertans will benefit because they will have access to the magnanimity of the insurance companies actually providing insurance to us and that it is a very difficult burden for them. We need to make these changes. They are necessary in order to respond to some of the challenges that the motor vehicle insurance industry has faced. So it's important to litigate that claim a little bit, of relative poverty on the part of the insurance companies. We have heard in this Chamber about the levels of profits that they have experienced over the last year.

I also went and just idly looked up stock price. You know, I thought I would just go and have a look at one of the publicly traded companies that has quite a large market share here in Alberta, how they're doing these days. What does TSX think of what's going on with them? Intact Insurance: I mean, lo and behold, their Q3 was quite impressive. They are acquiring new companies. They're on an acquisition spree, in fact, a global acquisition spree. They, in fact, have experienced quite a healthy return for their shareholders, and they say, "We entered this crisis in a position of strength . . . Our balance sheet remains strong".

They go on to, you know, outline their relative position in the industry, their underwriting income, and their lines of business. Their personal auto premiums grew 8 per cent in the quarter, driven by robust new business and high retention levels. There was a mild effect of premium relief measures – we thank them for their largesse – but their combined ratio improved 8.5 points over last year. They have benefited from reduced driving and therefore lower claims frequency, benign weather conditions for their Canadian line of business. They have a number of acquisitions, as I mentioned, on the go actively, including RSA I noticed, which is a pretty big operator in the UK and Ireland and Canada. There was a quarterly dividend of 21 cents per share on their class A shares. All is well in the universe for our friends over at Intact Insurance.

So, you know, that's just one of the examples of an insurance company doing just fine – thank you – even within the more challenging business environment of COVID-19. No one, I think, that is an observer of this industry is seriously suggesting that the Minister of Finance has not heard some issues regarding how vehicle insurance is structured here in Alberta and some of the challenges from even the big guys. We understand that; we heard them too. But the point here is what one then does with that information, how one litigates those claims, and how one balances what was just told to a person by a self-interested lobbyist and the last person to talk in the minister's ear. It is the job of government to take that last lobbyist's fantastical claims and set them against the next one that comes through the door, what the constituents are

saying, what the professional civil service is saying, what the markets are doing, and so on. It is the job to balance the interests.

9:50

In fact, Allan Blakeney observed in *Political Management in Canada*, quite possibly the most boringly titled book in Canadian politics, that it is the job of the minister to reflect the people to the bureaucracy and the private sector, not the other way around. What we see here in this bill is an Executive Council that thinks that its job is to reflect the wishes of the private sector to the public. That is opposite of what needs to happen here.

I'll refer also to the first few pages of Eddie Goldenberg's book. He was Chrétien's chief of staff back in the day. You know, he was something of a bloody-minded political operative, and he recalls an anecdote where Chrétien had just come out of opposition into being the Prime Minister. Chrétien is saying about the opposition: "Oh well if we were in that position, we would have taken that particular position as well. That is a reasonable thing for the opposition to say." Actually, no. I have it backwards. He'd gone from being in government into opposition. Goldenberg was working with him. He said: "Oh, well, the government did that. That would be reasonable. We would have done the same." Goldenberg said to him back – and this was the quote that I remember, not the context. Clearly I got that mixed up. But the quote that I remember is: it is your job to force the government to prosecute the case.

It is not just reflective of the relationship between an opposition and a governing party. It also reflects the relationship between individual self-interests, who bring their case in a successive line of asks into the second and first floors of this building and up into the Carillon Room on the fifth floor. There are continual asks of ministers and Executive Council. The job is to reflect back the will of the people, and I am sorry, but no person has asked during a pandemic and an unprecedented economic crisis for a 24 per cent increase in their car insurance. They just didn't. There has to be another way. Those ways are not explored in this legislation. There is no provision for any kind of affordability mechanisms contained within this. Instead what we have is the sort of halfway between no-fault and the full tort system that benefits no one, particularly people who have been injured. It's possible that the government lost their courage in going the full way to no-fault, so they've provided these half-measures that limit people's ability to bring evidence in a civil proceeding.

I notice that the governing party is now sort of only lately enamoured with the Charter. While our section 7 rights, our legal rights, concern the bringing of evidence and so on and concern our rights within the criminal justice system, it is strange to me that the limitation of an ability to secure the security of the person, which is outlined in section 7 and is the whole point of ensuring being able to bring a broad range of evidence in a criminal proceeding, would be so clearly abrogated by this legislation. I mean, it kind of adds up given that section 7 is also the section under which women's reproductive freedoms was upheld in the 1988 Morgentaler decision. There's, you know, obviously a tortured relationship with that particular section of the Charter.

In this case what we have is a limitation of evidence in civil litigation. It's useful to go and just look up the definition of what evidence is. What you're doing with evidence is providing for the fairness of the trial process to prevent the unfair bolstering of one party's evidence. Well, that applies in this context, too, because what we are doing here is putting our thumb on the scale and unfairly bolstering one party's evidence, that is to say the insurance company, who does not want to pay out. That is why people have been limited in this legislation from bringing forward evidence that

may lead to a better payout for them as a result of a catastrophic injury.

With that, I will conclude my comments, and I look forward to the next stage of debate. Thank you, Mr. Speaker.

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

Seeing none, anybody else wishing to join in the debate? The hon. Member for St. Albert.

Ms Renaud: Thank you, Mr. Speaker. It's my pleasure to rise and join debate on Bill 41, Insurance Amendment Act, 2020. It's actually Insurance (Enhancing Driver Affordability and Care) Amendment Act, 2020. The reason that I'm just sort of stuck on the title is, you know, we've been going through a number of pieces of legislation, and it's almost as if the titles get stranger and stranger as we go. It's almost like upside-down world. If you're looking for a quick snapshot and what it doesn't do, just check out the title.

In any event I'm going to add some of my comments to my colleague. As she was chatting, just reminding, you know, talking about the lobbyist role of the government and who you're listening to, I just opened the link, of course, again to office of the Ethics Commissioner and just had a look through Alberta's lobbyist registry. Just a quick reminder for any of the six or seven people watching at home that anybody can search this registry. It's quite easy. You can just log on. This is really good for anyone wanting to know who's got government's ear.

If you actually look back at some of the different things that have happened over the last year and go back and search the registry, it's kind of interesting. You can sort of see, I mean, that in the summer we saw — what was the name of the organization — there was a report prepared for the Finance Minister about some of the potential savings that industry was projecting were some of these changes made, and they had some of their projections with all of their qualifiers, but what it did is give you a sense of what time of the year some of these discussions were happening.

If you go back and look at the lobbyist registry, you're going to learn a fair amount of what was going on in the summer and beyond, which is, you know, another point that I want to make. As this piece of legislation was being developed — now, keep in mind that this work was ongoing through the summer, likely, and the fall. I mean, I don't know for sure. I'm not involved in this work, but I think if you look at the registry, they were a busy bunch. What is quite interesting is that you have to think that at that time we were — it's not that we were free of the COVID challenges facing us. It was the summer and things looked, not better but they seemed to be a little bit stable. It felt like we had a little bit of breathing room, because we knew things were going to pick up in the fall, when the weather got colder and we all ended up going inside, all of the things that the experts were telling us. In the summer this was where the focus was. Have a look at the lobbyist registry, and you'll just see how busy friends and insiders were. I'm sure you'll recognize many names.

In any event Bill 41 — you know, I'm going to reiterate what probably every single one of my colleagues has said because it's just that important, and I just want to add my voice to it. After refusing — and it's important for people to know this, and this is something the UCP government has done and needs to own — to continue the 5 per cent rate cap on insurance premiums, which were brought in under the NDP government, the UCP has allowed auto insurance premiums to skyrocket. As my friend from Lethbridge-West said, it has increased 24 per cent. I don't know about the people that you consult with or people opposite consult or family members or your constituents, but I have not, like my friend from

Lethbridge-West, heard from one single constituent that said: hey, good job getting that legislation passed so that we can pay a little bit more on insurance premiums, because we have a little bit of disposable income now that we're collecting an emergency COVID benefit.

10:00

I have heard a lot of anxiety from my constituents, and it's not just about this. I mean, this is bad. It's not just about the increase to premiums, but it's everything else that has been just heaved and dumped onto Albertans, during a pandemic nonetheless. I keep saying that, but that is our reality right now. We've got tens of thousands of people out of work, some of which because we are just shedding jobs. We were shedding jobs before COVID. People have lost jobs now as a result of the pandemic. People are struggling. They're also struggling with all of the additional fees that have been ushered in under this UCP government, which include things like school fees. You know, it might not be much to somebody who is earning a good wage as an MLA, but it is very much a big deal for families. It is very much a big deal for the average Albertan. That goes to tell you, gives you a frame of reference on how tough it is to swallow a 24 per cent increase in a bill like insurance.

I want to talk a little bit about some of the sections. I mean, we know some of the main changes that are being made in this legislation. There are four major changes to insurance made through this legislation. The first thing, as has been noted, is that it limits the number of expert medical reports that can be used in a claim. You know, we've heard about what the potential risk is of doing that, and I might add that the risk is not to the insurer, the insurance company; it is to the Albertan.

The second one is changes to the direct compensation for property damage. Damages for an individual are done through their own insurer. You know, I can't necessarily think of any concerns about this particular piece right now — it looks like just timing — but again we'll have to see.

The third thing is modifications to prejudgment interest so that interest only begins to be accumulated when a claim is filed, and the interest rate drops to 1.5 per cent from 4.

The fourth thing is that it changes the Automobile Insurance Rate Board and gives them powers that cabinet, the minister, and the superintendent of insurance had.

I think it was really important what my colleague said earlier, that it really does remove the power. It's less about power, but it's really about responsibility, the responsibility of decision-making. It removes it from people that are elected or sent here to represent tens of thousands of people, and it puts it in the hands of this particular board. In this case, it's the Automobile Insurance Rate Board.

Consequently, this website was where I found the report to the Finance minister talking about the potential savings. I mean, I would have to go back and read through the entire report, but it seems like a lot of people have been nudged out. The focus is very narrow. It's about: "What do you think? What do you want? Hey, lobbyists, what do you think? What do you want?" I have not seen anywhere where I've looked: why is this legislation being introduced? Why is this a priority? Why is this a priority for Albertans? And I have not seen anywhere, other than that they're projecting that there might be a slight cost savings for Albertans down the road — of course, they don't mention the other side, the increasing risk or cost to Albertans who are negatively impacted by these changes. It is so narrow in focus that it is alarming to me, actually, Mr. Speaker.

Again, it goes back to my initial comments about the titles of their bills. It's like this really weird shell game, you know: it's over here; it's over here. They're saying: we're doing this for Albertans. You

look for it. You really look for the pieces that say: “This is going to make life better for Albertans. This is going to enhance their well-being. This is going to enhance their financial well-being and their future.” But it doesn’t. For the most part, this is about taking away from Albertans. This is about giving lobbyists a larger voice. This is about expanding profit margins as opposed to expanding the wellness of Albertans or creating legislation that actually aims to make life better for Albertans. This is just another piece of legislation that has a title that is too big for its britches and actually doesn’t really reflect what this legislation does.

One of the things that I was particularly concerned about was around the minor injury regulation. This is done supplementary to the bill through regulation, and the UCP has expanded the definition of minor injury. This caps the amount someone can receive at \$5,296. What we do know is that the insurance industry has been lobbying for concussions to be categorized as a minor injury. Public servants acknowledge that. The technical briefing: this has been noted a number of times in this place. They note that some concussions will be categorized as a minor injury.

Of course, every injury is different and should not be treated the same. I think we all understand that. But I think that to make that broad, sweeping statement is incredibly dangerous. You know, even in the last decade we have learned a great deal about concussions. I think one of the things that the sporting world has done has really been to shine a light on the dangers of concussion, particularly repeated concussions, and they’ve done a really good job. I think this is an injury which very often turns into a lifelong disability that a lot of people aren’t aware of, and they aren’t even aware of the implications of it.

The last time I spoke to this legislation, I reminded members opposite that there are a number of organizations right around Alberta, from north to south, in big cities or smaller communities, that are specific organizations that work with people who are brain injury survivors, and that includes people that have sustained concussions. I think, you know, I encouraged the members then to go speak to them. Instead of just listening to the same voices, which are from profitable corporations or from industry or lobbyists, go speak to the front-line workers. Go talk to them about what life is like for people who they support who have brain injuries, some of which are concussions or multiple concussions. Go talk to them about the costs that are incurred after injuries like that. Then think about, once you’ve done that work, actually consulting, consulting with people other than the normal people that you consult with.

Once you talk to them and you understand the implications of life after a concussion, then go back and justify this change around the minor injury regulation. Is it truly being done in the best interests of Albertans, in the best interests of your constituents? I don’t think you could answer that, that this was a positive change.

Now, I keep going back to the focus of legislation, and it’s because, you know, we’ve been debating some of these pieces for a while now, so I think that we’ve raised a lot of the concerns. I think this government has demonstrated time and again they are unwilling to ever – well, I shouldn’t say: ever; I think they did once – admit any errors or failings of any kind, unwilling to take advice to make any changes. They’ve just proven they’re unwilling to do that. We’ve laid out our concerns about this legislation. It seems to fall on deaf ears. Rarely do you get answers that aren’t pre-scripted and the same. But I keep going back to the very basic premise: what these pieces of legislation, for the most part, have in common is that they don’t seem to have been put together or built in the best interests of all Albertans. I don’t get that sense.

10:10

Certainly, do I look at legislation sometimes with a partisan eye? Absolutely I do, and I am looking for certain things. But, more than that, I am looking through the lens of the people that I represent, the vast majority of people that I represent, and I hear from them. What I hear from them is that they’re struggling. They’re really struggling. They’re struggling financially. I mean, they were before COVID. They’re struggling. So when I look at the legislation, what I find is that it falls short when you measure it against what is right for the people of Alberta. This is just one more example of that, that we are headed down a path that isn’t great for Albertans.

With this piece of legislation the way it is, I absolutely will not support it. With that, I will take my seat and allow my colleagues to add their comments.

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

Seeing none, are there others?

If there are none, I’m prepared to ask the hon. Minister of Finance and President of Treasury Board to close debate. The hon. minister.

Mr. Toews: Well, thank you, Mr. Speaker. It’s an honour to rise and close debate on Bill 41, Insurance (Enhancing Driver Affordability and Care) Amendment Act, 2020.

Mr. Speaker, I do want to make a couple of comments after listening to the debate tonight. I want to start by stating that the changes to the definition of the minor injury regulation are changes that are used in other provinces. In fact, it mirrors the definition that is used in other provinces. In fact, this definition will provide clarity. It will reduce disputes and reduce court time and reduce cost. Within the definition are only minor injuries. In fact, it exclusively removes any injuries that result in serious impairment. We’ve heard from the members opposite that there’s a concern that this expansion of the definition will involve lifelong injuries. That’s simply not the case.

Mr. Speaker, Bill 41 includes a whole host of measures that deal with the fundamental drivers that have been increasing costs in the automobile insurance industry and sector. These costs have been passed along to Alberta motorists. This government is taking a position to deal with those fundamental drivers that are pushing up costs, unlike the members opposite, who simply brought in a rate cap.

Mr. Speaker, I need to point this out one more time. This is economics 101 for all those listening and particularly for the members opposite. When you restrict pricing in a free-market economy, as costs go up, what happens? Suppliers pull out. That is what was happening in the automobile insurance industry in this province. If it continued, it would have resulted in fewer and fewer options for Alberta motorists, eventually collapsing the automobile insurance industry, and all the members opposite could do was talk about a rate cap. That is their only answer. It would result ultimately in the nationalization of the insurance industry, which would have been a Dumpster fire similar to what B.C. is experiencing, adequately described by the B.C. Auditor General as a Dumpster fire with ICBC.

Mr. Speaker, Bill 41, again, brings a series of measures that deal with the underlying pressures that are pushing up costs in our automobile insurance industry. I am pleased to close debate on Bill 41, and I ask every member in this Legislature to support it.

[Motion carried; Bill 41 read a third time]

Government Motions

COVID-19 Pandemic and Albertans

42. Mr. Jason Nixon moved:
Be it resolved that the Legislative Assembly commend the tremendous efforts of Albertans to protect lives and livelihoods throughout the COVID-19 pandemic and the consequent global recession and urge the government to pursue prudent policies that protect the vulnerable while supporting the broader social, economic, mental, and physical health of Albertans.

[Adjourned debate November 23: Ms Notley]

The Speaker: Is there anyone wishing to speak to the motion?

Seeing none, I am prepared to call the question or see if the hon. the Government House Leader would like to close debate.

Mr. Jason Nixon: Waive.

[Government Motion 42 carried]

COVID-19 Measures and Support

49. Mr. Jason Nixon moved:
Be it resolved that the Legislative Assembly
- (a) acknowledge the recent increase in COVID-19 cases in Alberta,
 - (b) express its support for the government in any future actions that will help protect the public, and
 - (c) urge the government to
 - (i) continue to provide the necessary supports to small and medium-sized businesses to assist in their economic recovery, and
 - (ii) encourage Albertans to follow all future actions taken by the government in order to help relieve the pressure on our health care system.

The Speaker: Is there anyone wishing to speak to the motion?

Seeing none, I am prepared to call the question or have the hon. Government House Leader close debate.

Mr. Jason Nixon: Waive.

The Speaker: Apologies. The hon. Government House Leader to move Government Motion 49.

Mr. Jason Nixon: Yes. Thank you, Mr. Speaker. I do move Motion 49, which is on the Order Paper in my name.

The Speaker: Hon. members, are there others wishing to join in the debate?

Seeing none, the question.

[Government Motion 49 carried]

Office of the Child and Youth Advocate

51. Mr. Jason Nixon moved:
Be it resolved that:
1. The 2019-2020 annual report of the office of the Child and Youth Advocate be referred to the Standing Committee on Legislative Offices for review;
 2. The committee may, without leave of the Assembly, sit during a period when the Assembly is adjourned or prorogued;
 3. In accordance with section 21(4) of the Child and Youth Advocate Act the committee shall report back

to the Assembly within 90 days of the report being referred to it if the Assembly is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

The Speaker: Hon. members, this is a debatable motion according to Standing Order 18(1)(i). Is there anyone else wishing to speak?

Seeing none, I am prepared to ask the hon. Government House Leader to close debate.

Mr. Jason Nixon: Waive.

The Speaker: The hon. minister has waived the closure.

[Government Motion 51 carried]

Statutes Repeal

52. Mr. Jason Nixon moved:
Be it resolved that pursuant to section 3 of the Statutes Repeal Act, SA 2013, cS-19.3, the following statutes, appearing on the list of statutes to be repealed which was tabled in the Assembly by the Clerk of the Assembly on behalf of the Minister of Justice and Solicitor General on March 31, 2020, Sessional Paper 95/2020, not be repealed:
1. Black Creek Heritage Rangeland Trails Act (2004 cB-2.5);
 2. Condominium Property Amendment Act, 2014 (2014 c10) ss2(a)(xiv) and (b), 46, 47, and 58;
 3. Forest Reserves Amendment Act, 2004 (2004 c9) s8;
 4. Securities Amendment Act, 2014 (2014 c17) ss2(c), (e), 22 to 24, and 55(b);
 5. Wilderness Areas, Ecological Reserves and Natural Areas Amendment Act (RSA 2000 c34 (Supp)) s8 “8.1(3)”

The Speaker: Hon. members, Government Motion 52 is a debatable motion according to Standing Order 18(1)(i). Is there anyone else wishing to speak?

Seeing none, I'm prepared to call on the Government House Leader to close debate.

10:20

Mr. Jason Nixon: Waive.

[Government Motion 52 carried]

Government Bills and Orders

Committee of the Whole

(continued)

[Mr. Milliken in the chair]

The Deputy Chair: Hon. members, I'd like to call the committee to order.

Bill 48

Red Tape Reduction Implementation Act, 2020 (No. 2)

The Deputy Chair: Are there any comments, questions, or amendments to be offered at this time? I see the hon. Member for Calgary-McCall.

Mr. Sabir: Thank you, Mr. Chair. I rise to speak to Bill 48, Red Tape Reduction Implementation Act, 2020 (No. 2). I have had the opportunity to hear the Associate Minister of Red Tape Reduction speak about this bill and tell us that somehow his bill will make

Alberta the freest and fastest moving economy in North America. None of the arguments that were put forward by the minister came close to giving any indication how that will happen.

I think it's pretty similar to the bill the minister put forward in the last sitting. At that time I think the minister made similar claims, that it will help Alberta's economy to be the most free and fastest moving economy, but that didn't happen either. That's the argument for this government. Whatever they have done so far, whether it was the Minister of Finance bringing forward that \$4.7 billion corporate handout statute or whether it's red tape reduction, Albertans were told that somehow the focus of this government is on creating jobs. These pieces of legislation will bring jobs back to Alberta. We've been hearing it the last 18 months. [An electronic device sounded] That's a fine. We've been hearing it for the last 18 months, and in those 18 months what we have seen prepandemic: we have seen 50,000 Albertans lose their jobs, and many of them from my hometown of Calgary.

We didn't see any investment coming back to our province. Instead, those who benefited directly financially from those policies of this government ended up laying Albertans off, cutting their capital investments, and taking their investments away from this province. If we just look at the energy sector in Calgary, the Calgary downtown has a vacancy rate of 30 per cent. Albertans were promised that somehow these policies would fill those towers, and I'm talking before the pandemic.

Husky Energy cut \$232 million from their \$4.7 billion corporate handout. They ended up laying off 371 Albertans just in Calgary, and they also invested in the east coast and down in the United States. We saw TC Energy laying off workers. We saw Cenovus laying off workers. We saw these people cutting back on their capital projects. That was all happening before the pandemic, and as a result of this government's policies we saw the deficit double to \$12 billion before the pandemic.

Now during the pandemic we are seeing a piece of legislation that amends a whole bunch of pieces of legislation, completely unrelated, and again we are promised that this will turn Alberta into the fastest and freest economy. That didn't happen before, and nothing that's listed in here, Mr. Speaker, seems to have that kind of impact on the economy.

Right now the biggest threat, the single biggest threat facing our economy is COVID-19, is this pandemic. It's impacting Albertans' lives. It's impacting their jobs. It's impacting their businesses. So far in this last month or so, in the second wave of COVID-19, we have lost more than 200 Albertans. There are thousands who are being infected. There are thousands who are isolating, who are quarantining. That is certainly the top-of-the-mind issue for Albertans. That is certainly impacting our economy as well. We do not see anything in this piece of legislation that is addressing that issue.

10:30

Instead, what we are getting from this government is that if there is an outbreak in the Cargill meat plant, somehow Filipino workers and other workers working there are responsible. If numbers are spiking in northeast Calgary, somehow people's lifestyle, their cultures are responsible for it. That's not what Albertans need from this government, and at this hour, 10:30 at night, we are debating a bill again on a promise that it will help make the Alberta economy the freest and fastest.

I think I have said this before, will say it again. This immense Alberta Centennial Medal Act recognizes many outstanding Albertans who do good work in their communities, and I think that on this side of the House we're always appreciative of those Albertans who are doing that good work in their communities. But

this change at this time: I'm not able to link that with the economy, how this will help us create jobs, make the economy the freest economy.

When we look at this government's policies, the intent behind this Alberta Centennial Medal Act is to recognize the good work people are doing, but when we look at this government's actions, this government is attacking the front-line workers who should be receiving these medals, who should be receiving our appreciation, who should be receiving our support. During this pandemic what we are seeing: this government attacking doctors, health care professionals, and even refusing to acknowledge some of them as front-line staff, those who are cleaning our hospitals, our health care facilities, keeping them free of this deadly virus. Members on that side of the House even don't consider them front-line workers.

Those who are providing food to those people: these members don't consider them front-line workers, and 11,000 of them are getting fired in the middle of this pandemic, 11,000 of them. Many of them are my constituents. Many of them live in northeast Calgary. Many of them are newcomers and members of racialized communities. That's the kind of thing that the government thinks will help us make our economy better. These front-line heroes deserve our recognitions, and instead of making changes to the Alberta Centennial Medal Act, I think they should be getting those medals because they are fighting on the front lines of this pandemic.

Then they're making changes to many other acts. There's one related to culture and multiculturalism. Animal Health Act: that's agriculture. Child, Youth and Family Enhancement Act: Children's Services. Fatality Inquiries Act: Health. Land Titles Act: Service Alberta. Completely unrelated pieces of legislation. When they were sitting on this side of the House, in opposition, Mr. Speaker, they would get up and make passionate arguments: how omnibus pieces of legislation are not democratic, how they curtail debate, and how they should never be used as a matter of course.

One particular example comes to my mind. We brought forward a piece of legislation that made changes to Alberta labour laws and the Labour Relations Board, pretty closely connected areas, pretty closely tied changes, and the UCP government, then in opposition, debated for hours and hours how the government was taking away their ability to thoroughly engage in debate in this House. They even brought forward procedural motions to split those two pieces of legislation so they can debate on these things.

Here the government is putting together the Alberta Centennial Medal Act, Animal Health Act, Child, Youth and Family Enhancement Act, Fatality Inquiries Act, Historical Resources Act, land and property rights tribunal act, Land Titles Act, Maintenance Enforcement Act, Modernized Municipal Government Act, Municipal Government Act, New Home Buyer Protection Act, Post-secondary Learning Act, Professional and Occupational Associations Registration Act, Wills and Succession Act. As you can see, Mr. Speaker, the changes contained in this piece of legislation don't even remotely relate to each other. Many of them could have been just stand-alone pieces of legislation.

For instance, changes that are contained in the Municipal Government Act part of this legislation are not just red tape; they are substantial changes. These changes impact how municipalities will make decisions, will do planning. Furthermore, Mr. Speaker, municipalities and their representative organizations came out against these changes. They did not consult municipalities and their representative organizations on these important changes. Municipal governments are speaking against this government's actions, whether they're these changes, whether they're efforts of this government to interfere in their municipal elections, in their planning, in their decision-making. They're speaking out against it.

10:40

I do not believe for a second that having that kind of relationship with another order of government is in any way, shape, or manner helping our economy move forward. When we work together, when we co-operate with each other, then we get things done. But here the government's approach is that if they can't get their way, they will do it with the dint of law, and that has been their approach from day one, whether they were their contracts with the medical professional doctors. They were not able or willing to negotiate with them, and then they decided to bring forward legislation and legislate their way.

The Deputy Chair: Thank you, hon. member.

I see the hon. Member for Edmonton-Decore has risen.

Mr. Nielsen: Well, thank you, Mr. Chair. I appreciate the opportunity this evening to rise and speak a little bit more fully here in Committee of the Whole on Bill 48, the Red Tape Reduction Implementation Act, 2020 (No. 2), a piece of omnibus legislation, as the Member for Calgary-McCall had just mentioned, the second piece that this minister has brought out in the form of omnibus, who had stated, back when he served in the opposition in the 29th Legislature, that that was a bad thing. It did a disservice to Albertans. It hampered the opposition to be able to fully consult on the legislation being proposed.

It's funny because he, of course, was talking about the labour bill at the time. All of the changes that were encompassed within that bill were within the ministry of labour. There weren't any other ministries that were included in that. Yet here we are with Bill 48 right now before us. We are seeing anywhere between 12 and 14 different changes spread across eight different ministries, okay? As I've said before, you know, was that indeed the case, that the minister believed that omnibus legislation was not good, or was it just not good because he sat on this side of the floor?

I have some concerns around Bill 48 as a whole. I remember when the ministry was created. It was created to help government get out of the way of job creators and create jobs. That was the whole point of creating this associate ministry, that is going to cost taxpayers \$13 million, and so far what we've been seeing are little photo ops of giving plaques to each other for a good job of cutting red tape. We've seen red tape being considered as not charging Albertans \$5 to still fill out the permits to go and harvest Christmas trees and firewood and such, you know, just continued examples that I know – constituents that I've talked to, e-mails that I've received in my office – where the question is: why is this costing us \$13 million? We're getting this kind of level.

Looking at Bill 48 here, for instance, we're seeing the repeal of the Alberta Centennial Medal Act. Now, I'm not saying that that's necessarily a bad thing, but is that really red tape reduction? How many jobs has the minister created or, sorry, expects to create because we repealed this act? How is this going to help speed up the efforts of business to conduct its affairs in the province of Alberta? Better yet, how will repealing this piece of legislation help businesses in Alberta conduct their affairs across Canada?

You know, I've said before that I've offered the suggestion that maybe the red tape minister could look at in terms of reducing the barriers that, say, our small brewers here in the province can get better access to the market in other jurisdictions like all the other jurisdictions seem to have access here in Alberta. I have yet to hear back on that. I'm only guessing that it's not really a priority because it's more of a priority to change some of the language within, for instance, the Animal Health Act and a bit of the definition around "certified." Again, hopefully, maybe at some point in time we'll have the associate minister rise during Committee of the Whole

here and offer some data for the success of: how many jobs does he predict will be created by that kind of thing? How will that speed up business?

We've also seen some other changes, of course: changes to the fatalities inquiry, changes around land property rights tribunal, land titles. You know, I do know that there is a private member's bill that's still on the paper that potentially could impact these types of pieces that the minister has brought forward. I'm wondering: has there been some kind of consultation between those two to make sure that some of the legislation isn't butting up against each other, in which case we're going to find ourselves back here making amendments to try to clean up that mess? Something that I, of course, remember: members of the government bench, members of the government caucus who served in the 29th Legislature used to constantly berate the previous NDP government when we saw, "Okay; we made an error; let's fix it." "Oh, well, you obviously don't know what you're doing."

You know, we actually just saw an amendment this afternoon. I'm certainly not saying that it was a bad amendment. It was a good amendment. It cleaned up some of the language, but clearly – did the minister of red tape consult with Municipal Affairs when supposedly drafting this legislation? Is it a fact that you don't know what you're doing? I have to ask because you asked that in the previous Legislature.

As I mentioned earlier, when we brought forward some amendments here to try to fix some things that lie within Bill 48, specifically, of course, the changes around the MGA, the Municipal Government Act, and more specifically around reserve land, the case that the province finds itself in – trying to deal with a pandemic, trying to deal with rising cases, trying to deal with all the things that are encompassed with trying to keep people safe at work, trying to keep people safe in the public – is that municipalities, in my opinion, have been somewhat left to their own devices, which I could say, of course, Mr. Chair, is a little bit of a pattern.

10:50

We've constantly seen this government seem to be waiting on everybody else to do something. We've been waiting on the federal government to bail out our businesses. We've been waiting for municipalities to do something to help COVID numbers. We've been waiting for Albertans to step up and do their part to limit the spread. We're constantly waiting for everybody else. Now all of a sudden we seem to want to get involved in things.

I know with some of the discussions that I've had with people and some of the plans that I know, specifically because my riding is Edmonton-Decore here in the city of Edmonton, you know, Edmonton city council has been very, very clear. They're very, very focused on a strategy to create affordable housing and to end homelessness within the city of Edmonton. I'm sure other cities are also working on that as well. Of course, I know more specifically here in my own backyard.

When we're talking about allowing developers to come to the province and, I guess, override the decision that the municipal government may be making around these lands, it's kind of that situation, as I said before, where you're pitting mom against dad, almost. You know, a kid goes to one for the answer and doesn't get what they want; they go to the other parent to, hopefully, get the answer that they want.

The problem is that if the municipality is engaged in a process to create affordable housing projects to end homelessness, by all of a sudden just allowing a developer to go in and get that overturned so they can go and build other things, that is now interfering with that plan that the municipality has been trying to put in place.

We find ourselves here now with a couple of factors within this bill that are butting up against each other and are just not in the best interests of Albertans around, specifically, the MGA. I'm hoping that through the rest of the course of Committee of the Whole we'll get an opportunity to maybe discuss this a little bit more. Maybe we can come up with some solutions around this so that we're not having to choose one, potentially, over the other. I know there have been some changes within the youth act and whatnot that seem to be pretty good. For a ministry that's costing Albertans \$13 million, there's fluff within this bill that could have been handled by all the other ministries, and perhaps instead of focusing on a reduction of \$5 for collecting trees, maybe we can get some real solid work here.

I do look forward to more debate on Bill 48. I'm sure I'll have more to say later here in Committee of the Whole.

The Deputy Chair: Thank you, hon. member.

Are there any others? I see the hon. Government House Leader has caught my eye.

Mr. Jason Nixon: Well, thank you, Mr. Chair. I move that we adjourn debate.

[Motion to adjourn debate carried]

Mr. Jason Nixon: I move that we rise and report progress on Bill 48.

[Motion carried]

[Mr. Milliken in the chair]

The Acting Speaker: I see the hon. Member for Brooks-Medicine Hat.

Ms Glasgo: Mr. Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 48.

The Acting Speaker: Does the House concur in the report? All those in favour, please say aye.

Hon. Members: Aye.

The Acting Speaker: Any opposed, please say no. That is carried. I see the hon. Government House Leader.

Mr. Jason Nixon: Well, thank you, Mr. Speaker. I do move that we adjourn the Assembly until tomorrow at 9 o'clock a.m.

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

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For inquiries contact:

Editor

Alberta Hansard

3rd Floor, 9820 – 107 St

EDMONTON, AB T5K 1E7

Telephone: 780.427.1875

E-mail: AlbertaHansard@assembly.ab.ca