



Province of Alberta

The 30th Legislature  
Second Session

# Alberta Hansard

Thursday morning, December 3, 2020

Day 76

The Honourable Nathan M. Cooper, Speaker

# Legislative Assembly of Alberta The 30th Legislature

Second Session

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## Legislative Assembly of Alberta

9 a.m.

Thursday, December 3, 2020

[Mr. Milliken in the chair]

### Prayers

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

### Orders of the Day

#### Government Bills and Orders Committee of the Whole

[Mr. Milliken in the chair]

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

#### Bill 47

#### Ensuring Safety and Cutting Red Tape Act, 2020

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill at this time? I see the hon. Member for Edmonton-Mill Woods has risen.

**Ms Gray:** Thank you very much, Mr. Chair, and good morning, everyone. I'm very pleased to be rising to talk about Bill 47, the Ensuring Safety and Cutting Red Tape Act, 2020, in Committee of the Whole. I have a number of significant concerns about this piece of legislation. First and foremost, the timing, that we are debating something that impacts workers' safety as well as the benefits and supports that workers get should they be injured or killed on the job in the middle of a pandemic: a big part of that concern stems from how important and critical to both employers and workers the workers' compensation system is and the fact that, to get to Bill 47, a wholly inadequate consultation was run. And in order to make the case that this consultation was inadequate: absolutely, the majority of Albertans have no idea that this was consulted on or that this is happening right now in the Legislature.

I wanted to speak fairly briefly about the process that began in 2016 and concluded with the introduction of changes in 2018, just to compare and contrast the process that has brought us Bill 47 versus other previously done consultations. I really want to start off by just saying that when the previous government, the NDP government, went to look at occupational health and safety and workers' compensation, one of the big issues that we were dealing with was the fact that these two pieces of legislation had not been reviewed in decades; 30 years in one case and 40 years in the other. There had been reviews periodically done under the Progressive Conservative governments during those times, but there was never a wholesale review, there was never something that was broad and invited, and there was never something that resulted in a lot of changes. What I found when I was in the role of minister of labour was that there were a significant number of reviews that had been done, and then the results of those reviews just put on a shelf.

So that meant that when we were reviewing, starting in 2016 all the way through to 2018, a lot of attention and care was put into what that consultation looked like. I would suggest that the consultation, particularly for the WCB piece, where we have seen such tragic and heartbreaking issues when the system does not work, was particularly well done. For that, we appointed a panel of three experts. Essentially, we had an employer rep, a worker rep, and a neutral to try and balance those interests. That group of people, who brought with them a deep level of expertise, sat down and originally just started with trying to understand the workers' compensation system because it is so complex. Right at the start of their work they released a guide for Albertans to read as they partook in the consultation and any of the pieces, and I will talk about some of those pieces.

There was a really important guide to the review that summarized key information, summarized aspects of the system, and ideally helped anyone who really wanted to dig in and engage; good baseline information of how the system worked and what was happening with it. The guide was published on the website along with a number of quick-reference guides on specific topics, areas of particular interest, and people were invited to subscribe or follow along with the consultation, because this was starting off not just a multimonth process; it crossed over a year and more.

The panel used the website to facilitate engagement. They did nine web-based questionnaires tailored for different audiences – so there was a questionnaire specifically for injured workers, as an example – because each of the different stakeholder groups have different areas of the system that they interact with, different challenges and focuses. There was a separate questionnaire for employers, one for unions, one for industry associations, safety associations. At the same time written submissions were being invited. There's even a very, very detailed workbook that was completed. Those written submissions that we're talking about were incredibly detailed and complex, and there were over 60 of those received.

A great deal of attention was paid to promoting the engagement, reaching out to key stakeholders, asking them to help spread the word, and a big part of that was the fact that the consultation and the engagement took place over a long period of time, allowing more and more people to hear about it. In contrast, the consultation on Bill 47 was only ever posted on a government website. It was not promoted by this government. The minister of labour did not even share it on his social media accounts. There was virtually no attempt to make sure that workers working in the middle of a pandemic were even aware that this consultation was taking place. Some stakeholders were engaged and invited to submit. I know that I've talked to stakeholders who said: boy, we weren't given a lot of time. It felt very, very fast. Ultimately, the fulsome, more appropriate consultation that took place in 2017 ended up with nearly 2,000 responses to online questionnaires, 500 written submissions, and those workbook responses, those really in-depth responses.

Injured workers are a stakeholder group that is critically important to changes to workers' compensation but is also really difficult to engage because there isn't an injured workers club. There isn't an injured workers association because injuries can happen to anyone from any industry, any socioeconomic background. That particular group: really important to connect with but also challenging to reach. So in order to reach injured workers, the panel actually travelled and went to different places in the province to make themselves more available and accessible to those injured workers. Specific effort was made to reach out to injured workers.

All of that just led up to the midway point. That's only part way. This is the initial gathering of information. The panel then set about distilling this information, reading the perspectives, considering all of this, and identifying areas of the system that were complex or controversial or confusing or needed further study. Then they started holding engagement sessions. They called them Working Together engagement sessions. They were held in November 2016. They brought together individuals representing each of those groups. This is critically important, and it was incredibly effective because all of those stakeholders in that room were put in a position to better understand the other perspectives in the room. We wanted workers to understand the employer perspectives, the pressures, their view of the system.

Employers need to understand what's going on with health safety associations, and vice versa; all of those stakeholders working together. There were facilitated, small discussion groups considering those particularly tough issues, and there were also four areas that needed more in-depth discussion. That included occupational diseases, which I would say has been damaged by Bill 47, or will be should this bill pass; psychological injuries, again impacted in Bill 47; presumptive coverage; and data.

**9:10**

In December 2016 the panel started hosting trend talks, again bringing those stakeholders together to talk about those particularly difficult and challenging issues. In one particular trend talk hosted in Calgary, 70 individuals, including experts on the subject matter, were there to talk about all of the issues, anything to do with presumptive coverage, post traumatic stress disorders, occupational disease, bullying and harassment in the workplace.

The data symposium was held in January 2017, and the panel reached out to so many different individuals and organizations who are surrounding the workers' compensation. They talked to the Human Rights Commission, they talked to the industry task force associations, the board of directors of the WCB, staff at the WCB. That's actually a really important point, which is just that the staff at the WCB were all strongly encouraged to participate in this review because of their unique position to see what was going on.

When I look at Bill 47 and when I consider the consultation for both the OHS side and the WCB side, each of them were just surveys that were posted on a government website in August during a pandemic: this government did not promote these consultations. There was no government of Alberta news release about these consultations. The Premier did not share it on his social media. The efforts were not made to engage people. That greatly concerns me, especially because the numbers that we saw for how many people completed the surveys and engaged were low. They were absolutely low.

We're debating Bill 47, again, in the middle of a pandemic, having had the bare minimum of consultation on a system that is critically important to both employers and workers. Now that we are in Committee of the Whole, as a member of the Official Opposition, Her Majesty's Loyal Opposition, we will now start the process of trying to help the government improve Bill 47. Helpfully, we did suggest sending this to committee, but we are not at that point, so we will continue here in the Legislature through a series of amendments to try and improve Bill 47.

Now, Bill 47 touches on a wide variety of things, very, very broad pieces of legislation, an omnibus-type bill. I think I'd like to start talking about joint occupational health and safety committees, and I will introduce an amendment at this time.

**The Deputy Chair:** Thank you, hon. member.

Just for everybody's benefit, this will be referred to as amendment A1. There will be copies available on both side tables close to the doors. If you put your hands up, of course, one will be delivered to you.

If the hon. member could please read it into the record for the benefit of all and then continue with her comments. The hon. Member for Edmonton-Mill Woods.

**Ms Gray:** Thank you, Mr. Chair. The MLA for Edmonton-Mill Woods to move that Bill 47, Ensuring Safety and Cutting Red Tape Act, 2020, be amended in schedule 2 in the proposed section 13 by adding the following immediately after subsection (7):

(8) The employer shall ensure that sufficient time is provided during normal working hours for a joint health and safety committee to hold its meetings and carry out its duties and functions.

Mr. Chair, this amendment is, in my mind, something that is very straightforward and I don't believe is counter to any of the government's intentions with the changes in the joint work-site health and safety section.

Now, I do have serious concerns around how these committees will be effectively harmed should Bill 47 pass. There are a number of changes to the occupational health and safety committees. They now are more employer committees than the version that currently exists in the legislation. The balance between numbers of workers and employers has been shifted. There have been changes made in the legislation, like: employers would no longer need to post the names of the people on the joint work-site health and safety committee in a public space so that workers might know who represents them on that committee or might be able to find out who they can talk to. Those types of changes are incredibly unhelpful. One of my concerns is the watering down of joint health and safety committees and the long-lasting impacts that will have. These joint safety committees are fulfilling that very, very important right to participate and right to know for workers, participate in their own health and safety, know about hazards.

My concern with the current drafting is that it's actually made way less clear what employer support needs to be given for a joint work-site health and safety committee. Through this amendment I want to be very, very clear that employers should be providing time to make sure that the joint work-site health and safety committee can hold its meetings and carry out its duties and functions.

That clarity should be visible in the legislation so that when a worker goes to look at what their rights are, that is something clear that they can take to their employer and have a conversation about it.

Other concerns with joint work-site health and safety committees include if there's been an incident at a work site, the joint work-site health and safety committees are no longer being included in those inspections, that right to refuse inspection that might take place. They're no longer responsible for developing health and safety programs. The education pieces have been severely diminished when it comes to the joint work-site health and safety committees. There are a number of ways that they have been severely limited, I mean, everything from the language in the legislation no longer talks about quorum or how meetings can be called or minimum requirements for meeting minutes. Those types of things are really important for a functioning committee. Unfortunately, by removing that, that will signal to many that they no longer need to do those things.

The amendment that I have proposed here is common sense. I think it's really important simply to clarify in the legislation and to provide a recourse if employers fail to provide time for the work of

the committee. It makes very clear that the committee work has to take place during normal working hours.

The difference between this amendment and what currently exists in Bill 47 is that Bill 47 doesn't make any requirement that the employer must make time for that work. There is a section in Bill 47 that does mention normal working hours. What this amendment does is clarify that the employer needs to give sufficient time for that joint health and safety committee.

Now, we haven't prescribed exactly how much time. There's still flexibility. I know the government is very concerned about not asking people to do too much too fast. Let's make it very, very clear that the employer needs to make sure that that time is there. Just saying that the committee workings will happen during normal working hours – if somebody is scheduled and there isn't that clarity, it could impede the joint work-site health and safety committee from meeting.

This amendment just takes care of that, and I believe it aligns with the government's own intentions based off the conversation and the comments that I've heard from the minister of labour in the debate for this piece of legislation so far. We are simply adding in that new section, making it very, very clear that the employer must make time for the holding of meetings and for the committee to carry out its duties and functions. Without that section, as a layperson reading the legislation, it is not clear.

If it is the government's intent that the joint work-site health and safety committee operate during normal working hours, that employers provide that time, then this clarifying amendment simply puts that language into the bill in a way that workers and employers will be able to read, understand, and respond to in turn.

I certainly hope that we can enter into a good debate at Committee of the Whole on a number of pieces. This bill needs significant improving in order for it to pass. I think this is just the first step along that. I'll continue to have more comments about joint work-site health and safety committees, their importance, as well as other amendments about different aspects of it, but I wanted to start off at Committee of the Whole with something that clarifies for both employers and workers and for laypeople who are reading this and trying to understand how joint work-site health and safety committees work. I hope it would be one that we can have a good discussion on and potentially put to work.

With that, I will conclude my initial remarks on this amendment and ask all members to support it. Thank you.

9:20

**The Deputy Chair:** Thank you, hon. member.

Are there any other members looking to join debate on amendment A1? I see the hon. Member for Edmonton-South has risen.

**Mr. Dang:** Thank you, Mr. Chair. It's a pleasure to rise and speak to the amendment A1, I believe, on Bill 47, Ensuring Safety and Cutting Red Tape Act, 2020. It's always interesting to come into this place and look at legislation and realize the problems with legislation. As we know, there are many problems with legislation that this Conservative government introduces, that this UCP government introduces. I'm pleased that my colleague from Edmonton-Mill Woods has managed to introduce an amendment that I think makes a bad bill a little bit better, right? We know that there have been many changes proposed that are going to impact health and safety of workers.

One of those particularly concerning changes is the watering down of the joint health and safety committees, and those effects are going to be long-lasting, and they're going to have significant long-term impacts. If the bill passes, we're going to hear about

things like safety concerns and hazard assessments and work-site inspection documentation. All of those things are really important, but we need to make sure that there's going to be sufficient time provided, it's going to be sufficient.

I think the amendment: I really like it because it's plain language. "The employer shall ensure that sufficient time is provided during normal working hours for a joint health and safety committee to hold its meetings and carry out its duties and functions." Really, it means that employers will need to make time for this work to happen – right? – to ensure that these health and safety committees will actually be able to perform their obligations, what's actually intended for these committees to do.

It really makes sense in the sense that when workers are expected to provide updates on health and safety, when they're supposed to work with their employers, when they're supposed to have these types of recommendations, working to and from with the employer and to have this two-way communication, when we're supposed to have this dialogue, then it needs to take care to have the time happen during normal workplace hours. We can't reasonably expect to have some employees, let's say, do extra hours after work or on weekends or something to make extra time for these committees.

If we're talking about workplace safety, if we're talking about joint workplace health and safety committees, if we're talking about making sure we have the proper implementation of these, then we need to make sure that we have some accountability mechanisms, that we have some sort of reasonable restrictions on how this will work. One of those reasonable restrictions, I believe, is ensuring that employees should know when they are expected to perform these duties, when they are expected to work on these committees, when they are expected to work with their employer to make their work site safer, right? I think that's something that we think is very reasonable.

I think it's very reasonable, when we look at this, because when employees are working with employers, we know there's a two-way street. Employers, I think, also would benefit from this. Employers now have sort of this known timeline when they're expected to do this work. The legislation without an amendment like this could be very vague or would be very vague, right? I think that when we look at making sure that there are known timelines, known restrictions, and reasonable ones to say a normal work hour, normal working hours that people would already be expected to be at their workplace, that employers and employees both would have representatives already at the workplace within normal working hours, they would be able to have these joint health and safety committees. That's something that I think is very reasonable.

I think it's very reasonable because we shouldn't expect them to be calling exceptional amounts of special meetings or extraordinary hours or extraordinary meetings. These are supposed to be regularly occurring. They're supposed to give regular recommendations. They're supposed to make regular hazard assessments. They're supposed to hear regular safety concerns, and safety concerns evolve, right? The issues that you're having on Monday are not going to be the same as the issues you're having on Friday in many cases. They can be, and of course if recommendations need to be made multiple times because either the employee doesn't feel it's necessary or the employer doesn't feel the measure is necessary, that's why you want to have these joint committees that make ongoing recommendations and ongoing work.

To ensure that there's this continuity of work, though, you need to give some sort of assurance to both sides that there is this reasonableness in terms of, one, they're going to be meeting, and the duties and functions are going to be able to be successfully carried out.

I think that when we look at this amendment, when we look at the way this is being produced – my hon. colleague, I understand, has spent quite a bit of time reviewing this legislation. It's one of those things. We know the bill overall is still a bad bill, right? I think that overall this bill still degrades the ability of worker safety and protections. But in this particular instance we have the opportunity to make a significant change that is going to increase, in the framework the government is suggesting, in the framework the government is proposing, in the ideas the government is proposing – we're working within this world, within this universe. In that framework we think that we can have a relatively minor change.

It's just a minor addition. It's a minor addition that reasonably says: well, let's make sure they happen. If you normally work Monday to Friday, then let's make sure they happen Monday to Friday, right? If you normally work every day from whatever hours, then make sure they happen in those hours. Again, I don't think it's reasonable for employees, let's say, to demand that these meetings happen at 9 p.m. on a Saturday if that's not a normal working hour for them, but it's also not reasonable for the employer to do the same thing. We want this to be a two-way dialogue, and we want everybody to be able to come to the table.

If you're going to have the proper representation, if you're going to have the proper work of this committee done, if you're going to make sure that these committees are able to perform at the level we expect, to do that – I think that we want them to be able to work collaboratively, we want the committees to be able to not be adversarial, and we want them to be productive meetings – we need to make sure that there are some parameters around and some guidance for employers and employees on how this should work.

I think that we know that even though the proposed legislation states that the work must take place during normal working hours, it makes no requirements for the employer to make time for that work, right? We want to make sure that there is sufficient time. We want to make sure that in those normal working hours, in that time frame, if a working safety committee needs, let's say, an hour to meet, then they have that hour. If it turns out that there are more concerns, either from the employer or the employee side, if it turns out that there are significant concerns, then we need to make sure that there is a sufficient amount of time. If it turns out that they need three hours, they need to schedule three hours.

Again, health and safety is something that we can't dilly-dally on, right? It's not something that we want to make mistakes around. We want to make sure that there is sufficient time. We want to make sure that the employer works with the employees, that the employees work with the organizations, and that we have a productive environment.

I think that when we look at these policies, when we look at the proposed amendment, it's a reasonable amendment. I think it's a very minor amendment. I'm optimistic that we'll be able to hear from the minister soon and that we'd be able to support this.

Thank you.

**The Deputy Chair:** Thank you, hon. member.

Are there any other members wishing to – I see the hon. Minister of Labour and Immigration has risen.

**Mr. Copping:** Thank you, Chair. I'd like to speak to the amendment proposed by the hon. member and make some comments in regard to comments made by the Member for Edmonton-Mill Woods concerning consultation. First off – and we've had this conversation in the House before – we did consultation in regard to the changes here. We did two discussion guides. We held consultations over July and August. We put out a

survey and received over 300 responses, over 50 written responses. We held four virtual workshops. In addition, we reached out to stakeholders, and that includes employee representatives, unions, employers, health and safety experts. We got a significant amount of input.

Mr. Chair, you know, particularly on this item, because I want to spend some time on this item in terms of occupational health and safety and health and safety committees, the direction that we got was that this was overly perspective, that even though, conceptually, health and safety committees – we agree that health and safety committees can add tremendous value, but you can't tie their hands. They need flexibility to operate the way they need to operate that suits their organization. Quite frankly, what we got told was that there's far too much prescription in this.

**9:30**

Just as a brief segue on this point, Mr. Chair, when we made these changes, you know, our focus was actually on improving health and safety outcomes because what we saw was that over the last seven years there has been no move in terms of workplace injuries. They have been flat, even despite these changes having been put in, so we want to make them better. We're not going back, as mentioned by certain members of the opposition, to the 1970s. In fact, if you actually even look prior to 2015, there was no requirement for health and safety committees; there was no requirement for health and safety programs. That was put in by the previous government.

We agree that health and safety committees can play an important role and that health and safety programs play an important role, so we left them there. But what we heard from the health and safety experts was that the level of prescriptiveness ties the hands of the parties to be able to make real progress in terms of identifying risks and then mitigating those risks. So we took out a number of elements that were prescriptive to health and safety committees, and the intent is then to move some of these, where appropriate, into the code.

The hon. member across the way spoke to wanting to put more detail in the act, and that's what this amendment purports to do, and I'll talk to that specifically in a moment.

Again, the purpose of the act is to set out a framework, a broad framework in which the parties can act. Then the code comes after that, right? I already indicated in this House that we will do further consultation on the code to get the elements right, but what's important is that we have the core elements or the key elements, the broad framework, and then we do the detail in the code.

Mr. Chair, I show a copy of the occupational health and safety code. This is the older version, but this includes the act, the regulations, and the code, and as the hon. member across the way will know – I'm sure she has one in her office, and I have one in mine, and all health and safety professionals have one in theirs; they're often available at the workplaces to be able to be accessed, right? – for that purpose, it's important. Yes, it can be in the act, but the act also includes the regs and the code, and they can be available.

What's important, Mr. Chair, is that the purpose of the act is to provide the broad framework. You want the minimal amount of prescription in that. Then, if there is more prescription that's needed, you can put that in the code. But, again, it's about flexibility, and again it's about changing the culture in organizations and allowing them to take hold of it and do what they need to for what's applicable.

When we start looking at this particular amendment proposed by the hon. member across the way – and I appreciate the sentiment, where it comes from – it's adding clarity in the in the act. We keep talking about: the Labour Relations Code is the act whereas the



Occupational Health and Safety Act is the act here, so it's different, and the code is behind it. When you talk about changes in the act, we want the framework, and if we look at the current framework, if we look in the bill in section 13, subsection (7), it already states that "a joint health and safety committee shall hold its meetings and carry out its duties and functions during normal working hours." I appreciate the add-on that the hon. member is asking, that "the employer shall ensure that sufficient time is provided."

I would like to put a point out in terms of general duties or general obligations under section 3 and subsection 3(1)(e), that the employer has an obligation to ensure that the joint health and safety committee – right? – can fulfill its functions under the act and the regulations and the code, and part of the importance of fulfilling those functions is having time.

When we go back to first principles here, Mr. Chair – we go back to first principles – and we look at, "What is the purpose of the act?" it's to set the broad framework, and I believe that the act as written does provide the broad framework, that this is not a necessary add because it's actually covered under section 7 and the general obligation. To the extent that it needs further clarification, well, if that is needed – and we'll find that out because we are going to do more consultation on this – then we'll put it in the code.

My sense is that when you look at the combined section (7) that's already here, under 13(7), and the obligations for the employer, 3(1)(e), this issue is covered. At the end of the day, you know, our purpose here is to allow the parties, the employer and the employee reps, to work out what is the best plan for the meetings, when they're going to occur, how they're going to occur – they do have to occur during normal worker hours; that was section (7) – so they can actually get the work done. It's in the interests of both sides to identify the risks and then discern what processes they are going to put in place to mitigate those risks.

As the last comment in that regard, Mr. Chair, what I will say is that while I respect the direction the hon. member across the way wants to go with this one, I do not think it's necessary because it's covered in the act, and it goes against the general thrust of what we heard, to be less prescriptive here and, to the extent we need more, to do it in the code. We will consult on that.

With that, I urge my colleagues to vote against this amendment as it's not required. Thank you.

**The Deputy Chair:** Thank you, hon. minister.

I see the hon. Member for Edmonton-Beverly-Clareview has risen on A1.

**Mr. Bilous:** Thank you, Mr. Chair. My pleasure to rise and comment on this amendment and respond to some of the comments the minister made. Now, as I've said time and time again, I do appreciate the fact that the minister is always present in the Chamber for debate on his bills. He's also very, very engaged and responds to questions of the opposition. Through you to the minister: it is greatly appreciated on this side of the House that you are so engaged with your legislation. I do thank you for that.

Regarding this amendment I appreciate the minister saying that it's already in the bill in other parts. It's not spelled out in black and white that the employer has to give work time for this joint committee. You know, my first argument, then, is: well, let's adopt this amendment and codify it into the bill. If it's there but not written in black and white, then let's put it into black and white.

Now, I appreciate the comment that the folks the minister has consulted with have said that they don't want it to be too prescriptive. I would argue that this amendment is not prescriptive. It's not prescriptive to the extent that it's saying which days of the

week the committee has to meet, which times it has to meet. That would be too prescriptive. What this does is that it ensures that this joint committee is given the priority that it deserves and given, yeah, priority in that there's time allocated for this committee to meet. It's not: do it on your own time on the weekend; do it in the evening. It shows that the employer is committed to this.

Now, I'll be the first to say that there are many employers who take safety as their number one priority. In fact, we see lots of examples of companies that have displays that talk about the number of days they've gone without a workplace injury, that truly do put worker safety as the pinnacle because they recognize not only the value of every human life but also that, you know, if you have workers that are injured, you're also losing productivity. So it's in the best interests of the company to ensure that they're doing everything they can to ensure that workers are protected. I do appreciate that, absolutely. I would argue that that is the majority of employers in our province, for sure.

Unfortunately, like in all professions, there are always a few that will only ever meet the minimum required, and that's in all sectors, in all fields. It's unfortunate. It's not the majority, thankfully, but that's where, again, you know, laws are needed, safety regulations are needed to ensure that at least there's a minimum bar that's being met.

This just ensures that these joint committees – I do believe that there is research that indicates that these joint committees are better at ensuring that workplaces are safer when you have these joint committees. They have the employer, they have the employee, and they have the different stakeholders represented, that are all at the table talking about how to continue to work toward a safe environment and a safe workplace and provide opportunities to look at ways to augment and enhance that.

**9:40**

I do believe that this is an important but minor amendment that will help improve the bill. Again, I appreciate the minister saying: well, the bill essentially says this. Then, you know, my point is: well, let's codify this and ensure that there is time allocated during a workday for this committee to be able to carry out their duties and functions. Again, I'm sure that there are many employers that do this, but for those, maybe the few, that don't place this as a high priority, this will help ensure that it is a priority. Again, if we can prevent and have zero workplace injuries, I mean, it's better for everyone: for the sector, for the company, for the shareholders, for the stakeholders, for the employees.

With that, I encourage all members to vote in favour of this amendment. Thank you.

**The Deputy Chair:** Thank you, hon. member.

Are there any members looking to join debate on A1?

[Motion on amendment A1 lost]

**The Deputy Chair:** We are moving back to the bill. I see the hon. Member for Edmonton-Mill Woods has risen.

**Ms Gray:** Thank you very much, Mr. Chair. I will start my remarks just by saying that I will introduce another amendment at this time so that that can be distributed.

**The Deputy Chair:** Thank you. Hon. members, as with amendment A1 – this one will be referred to as amendment A2 – copies will be available on the tables at each entrance, and if you would like to receive a copy from the pages, you can raise your hand, and one will be delivered.

It's a short one, so if you could please read it into the record and then continue with your comments, that would be appreciated.

**Ms Gray:** Thank you very much. I move that Bill 47, Ensuring Safety and Cutting Red Tape Act, 2020, be amended by striking out section 3(13)(b). I will now proceed with describing what is in that section. That section is significant to a number of workers today, and it will be significant for workers into the future. That is the section that talks about presumptive PTSD coverage, specifically, when a worker experiences a traumatic incident, some sort of personal experience, a work-related event, witnessing a work-related event that is specific, sudden, frightening, or shocking, and/or an actual or threatened death or serious injury to oneself or others or threat to one's physical being. Presumptive coverage means that if a worker has experienced that type of trauma, shock, incident at work, that worker, if they apply to the Workers' Compensation Board because of resulting PTSD, we presume that their PTSD and that workplace incident are related without asking that worker to further argue, make a case, have to fight, potentially, against the employer, that they have experienced trauma, and they should be covered for any PTSD effects.

Bill 47, to be clear, is going to be limiting the presumed coverage for PTSD to only first responders, correctional officers, emergency dispatchers, or members of any other class prescribed by the regulation. A first responder is defined as "a firefighter, paramedic, peace officer or police officer." Back when workers' compensation was reviewed, between 2016 through to implementation in 2018, the government of the day, the government that I was a part of, made a very specific choice to ensure that all workers received presumptive PTSD coverage for their traumatic workplace incidents. Although we know that that occurs in the case of our first responders, we also know that that happens to other types and classes of workers. In fact, there has been research done that there are other classes of workers other than first responders that actually have higher percentages of individuals with symptoms of PTSD.

I think it's really important to acknowledge that when those traumatic incidents happen, whether it's an oil field worker experiencing a sexual assault or a first responder who has seen a death on the job, all of these workers should have access to the supports they need and should have the coverage to get the help and the recovery that those workers need.

Now, in their fact sheets for limiting presumptive coverage for psychological injuries, the government has proudly shared that this will save the workers' compensation system an estimated \$230 million over the next three years. Where are those savings coming from? They are literally counting the workers who will be denied PTSD coverage. Like, that's what that number means, and I'd be happy for the government to explain how that \$230 million savings comes from anywhere other than denying workers their claims. They've put a dollar value on how much this will save the system, but instead of talking about that dollar value, which is the cost to deny these workers, perhaps we should talk about the impact for workers who have to argue with the system, to be their own advocates, potentially to hire advocates, to try and make the case that they deserve the same coverage because of the traumatic workplace incident.

Let's be very, very clear. We are not talking about workers who have not experienced traumatic incidents. We are only talking about the class of workers that this section would apply to, and that would be workers who have experienced trauma in the workplace. I argue very, very strongly that all workers should have that presumptive PTSD coverage. In order to destigmatize PTSD, in order to improve access to supports, we need to acknowledge that it can happen in any workplace, and we need to make sure that that coverage is there to support workers going forward. If this government was serious about cutting red tape, well, let's cut this potential red tape for

workers. I think Bill 47 has been drafted with a very specific lens, and it's a very employer-focused lens, and I think we need to add a little bit more compassion and thought as to what will happen to these workers.

I'll just very quickly – this is a CBC news story that I will be happy to table later this afternoon, Mr. Chair, from November 2019 of a woman named Susan who fought for six years against the workers' compensation system. She was sexually assaulted at a work camp, and it took six years for WCB to finally cover. They fought every step of the way. She ended up needing to get help to try and argue with the WCB. A psychologist had diagnosed Susan with posttraumatic stress disorder. She had had the two counts of sexual assault at her workplace. There were even criminal charges involved, yet the WCB would not cover this woman's case. Finally, the Appeals Commission decided in her favour. Again, it's six years later. They ruled that she had an acceptable claim.

I want each member of this Assembly to imagine what Susan went through to get to that point before, finally, her injury was an acceptable claim to WCB. Now, she received a cheque for less than \$20,000 for lost wages. WCB offered to pay for an additional 10 psychological counselling sessions. Even when she was approved – let's be very clear – she was not given \$230 million, all right? That amount that the government is advertising that they're going to save: that's through tiny amounts of support and psychological counselling sessions that workers will access to get the help and healing that they need.

I will stop talking there and allow others to enter into the debate. I imagine there are a lot of strong opinions on this particular amendment. I'm very pleased to put it on the record so that we can have a conversation that I think is really important to have about this piece of Bill 47.

Thank you, Mr. Chair.

9:50

**The Deputy Chair:** Thank you, hon. member.

Are there any members looking to join debate on A2? I see the hon. Member for Edmonton-West Henday has risen.

**Mr. Carson:** Well, thank you, Mr. Chair. It's an honour to rise to speak to this amendment, a very important amendment, in my opinion. You know, as we've seen this debate continue – and I also would like to echo the comments of the Member for Edmonton-Beverly-Clareview, that I always appreciate when the minister is willing to stand up and speak to these important amendments that we're putting forward in the opposition. Thank you, first and foremost, for that.

Unfortunately, again, we have very many disagreements between what we believe is proper and fair compensation and coverage for workers who are injured. As we see through Bill 47, this government is taking many steps to move backwards in respect to coverage and support for Albertans who are injured on the workforce. As we see here in this amendment or in what we're trying to address through this amendment, this government is once again reducing the ability of injured Albertans or – sorry – of Albertans in general to get the supports that they need when consequentially impacted in the workplace. While we've talked about the changes that this government is making to things like caps on benefits, in particular if a worker is injured – and quite often they're taking care of other family members – this government is moving to remove those benefits in many instances and remove the requirement to reinstate an injured worker.

We already have this very consequential piece put forward by the government, but then on the other hand we have the government also saying that if somebody is injured and does have PTSD from

something that occurred in the workplace, this government wants to limit that coverage or limit the presumed coverage for PTSD. The worker has to now prove that, you know, being witness to an assault, as the previous member spoke about, or maybe they're a bank teller or a gas station attendant – I have, you know, friends of mine whose family members worked in banks and have been robbed at gunpoint. Now you are telling those workers, who just went through a very traumatic experience, that they have to prove that being held up at gunpoint is enough to be able to receive coverage for PTSD.

It's very disappointing that this is the position and the direction that this government wants to take, and the previous member spoke about the minister mentioning that \$230 million will be saved. I think it's an important point to reiterate that this minister and this government is talking about savings that will happen across the board on the backs of injured Albertans in many cases and on the backs of Albertans who have just been traumatized by something that they witnessed or something terrible that happened to them.

When we hear this minister talking about savings and talking about making the system more sustainable, once again he is talking about reducing benefits to injured Albertans, reducing supports to those who were a part of something that was traumatizing. It's very disappointing that this is the direction that we're taking. The Member for Edmonton-Mill Woods has spoken to some extent about the fact that we're in the middle of a pandemic and that there are traumatizing things happening right now in our emergency departments, in our ICUs, in our hospitals and health care facilities across this province that deserve to be recognized by the government, especially in the middle of a pandemic, yet this government is going backwards.

It's truly unbelievable, Mr. Chair, that this is what's happening, and the fact that this government wants to limit the presumed coverage for PTSD now for Albertans more than before, because of the changes that the NDP had made when we were in government or even before then because of these changes that the UCP are putting forward, wants to have these people that have been victimized because of something that they witnessed or something that happened to them personally, wants them to have to go through a process where they are retraumatized over and over again because they have to prove that being held at gunpoint was traumatizing, that witnessing assault or being assaulted was traumatizing simply because they aren't, as the legislation has carved out, a firefighter or paramedic or a peace officer or a police officer.

You know, I think members of the opposition have talked about the situation of a social worker going to a situation with a police officer. The social worker may be witness to something that causes PTSD. While the police officer or other first responder would have that coverage under the legislation as proposed by this government, the social worker would not, and other people who might be there supporting in the same way will not be covered. It's very unfortunate.

You know, to me it's a little cold-hearted, the decisions that this government is making in this piece specifically but in many of the other pieces, whether we're talking about the health and safety changes or the joint work-site health and safety committees that this government is taking the axe to and removing requirements to consult with the other workers on the job. It's just so frustrating. It's hard for me to understand why this is the position that this government wants to take now as Albertans are struggling to keep their employment and to find employment and as Albertans are struggling through a pandemic which, no doubt, will cause PTSD for workers across this province. It's hard to understand why this government is going forward in this way.

With that being said, I appreciate the Member for Edmonton-Mill Woods bringing this forward. I think it's an important amendment, and I appreciate the work that that member has done through this process and through the process between 2015 and 2019 to strengthen these laws. It's the absolute wrong move to be going back on these important changes.

Thank you, Mr. Chair.

**The Deputy Chair:** Thank you, hon. member.

I see the hon. Minister of Labour and Immigration has risen on A2.

**Mr. Copping:** Thank you very much, Mr. Chair. I'd like to speak to A2. I fully appreciate the comments made by the members opposite in saying that we need to provide benefits to those who are injured at work, and that is the purpose of the workers' compensation system. But I want to take us a step back in terms of the nature of workers' compensation, which is to provide benefits to those who are injured at work.

The Leader of the Opposition spoke last night and talked about the history of the Meredith principles and the historic bargain, and part of that historic bargain is no-fault insurance. But part of that is also the fact that the purpose of it is to deal with issues that happened at work. The general approach has been that if someone has an injury, a determination needs to be made, and that determination needs to be made if it happened at work or it happened outside of work. Not saying that injury or the illness doesn't need to be dealt with, Mr. Chair. It does need to be dealt with. The question is: is it dealt with under the workers' compensation system or is it dealt with under the public health system?

The typical way for all injuries is that if something occurs, an assessment is made and determines: is it a result of what happened at work or not? Now, the notion of presumption sort of crept in just over a decade ago into the system, but the reason for that, Mr. Chair, was because there was for a number of occupations like the firefighters, for example, a link between – they would make an application due to posttraumatic stress injury, right? And then it was being accepted. It was being accepted again and again, and there was research done that recognized the link to that type of mental illness is to the job. So instead of saying that we're going to have to go through this every time with that individual in those occupations, because there's significant research into that link, we will go forward and we will presume that that is the cause. The presumption means that we're not going to look into it, and that actually makes it so the employer has to prove otherwise, which in many of these cases is not the case. Sometimes it may be, but the reality is that they have to prove otherwise. It's difficult to do for the employer. That is for select occupations.

Now, the changes made by the previous government were not only to apply it to select occupations but to apply it across the board, where there isn't necessarily the same amount of evidence that exists, and to throw it very broadly, so, yes, a traumatic incident and any incident of mental illness. Now, Mr. Chair, that mental illness needs to be addressed. The question is: do we address it in the public health care system or in the private health care system? With the changes that we are suggesting, which is that we are maintaining the core occupations, our first responders that were listed already in the act, we are maintaining presumption for them, but for the rest where there isn't that link, the broad category, we're removing that. Now, it doesn't mean that they cannot get coverage, and if it occurs at work, they will get coverage.

10:00

The story raised by the member opposite in regard to that unfortunate person who had to go through eight years, well, that's another issue, and we need to address that to make that a tighter appeal review process so that people aren't waiting eight years. We need to get that down to a quick turnaround time because I fully agree that these long, drawn-out appeal processes are not helpful for the employer; they are not helpful for the employee. They are not helpful for anyone. But we do need to determine whether it's workplace related or not. If someone is injured at work – so there is a traumatic incident and they have PTSD because of that – they'll be adjudicated through the normal process, and they will get coverage if it happens at work. So we're not taking it away.

We've also made changes to the regulations – right? – to allow the minister to add occupations as we develop the research to see for certain occupations and with certain types of industries to add the presumption. What we're doing here, Mr. Chair, is quite frankly bringing the code back into balance. You know, when we take a look at other provinces, in Quebec, for example, there is no presumption. Ontario, there is presumption but for specific occupations, and same within B.C. We're bringing this back in line, but we are allowing for the opportunity to add them should the research suggest that. That is our focus. Let me be absolutely clear. I think the point was made last night, but I want to be clear today. If anyone is injured on the job, has a traumatic incident, and develops posttraumatic stress and it's because of the work, they will get covered.

With that, Mr. Chair, I move that the committee rise and report progress on Bill 47.

[Motion to adjourn debate carried]

**The Deputy Chair:** I see the hon. Minister of Transportation.

**Mr. McIver:** Sorry. I was about to make a motion to adjourn the Assembly. Do we need to do more things with the rise and report first?

**The Deputy Chair:** Just make a motion to rise and report, and then we'll do that.

**Mr. McIver:** Okay. Move to rise and report progress.

[Motion carried]

[Mr. Milliken in the chair]

**The Acting Speaker:** I see the hon. Member for Fort Saskatchewan-Vegreville.

**Ms Armstrong-Homeniuk:** Mr. Speaker, the Committee of the Whole has under consideration a certain bill. The committee reports progress on the following bill: Bill 47. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

**The Acting Speaker:** Thank you, hon. member.

Does the Assembly 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. Minister of Transportation is rising.

**Mr. McIver:** Thank you, Mr. Speaker. At this point I move that the Assembly adjourn until 1:30 p.m. today.

[Motion carried; the Assembly adjourned at 10:04 a.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](mailto:AlbertaHansard@assembly.ab.ca)