



Province of Alberta

The 30th Legislature
Third Session

Alberta Hansard

Wednesday morning, April 20, 2022

Day 21

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Third Session

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Legislative Assembly of Alberta

9 a.m.

Wednesday, April 20, 2022

[The Speaker in the chair]

Prayers

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

Please be seated.

Ordres du jour.

Orders of the Day

Government Bills and Orders

Second Reading

Bill 11

Continuing Care Act

[Debate adjourned April 19: Ms Phillips speaking]

The Speaker: Hon. members, are there others wishing to join in the debate? I see the hon. Member for Edmonton-Castle Downs has risen on this fine morning.

Ms Goehring: Thank you, Mr. Speaker. It's my pleasure to rise this morning to speak to Bill 11, Continuing Care Act. Before I start, I just wanted to express my sincere appreciation for all those working in seniors' care and the incredible hard work that they've been doing during this time. I know it's difficult, and we see you, and we hear you.

With that, Mr. Speaker, I would like to talk about this piece of legislation that we have before us this morning. I think that there was some hope when we saw the title of this bill, the Continuing Care Act. We felt that there was a real opportunity for this government to really make some impactful changes to a system that they have failed during the pandemic. We saw too many perhaps preventable deaths during COVID; 1,600 continuing care residents tragically passed away from COVID-19. Truly, this tragedy should have been a call to action. This piece of legislation could have been an incredible opportunity for this government to look at the failings and to make some meaningful change to a system that they failed; however, there is absolutely no action in this bill.

We saw all across Canada individuals suffering from this pandemic, specifically when it came to continuing care and the treatment of seniors. We saw information come from the military about some of the horrific experiences that they had while working in continuing care, residents being left in soiled bedding for days. This is not how we should be treating human beings, especially seniors. I heard from so many family members that were pleading for something to happen to make change for their loved ones.

I'm fortunate in the sense that I have my mother, who is retired, living in my home. There's been talk about her wanting some independence and being out of my home and in her own space, but I can honestly tell you, Mr. Speaker, that there is absolutely no way that that would be an option under this government. Seeing how they've treated seniors, seeing how they've completely ignored the

calls to action, in good conscience it was not a decision that I could make for my mom to leave my home. Now, I'm fortunate that I have the space and capacity for her to live with me, but not everybody has that.

We see so many devastating stories coming out, and I know that this government hears them because we share them in this House. We're CCed in the e-mails that are going to the Minister of Seniors and Housing, to the Premier, to the Minister of Health pleading for significant change, pleading for action. Now, when it comes to this piece of legislation, many of the things that we hear and that we continue to hear from this government are: don't worry; it'll be dealt with in the regulations; just trust us. Well, I think that it's fair to say that this government has proven time and again that they can't be trusted.

So to simply say, "The work that we're going to do is coming; it'll be in the regulations" is not acceptable. This time in this Chamber is for us to debate the actions that are needed and to be transparent with what the plan is. If you genuinely wanted to make a change and you wanted to analyze and contribute to action regarding the Continuing Care Act, this is the opportunity to do that. This UCP government has failed.

I know one of the things that was heavily discussed through my office was when this government created legislation that took grieving families' rights to seek justice away. There were deaths that happened while their loved ones were in continuing care that they no longer have the right to seek justice for. When that's happening, how can those family members trust this government that they're going to actually do something that is going to have a genuine impact going forward?

Throughout the pandemic there were continuous failures. One of them started with the vaccine rollouts. I had residents calling me. Because of their age they were eligible to receive the vaccination, but their spouse was under that age, so they weren't eligible. That meant that in their home their spouse wasn't allowed to engage in the group activities and the socializing that their loved one was able to do. There was absolutely no consideration for the reality that so many Albertans were facing. It seemed that this government just didn't care. It seemed like there was just no plan. There were arbitrary decisions made all throughout the pandemic that had tragic impacts on residents living in continuing care.

The other piece that I think is important to talk about is the staff that provides care to those individuals. Part of my experience as a social worker, Mr. Speaker, was that I was a staff member that worked in group care. While I worked with youth, I would say that it's similar to working in a continuing care facility because you're working in their home. This is where they reside, so there's a certain level of respect that needs to happen. There's an appreciation that this is their home and that you are essentially a guest, a paid guest, but you are a guest in their home. Your job is to make sure that all of their needs are being fulfilled, that they have the greatest possibility to achieve the life that they want to achieve.

When this government failed staff and was putting them at risk, which, in turn, put the residents at risk, that is a complete and utter failure. We heard from staff that were calling on this government for supports and resources and policy that could help them do their job safely to provide service and care to the residents that they served, and that didn't happen.

This legislation could have been a wonderful opportunity to make some substantial and meaningful changes; however, we don't see that. We don't see staff-to-patient ratios identified. We don't see hours of care identified. We've heard heartbreaking stories of family members calling, wanting to be able to go in and provide the service and care to their loved ones because there just simply weren't staff available to do that.

I have a former staff of mine that is doing her nursing program, and she's doing part of her practicum in a continuing care facility. She would call me at the end of the shift, devastated, crying, because her entire day was spent trying to prioritize the minimal amount of care that she could provide because of staff shortages. Now, the facility where she was at had an advantage because they had students there, and with the extra students that were in this facility, they still weren't able to meet the basic needs. Most of their day was spent showering and bathing residents, not being able to interact and do some of the positive things that the residents wanted to do.

9:10

When that's the kind of treatment that we have in this province, there is a huge failure, and I know this government is aware of it. This piece of legislation, while saying that it's doing something, actually isn't doing the call to action that's required to actually do the bare minimum to support seniors in this province.

When it comes to the health care of seniors and the health care in this province, there are some significant concerns when it comes to their ability to access health care. When we see decisions being made by this government to move towards privatization of health care, there are some devastating impacts on seniors. When we look at their ability to access dialysis, if you live in rural Alberta, there are some significant impacts that are going to delay your quality of life. There are life-changing treatments that should be available to every Albertan regardless of where you live. Our seniors are being impacted, and it's absolutely not okay.

We as government had an independent office of the Seniors Advocate that provided independent accountability. It was an opportunity for caregivers or the seniors themselves to call and raise concerns. Well, this government took that away, so what happens is that we have seniors and their loved ones calling their MLA to plead for supports and resources. This could have been a wonderful opportunity in Bill 11 to talk about some of that stuff, to actually make changes, to put back in place what Albertans are asking for, accountability for seniors' care, and that's not happening. We have zero accountability for the care of our seniors in this province.

I know that when I talk to seniors, they're feeling that they're being ignored. When we have a Premier that talks about age and implying that the age range in which seniors are dying because of COVID, that they had lived a long, good life – that is absolutely unacceptable. We see a government saying: "Here's a piece of legislation that we're going to bring forward, and it's going to do the things that we know we should do. It's not actually in this legislation. It's going to come in regulation." Nobody believes that, Mr. Speaker. Nobody believes that their call to action is actually going to be doing something that is creating more accountability in continuing care.

We have seen previous legislation do things like removing the ability for grieving families who feel that their loved ones were wronged to seek justice. So when that kind of legislation comes before this, what is there to trust? We've seen the intentions of this government, and they're not to do the right thing. The right thing would be to provide some concrete action that has been called upon by so many in this province to make sure that those that are living in continuing care are receiving a high quality of life, safe living accommodations, that the staff that provide service and work in those care facilities are safe when they do it, that they have the right ratios for staff to seniors. I think that this could have been a wonderful opportunity to provide some of that clarity and some of that concrete action. I hope, Mr. Speaker, that through this debate we might see some opportunity for some amendments to be accepted.

With that, I will take my seat, and I encourage all members to engage robustly in this debate. Thank you.

The Speaker: The hon. Member for Calgary-Fish Creek.

Mr. Gotfried: Thank you, Mr. Speaker, and thank you to the member for her comments around Bill 11 and, obviously, comments on reflection, I think, in terms of what we have just been through, one of the toughest, most challenging periods, I think, in the world's history and certainly in Alberta's history and most certainly for our seniors and our most vulnerable, this pandemic through this period.

Mr. Speaker, I first wanted to start out by just saying that I was very honoured and very proud to be able to chair the facility-based continuing care review, which was a really deep look into the seniors care system in Alberta and with reflection of what's happening not only across Canada but around the world. We had an incredible group of skilled experts on that panel that looked at that. We spoke to over a hundred individual groups, organizations that were represented and had very deep consultation with them. We had hundreds, even thousands, of consultations from individuals, from caregivers, from employees, from family members, from residents themselves, that helped to inform that review, which has been very instrumental in the development of Bill 11 and the changes, the update, the renewal, and the evolution of legislation, some of which has not been touched for close to 30 years.

Mr. Speaker, I just attended last week the ASCHA conference and had a chance there to connect with many of those responsible for delivering care to our seniors. There was a sense of hope and elation, I guess, that we are at least through some stages of this pandemic and that we are moving more to some normalcy, but of course I also sensed some concern from them. They've learned so much in the past two years. They've brought that information back to government. They've pushed that information through their own sector and shared information more broadly than I've ever, ever seen within any sector within Alberta.

Attending that was a great opportunity to sit down with those people and to see, again, what they've been through, what they've learned, what they're applying today and the concerns that they have as we face perhaps some additional challenges with COVID as we move forward. But they feel a bit empowered now that they've learned so much, made mistakes, and certainly had an opportunity to learn from those mistakes and to bring that information back to us so that we can work with them.

Mr. Speaker, I was blessed, I think honoured, in the early stages, probably for almost the first year, to do weekly calls with all the major associations across this province and to hear their concerns and their challenges that they were facing and the unknown as they moved towards the unknown. Something that we thought would maybe only be a challenge for us for a few weeks or a few months became a year and then two years.

I had an opportunity to hear from them and to hear the stress and the fear that they had, the fear that they had for the health and the well-being of their residents, Mr. Speaker. I felt that that compassion and that care was there. This is from the operators, from the staff, from the representatives. They were fighting hard to make sure that they had what they needed.

I was quite encouraged, Mr. Speaker, to hear from all those organizations that the health and well-being of their residents and people under their care was of the utmost importance, that they were doing what they needed to do. They were looking for support from government, and gratefully we were able to provide that not just to those contracted services but through a lot of looking back and forth

and ensuring that we were caring for all seniors in Alberta irrespective of who owned the facility or who managed the facility or who paid for the accommodations that they were in, that they received the supports that they needed.

That was successful, Mr. Speaker. We were there to help them. We were there to help ensure that they had the PPEs that they needed, that they had the care that they needed, that they had the staffing levels that they needed, that they had the HZAs, and we worked with Labour and Immigration and various other regulatory bodies to ensure that we could move people through the responsibilities that they have and to ensure that we could empower people and provide the staffing required to care for those individuals in a time of very, very dire need.

9:20

I have to say that I saw some of the most incredible collaboration through that period. I went for weekly calls, and then it was twice a month, and then it was monthly, and then things flared up again and we went back to having them every two weeks. I continue to have some of those informal calls with those individuals. But what I was really impressed with, that continues to this day, are weekly calls with all of the major associations and representatives from various groups, resident groups and others, with members of our Ministry of Health and with Alberta Health Services, gathering feedback, sharing information, collaborating, talking about challenges that they were facing or challenges that they were anticipating.

Mr. Speaker, it was incredible. That continues to this day, and there are some people within Alberta Health and, again, Alberta Health Services who have gone the extra mile and listened intently and come back sometimes saying: you know, we don't have the answer to that, but we're going to get that answer for you. I'm not going to mention any names here, but there are some incredible people we have within the staff of Alberta Health and Alberta Health Services that have been there every step of the way in caring for Alberta's seniors. That, to me, was one of the most heartening things that I've seen and certainly one of the best examples of collaboration between government and any sector that I've ever seen within this province.

Was it perfect? No, it wasn't. We were all learning every step of the way, following the leadership of our medical experts. Were we listening? Yes. There was a constant feedback loop and a constant opportunity and a constant commitment to getting back to people so that they could make those decisions that they needed to do to care for their residents in the best way they knew how. Was it responsive? Yes, it was. Sometimes to the point where the people that were caring for those individuals were put in very difficult positions.

There were, obviously, differences of opinion with family members, even sometimes with the residents, but for the most part the residents said: "No; we want to be cared for. We want to be protected." But that wasn't always easy because we interface – those seniors' facilities, as I was reminded throughout the pandemic: not only are they an interface, not only are they a place where we care and where our seniors reside, the most vulnerable of our society through this pandemic reside, but it's also a place where you don't escape the community. You're part of the community, and what goes on outside in the broader community also comes into those buildings unless we put in special and extra protections, in which case we were able to deliver that.

And, yes, there were people who got COVID and there were people who died in our most vulnerable population through no fault of anyone other than the fact that we were facing a global pandemic. Was there constant feedback? Absolutely, there was. I was privy to that, and actually – right? – even to this day they do their weekly

calls. Tuesday mornings at 8 o'clock. I listen in, and occasionally I'll pipe in and just say a sincere thank you to those people for their compassion and their care, their dedication, and, yes, the stress that they face through this. Trust me; in hearing their voices, it was evident that they were going through very difficult times. And, yes, there were staffing challenges. Everybody is facing staffing challenges. In today's world it looks like workforce challenges are going to be a challenge in almost every industry, so the seniors care sector is no different.

But what are we trying to do with this new legislation, Mr. Speaker, Bill 11? Well, those things that we highlighted in the facility-based continuing care review are embodied in this and really refocusing our seniors care sector. We talk more about quality of life as well as quality of care. It's not just about quality of care. It's not just a measurement. It's not just the metrics and the objective view of it, but there's a subjective side of this, which is the quality of life that we're delivering to our seniors. We've committed to ending the ward rooms, to getting rid of what's sort of euphemistically called divorce by nursing home, that couples can stay together as they age even though they may have different levels of care that they have to address.

It's a commitment to innovation and using technology. New technology will be a huge boon to how we care for our seniors in place, in community. Aging in place, aging in community: I always like aging in community better because it might be some new forms of housing. I've talked to the seniors sector. There's lots of innovation already going on in terms of building form, updating our facilities.

I can tell you, Mr. Speaker, that my own father-in-law, when he was first moved from assisted living into hospital and then into long-term care, the first building he moved into: the bathroom doors wouldn't accommodate the width of a wheelchair. We need to refresh that. We need to empower our sector to move forward with innovation, new building forms, and refreshing the stock of housing and care facilities that we have. This legislation, Bill 11, will help to empower that.

A commitment to keeping our seniors in their homes, increasing home care funding to allow that, to allow us to transition so that we don't have to build bricks and mortar for everyone. They can keep in their homes, in their communities that they've lived in for years and years. They can still visit their local baker and hairdresser and things like that, that keep them connected to the community and to keep them focused on living a good and healthy life. Many people, Mr. Speaker, don't have the supports of family around them, so we need to make sure that the community and our services that we provide from a government perspective will support them in living those long and healthy lives.

Mr. Speaker, we've had a commitment to modernization, system modernization, and a focus on outcomes within the seniors care sector that is going to support, again, this evolution of a sector to empower it. The member opposite referenced that it's not all in the legislation. Guess what. It's because we need to make sure that this legislation will endure and be flexible for the coming 10 or 20 years. In fact, the current legislation that was in place before this: some of the terminology didn't even match the sector that it was set out to be responsible for.

As much as anything I am very, very convinced and very, very confident that the minister responsible, the Minister of Health, is not only deeply committed to this evolution, but he's compassionately committed to this evolution of this legislation to ensure that he empowers his people in the ministry and those organizations that they work with, Alberta Health Services and the entire continuing care sector, that they're empowered to focus on outcomes, Mr. Speaker, to focus not just on the metrics of, "You

have to have this many hours of this and this many hours of care from this kind of health care professional” but to focus on the outcomes so that we can allow that flexibility within this sector to utilize doctors and nurse practitioners and registered nurses and LPNs and HCAs so that they can have a full scope of practice to take care of our seniors in the best way that we can, following the outcomes to ensure that we can deliver quality of life, not just quality of care, and that we can work together with our various sectors in supportive living and in long-term care to ensure that there is a continuum of care without displacement, sometimes maybe without even having to move, that we just up the level of care within a facility.

Those moves are very, very challenging, Mr. Speaker, on those seniors. If you talk to anybody who’s gone through that with family members, it’s that displacement, it’s that moving, it’s that change of routine that often is a catalyst, unfortunately, for something that is not a positive outcome for those individuals in terms of them adjusting to a new facility or a new routine. If we can deliver that, if we can empower the system to do that, that, to me, is where we should be focused.

When I hear criticism from the members opposite, Mr. Speaker, it gives me concern that we’re not all working together to focus on the opportunities here to take care of those people who are our most valued individuals in this province, our seniors, who have built the foundations of the province we live in.

Mr. Speaker, I just wanted to say that I will be supporting Bill 11. I encourage everyone in this House to support Bill 11 through to final reading. With that, I certainly would encourage anyone to speak in favour and to share their own experiences with respect to the seniors care sector and to long-term care and to this legislation, which I believe is a great step forward for the future of Alberta.

Thank you.

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

9:30

Ms Sweet: Well, thank you, Mr. Speaker. It’s an honour to rise and speak to this bill this morning. I appreciate the comments from the member opposite in regard to his involvement in this piece of legislation and the work that he has done in regard to trying to speak to stakeholders and speaking to different members that have been engaged within the continuing care space. Now, I was listening to some of the comments that he made in regard to the direction that the government wants to take. I appreciate that within legislation, of course, we don’t want to legislate everything. There is room for, obviously, the creation of regulation. But I think something that we need to acknowledge and look at is that we have learned and we have observed over the last few years that there is a need to re-evaluate, to support, and to ensure that there’s appropriate funding for our continuing care services.

I appreciate that the member opposite was speaking about the need for an expansion of home care, and I agree. I believe that if we can ensure that seniors have the ability to stay at home, to be with their spouses, family members, with the care supports that they need, that would be the best scenario that we could possibly offer. I think the major concern for me, the main concern, is the fact that we have a discrepancy within the quality of care within the continuing care space. People who have the financial means to have good quality of care, who can pay for higher accommodation, who can pay for those services, have an ability to have the supports at a higher level of care than those that do not have those financial means, and I think that that is a real concern when we look at how we evaluate quality of care.

As the member opposite said, that should be what it is about. It is about the quality of care that we are supporting our seniors to have. Yet you go into some long-term care facilities – and I’ve been in many – and you see some seniors sitting in wheelchairs in spaces where there’s no stimulation, there’s no staff; they’re just housed in a space in a room. I go to other continuing care facilities where there are dining halls and there are pool tables and there are cafés and there are all of these amazing environments, like, stimulating communal spaces where seniors are able to have that interaction with each other, to have that social connection, really the fundamental pieces that keep us healthy and connected to our neighbours and our society and that we know are best for mental health and keeping people healthy.

I appreciate that the government will say: well, we’re going to put some of this in regulation. My caution and my concern is that I don’t see a commitment from the government, nor have I really heard a commitment from the government around ensuring that the quality of care is consistent for all seniors accessing whatever level of service there is through the spectrum of supports. Home care is extremely difficult to access for many seniors. Being able to get those supports, that multidisciplinary team in place takes a long time. And if you don’t have a family advocate who understands the system, who makes the calls, who sometimes calls the MLA – I do get these calls – there is a concern that seniors won’t get the support that they need. The fact that seniors have to fight within the system to be able to access the medical needs and the supports that they need to either stay in their residence or to even have continued care within the supportive living facilities is a problem. It’s a problem that I don’t necessarily see being addressed within this legislation.

I see a lot of legislation being brought together to talk about what would be a collaborative approach, yet what we know is that – and as the member opposite spoke to, there was a review that was done. That review was completed in April of 2021, so actually exactly a year ago, and it was made public in May 2021, so we’ll give two more weeks and then a year ago. Now, there were 11 policy directions that were included, with 42 recommendations. The previous Health minister made a commitment that there was going to be an action plan created and that that action plan would help to guide the services that were going to be provided within these different programs. It’s been a year. A year. We haven’t seen an action plan, Mr. Speaker. We haven’t seen this government, who stands in this House, introduces a piece of legislation to speak to what the review is supposed to talk about, that was supposed to address the review that was done a year ago – we don’t see the action plan, yet we see a piece of legislation.

Again, as we see this government do repeatedly, they put the cart before the horse. We don’t have the clear direction. We don’t have the clear plan, but we have a piece of legislation the government would like us to trust them on and just vote on and be like: this is how it should be done. It’s very consistent. The government wants everybody to just trust them, say yes to everything, and then if you question everything, you’re not actually being a collaborator. You’re not actually working with the government. Oh, shame on anybody who actually challenges anything that we ask, because we should just all work together. Well, we can work together if we’re given all the information and if there’s a clear plan to move forward to work together on.

Asking questions and trying to clarify information from the government is not actually working against them. It’s not trying to not be a collaborator. It’s just clarifying information and bringing up concerns, and the concerns here are that this is a piece of legislation that collaborates a whole bunch of other pieces of legislation, where there’s no clear transparency from this

government about what the future will look like. “Just trust us. We’re going to put it in regulation. Don’t worry about it. Just pass this bill, and away we go.” Where’s the action plan? Where is the information that a year ago the minister committed to providing to this Chamber, providing to Albertans to let them know that this is what we are actually going to do? It’s not here. A piece of information that directly relates to this legislation is missing.

Unfortunately, I can’t trust the government when it comes to this space because I know of the inconsistency. I know that this government is very keen on privatization of our health care. I know this government would like to move to trying to have more fees for services within the health care system. Seniors care is a prime example of if you can pay, your quality of care is substantially greater than if you cannot. There is a difference, a substantial difference in the equality and the equity in care.

Now, I also have concerns with the fact that I haven’t actually seen anything addressed in this piece of legislation that has acknowledged what seniors have gone through during the last two and a half years and the learnings that have come out of that. I don’t see this government taking it seriously when it comes to supporting seniors, because I don’t see the Seniors Advocate being put back in place.

Again, as I’ve said, I get phone calls often from family members who are trying to support their parents either to access home care, sometimes access different facilities, whether it be hospitals or, you know, rehab services, adaptations to their homes, those sorts of supports, where they are continuously facing barriers. I had a constituent in my riding who was in an apartment by herself, who had severe dementia, three children that would visit her every day to try to make sure she was okay, didn’t have the capacity to move her into their homes. I had to advocate for months to even get home care to start going in there to visit her. Within a very short period of time it was deemed that she couldn’t live on her own anymore because her mental health and her dementia had become so severe that she was actually a risk to herself.

It took an additional six months past that to get her into a facility, into a supportive facility. She actually ended up in hospital for a while because that was the only place that she could go because there was no space for her available within the city. Again, I’m north side. The options that were provided to this family were south side, a 45-minute commute to go visit their mother in a facility because that was the only space available, and it was still a hospital setting for a very long period of time.

9:40

Again, the only reason that their mother was able to actually even get into a hospital facility to start was given the fact that they called my office and we started advocating. If they didn’t know to call their MLA, if this woman didn’t have adult children who cared or were available or understood that there were mechanisms to advocate within, she would’ve still been in that apartment setting. There is a gap there. It shouldn’t take, to be clear, three adult siblings to have to advocate to be able to do that. It took all three of them. One was doing an advocacy over here, one was advocating in a different system, one was advocating in a different system until we finally got all three of them to advocate all together, to all systems at the same time.

I appreciate that the government thinks that by consolidating pieces of legislation, it’s going to fix the problem, but it’s not. When I don’t see clearly from the government where their plan is and what the plan is going to look like and how it’s going to be equitable access for all seniors and it’s not going to be based on if you can pay or if you can’t pay and that the quality of care is going to

substantially increase across all service levels, I have a hard time understanding why we have this piece of legislation in front of us today. If the action plan had been presented and had been made available and we could see that these are the actionable items that the government is committing to, “This is how it relates to this piece of legislation that we’ve introduced into the Chamber, that gives Albertans the confidence to understand that by passing this piece of legislation things are going to get better,” I think there would be a different conversation happening in the Chamber. But there is information that is fundamentally missing.

Again, I’m not trying to dispute that they did a review, that the government did a review. What I’m asking for is: how come a year later we’re still waiting for the government to show what they’re going to do with the review? It’s really slow. The recommendations are there. So if the recommendations were provided a year ago to the government, how come it’s taken so long to create a report, and why do we have this legislation in front of us today without it?

I don’t think Albertans have faith in this government when it comes to long-term care and to health care. They fundamentally don’t. We see a shift, and we see a defunding of staffing, and we see conflicts within the bargaining process, and we see our health care professionals leaving the profession because of those conflicts. So until the government can come back to Albertans and say, “We want to have a better relationship with you as health care workers; we want to support you; we want to ensure that you are paid fairly and that the supports that you need to do your job are available to you to do that,” this legislation is not going to fix long-term care. We need the people, we need the resources, and we need to be able to ensure they can deliver that service and feel good about the service that they’re delivering. Without it, this legislation doesn’t mean anything.

I really would encourage the government to release the action plan, to show Albertans what they plan on doing, and ensure that they’re supporting our health care professionals by paying them fairly, by not fighting with them. That will be the beginning of fixing the long-term care issue in this province.

Thank you.

The Speaker: Hon. members, are there others? The hon. Member for Edmonton-North West.

Mr. Eggen: Thank you, Mr. Speaker. I appreciate an opportunity to speak on Bill 11 here this morning. It’s something that all of us, I think, have a responsibility to not just reflect on but act on in regard to continuing care here in the province of Alberta. We know that right across this country and indeed in so many jurisdictions around the world continuing care centres, or some version of that, were the single most lethal place to be during COVID over the last couple of years. Indeed, some of the scenes that we saw in Quebec, for example, and in southern Ontario and to some degree here as well are not just unfortunate tragedies but, I believe, a call to action for all of us to ensure that seniors are in a safe and secure and healthy place in various forms of continuing care.

Indeed, we know that more than 1,600 and counting residents in continuing care died of COVID over the last couple of years. You know, if we tried to contextualize that number with any other tragedy or mass loss of life, I mean, indeed this is a historic tragedy for Albertans. What we don’t see, though, is both a commensurate call to action and definable improvements that we could make so this kind of thing doesn’t happen again, right? We know that you can learn from very difficult circumstances like this and know that the loss of more than 1,600 seniors is unconscionable if we know that we could improve the circumstances in which they live and make that a safer place to be.

For example, I know that – well, we all know – COVID was travelling through populations between facilities here in Alberta and elsewhere, largely because while we did have shutdowns in all seniors' facilities, really, the workers were travelling between facilities, because, of course, many continuing care workers trying to make ends meet were compelled to work multiple jobs in multiple facilities. I think that that was curtailed for a time, but then we're back to doing that again here in the province, right? It's like we tried to mitigate that for an emergency, and now somehow, you know, we've gone back to our old ways where people are working in multiple facilities.

You know what, Mr. Speaker? Some people through sort of denial would think, "Oh, well, we're past that emergency stage," but we don't know that, right? We know that we don't have as much COVID data by which to analyze the situation right now. We can only look, really, to hospitalizations and, you know, severe outcomes and fatalities, but this is an evolving thing. We must presume that we might deal with this kind of emergency again in continuing care, in our facilities, and quite frankly it's our job right here in this House to do something about it.

So I appreciated the tone of the hon. Member for Calgary-Fish Creek in regard to, I think, quite sincerely emphasizing that we do need to do something, right? My question – and I need to know this – is: is Bill 11 what we need to do? You know, I have more questions than affirmations for this bill at this point. Like, maybe that's why we have three readings, I guess, of any given bill, but this one has a particular gravity attached to it because, of course, as I said before, in the last couple of years we had more than 1,600 people die in our continuing care facilities just from the pandemic alone.

The first question, amongst several that I have, Mr. Speaker, around Bill 11 is, you know: why is this UCP government not acting in its entirety from the recommendations of the facility-based continuing care review, right? There were several things that stood out in regard to this review that it seemed self-evident that we needed to do something about and do something about straight away.

9:50

Maybe I'm reading this bill – maybe I'm not catching the detail, but I mean are we in Bill 11 increasing the amount of home care being provided to people in Alberta, and how are we doing that? We know that having capacity in home care requires staffing and requires expertise, and it requires a long-term, stable commitment from the provincial government. So I'm just wondering if and how and are we, in fact, doing that, and is it somehow attached to this Bill 11?

The second question that I will ask in regard to the recommendations of the facility-based continuing care review is that it became obvious that the working conditions for continuing care staff need to be addressed immediately, right? Like I said before, lots of continuing care staff are compelled to hold down multiple jobs in multiple facilities in order to make ends meet, and that's just one indicator, I think, of a problem around working conditions or hours being available and the adequacy of pay or lack thereof for continuing care staff. Of course, this came back to be a painfully obvious fault line in our continuing care system here in Alberta because we could see that the transmission of COVID was aided and abetted by the staff working in multiple facilities. While we had any given place locked down, staff were entering through that lockdown, and, you know, then COVID continued to spread.

The other recommendation from the facility-based continuing care review that just I was wondering, you know, about – and again

it's to do with staff – is to make and compel more of these jobs to be full-time so that, again, that same scenario that I just described, that we all saw unfold, would be mitigated somehow, right? If people could in fact have full-time options in a given facility, then they could dedicate themselves more to that place, and you have a better relationship with the residents of a continuing care facility if you have full-time staff that are there to get to know people and so forth.

Yeah. Those are some of the questions that I have, you know, and quite frankly I think that what we could do to help to hash these things out is to perhaps follow the amendment that I have here to offer this morning. If I could to drop that to . . .

The Speaker: Thank you, hon. member. If you want to just pass that to the pages. Once I have a copy here, I'll ask you to proceed.

Hon. members, this amendment will be referred to as REF1.

The hon. Member for Edmonton-North West to proceed. You have six minutes remaining.

Mr. Eggen: Okay. Thank you, Mr. Speaker. As everyone can see, this is a referral motion to refer Bill 11 to the Standing Committee on Families and Communities in accordance with Standing Order 74.2. I believe that this is a substantive and reasonable request, and the reason, the main one, I have is that, you know, I see quite a lot of consolidation of existing legislation in Bill 11. It's almost like you're setting the stage for doing something more substantive, but I think that we need to flesh out what, in fact, those further actions should be, right?

While it looks like, you know, Bill 11 consolidates, like, the Nursing Homes Act, the Hospitals Act, the Supportive Living Accommodation Licensing Act, co-ordinated home and community care legislation, so pulling some of this together, Mr. Speaker, it seems that the most substantial aspects of care, especially standards, like I said from the onset of my comments – right? – the standards that can literally save lives and create a quality of life for people and to protect from emergencies such as a pandemic, all come through regulation.

I mean, I know that we don't necessarily, you know, unroll, roll out regulations here, but we set the standard by which the staff in the Department of Health and Alberta Health and so forth – we set an expectation here in this Chamber of what those regulations should do, right? So in the absence of clear direction with Bill 11 as it stands – again, you can show me where it does do these things, but I don't think it does – setting standards around fees, staffing, and so forth, then I think it's incumbent upon us to take some time to, in fact, debate those things.

You know, continuing care, Mr. Speaker, sort of straddles the public and private system. You see nonprofits running continuing care facilities, which is fine – right? – and it's good. You have fully private facilities as well and then public and community-owned ones from the city or from the province or the town or municipality. That's all fine. I mean, this is the evolution of continuing care. But what we do need to do is make sure that there are standards that are right across the whole spectrum of the delivery of continuing care here in the province. I don't see that right now.

My concern, of course, partially is that as you see different elements break off – for people to, if they have more money, be able to pay for, you know, a better level of care and accommodation, well, that's one thing. I mean, certainly, you wouldn't begrudge someone to look for the best level of care for themselves and for their families and loved ones, especially when you're a senior. You want that to happen. But, again, this is a health issue, and we need to make sure that we're not leaving behind a whole other sector of the population with a lower standard or the absence of a standard.

I think that we saw those gaps just demonstrated as a natural chasm – right? – with COVID because, you know, again, it just really showed how if there's an absence of a standard or if there are different standards based on the ability for someone to pay, then it literally puts lives at risk and not just the people who can't afford it and have to stay in a place that's cheaper but for everybody. Of course, COVID showed that it doesn't recognize different amounts of money you have in your pocket and so forth. If you have a pandemic, then things spread from one thing to another, and we're all affected as a result.

So, again, I think my amendment here this morning is reasonable. I hope that, you know, we can hear about how people feel about that, and I expect that we will have a robust debate in that regard.

Thanks a lot, Mr. Speaker. I will cede the floor the next speaker.

The Speaker: Hon. members, on amendment REF1 the Member for Edmonton-Beverly-Clareview is on his feet.

Mr. Bilous: Thank you, Mr. Speaker. It's my pleasure to rise and speak in favour of this referral motion put forward before the House here by my colleague the Member for Edmonton-North West. I, too, have a number of questions on this bill.

[Mr. Reid in the chair]

I will say, Mr. Speaker, that there was quite a robust debate on this very bill yesterday afternoon, in which, you know, it was great to see the Minister of Health engaging with the members of the opposition, engaging early on in second reading, answering some questions that we have.

10:00

Now, you know, I'll state at the onset, Mr. Speaker, that I am in favour of some elements of this bill. First and foremost, the consolidation of what seems to be more than a handful of different pieces of legislation that all govern our different types of seniors' housing, our different structures that have been scattered throughout a myriad of legislation, is a positive step that will make it much more efficient. To put this into context, you know, the Minister of Health explained that previously, or before this bill passes through third reading, if a couple are in a facility that has different types of units, if they need to progress from, say, independent to supportive living – no. I'm going to mess up this example because I was going to say they have to move units, but it was an example where it seemed silly to force a couple to change units in the same building if they're receiving the same type of care. By consolidating, this will address that issue, and that is positive.

I appreciate as well that the current government is building more beds. We know that we have a chronic shortage of beds, Mr. Speaker. This is largely due to the fact that for many, many years previous governments did not act swiftly and build an adequate number of new beds for the aging population. Under our government we built 2,000 new beds. I know yesterday the Minister of Health indicated that the current government is on track to build 1,500 new beds, which is all positive.

Some of the issues that we have, you know – I think part of the reason you're going to hear from my colleagues as to why we support this referral is because this bill was a real opportunity to enhance the quality of care that our seniors are getting, and currently, the way the bill is written, it's not addressing some of those fundamental issues that we would have an opportunity to address.

Now, I know that my colleague the Member for Edmonton-North West did go through some of the recommendations from the facility-based continuing care review that took place last year. So

very timely, Mr. Speaker. This is part of the reason why the Official Opposition were hopeful that this type of bill would have additional tools or additional supports for our seniors and then, quite frankly, as well, you know, supports for the very people who take care of our loved ones, that play such a critical role in the quality of life that our seniors either experience or the challenges that they face.

You know, Mr. Speaker, the other part that's disappointing in this bill is that we've had a great deal of learnings over the past couple of years. Now, it's come at a cost. It's extremely sad to know that we lost over 1,600 Albertans in our continuing care facilities during the COVID pandemic. That tragedy should be a call to action. You know, again, the Minister of Health had said: well, we're going to go out and consult and we'll come up with a plan. The reality is that we have already an adequate number of studies and reports. It's time for action. We've looked at the causes of some of those losses of 1,600 Albertans, and this bill, in its current iteration, doesn't increase the amount of home care. It doesn't increase the number of hours that residents could receive or should receive or increase the proportion of full-time staff.

You know, Mr. Speaker, my colleagues have very articulately expressed and laid out the challenge that many workers in our continuing care facilities face, and that is a patchwork of part-time hours, where they're scattered between a number of facilities, that they aren't being adequately taken care of, which will directly impact the quality of care that they're able to give to our loved ones. There was an opportunity in this bill to address some of those things.

Now, we know that, again, the government has claimed: well, the details of this bill and potential additional supports will come through regulations. You know, the opportunity to fix the issue regarding staffing hours can come through regulations, but the challenge with that, Mr. Speaker, is that regulations are drafted and decided upon behind closed doors, by cabinet, and they can be changed. They can be changed on a whim. They can be changed on a moment's notice whereas, you know, including it in legislation ensures that, one, there is robust debate not only in this Chamber but that Albertans have the ability and the opportunity to look at the proposed changes and to weigh in on them as opposed to reading about them on a Friday when they have already been done and decided. And it would enhance this legislation, which is another reason that I am speaking in favour of this referral motion.

You know, there are a number of changes that this current government has made previously, you know, which really call the government's judgment into question. I mean, we've recently seen the firing of AHS's CEO, you know, Dr. Yiu, who's done an incredible job trying to navigate Alberta and Albertans through an unrelenting pandemic, unrelenting in part because of failed actions of this current government to act decisively and swiftly at a number of different moments over the past two years.

You know, I believe it was last year, Mr. Speaker, that, again, the government brought through a bill in this Chamber removing the ability for grieving families to seek justice. You know, when a loved one is lost and it is due – and there is a process, but if it is determined that it was due to neglect on behalf of the facility or the care providers, there should be recourse for grieving families, and the government brought forward a bill to remove that.

You know, the government has also refused to create an independent office of a Seniors Advocate even though that is a recommendation that has come up time and time again, but this government has chosen to ignore it.

10:10

One of the questions that I have, Mr. Speaker – and I'm hopeful that there will be a robust debate in this Chamber. I think, quite

frankly, if members chose to support this referral so that we can have these conversations, we can bring stakeholders in front of the committee and really work together to try to strengthen this bill so that we are not just consolidating legislation into one place but also looking at how we can provide additional supports for our seniors, our most vulnerable, and how we can also support the very front-line workers who provide that care and then, of course, the facilities that take care of them.

I'm curious to know why the government has not acted on the recommendations from that facility-based continuing care review. Again, the minister has stated that they will look, the government will look at those recommendations in the coming year, but the question that I have is the fact that this report came to government about a year ago. I think it was released about 10 or 11 months ago, and there has been no action taken. The government claims that, you know, these losses of life are a call to action, but the only action that we have is a consolidation of a number of different pieces of legislation into one. Now, as I stated at the onset, I support that, but our seniors deserve much better than merely an administrative bill that brings different sections of different acts together.

I'm curious if the government is interested in creating an independent Seniors Advocate. I know, Mr. Speaker, and I'm not sure how familiar you are with this review, but the review does mention or state that close to 6,000 more staff need to be hired in order to bring the level of care up to a standard that Albertans deserve, quite frankly. I'm curious to know where the government is on that, on making progress regarding hiring up.

I have questions around, you know, the different aspects of care on staffing and fees and standards. Again, the bill really points to regulations that will look at setting those fees or standards. Again, the challenge that I have is that the answer that we continue to get from this government is: "Trust us. It'll be in regulations." The reality is that few Albertans trust this current government on a number of issues, and – you know what, Mr. Speaker? – it's with good reason that this government has lost the trust of Albertans.

You just look at, you know, the actions of this Premier. You look at the actions of this government. I've lost trust in this government and won't take them at their word. Again, that's why there's an opportunity to put this in black and white, to put it into this piece of legislation, as opposed to waiting on regulations that will come. I mean, the other challenge, Mr. Speaker, is that we don't know when said regulations will even come into existence. You know, I mean, this bill has to go through its three stages and then it has to be proclaimed and then cabinet has to get around to regulations.

The other challenge, quite frankly, Mr. Speaker, is that this government is doing everything but governing. They are so distracted with their own internal politics, their party business, their leadership review that nobody is behind the wheel.

The Acting Speaker: Thank you, hon. member.

Any other members wishing to speak to the amendment? I see the Member for Calgary-Fish Creek.

Mr. Gotfried: Yes. Thank you, Mr. Speaker, and thank you for the opportunity to speak to this referral amendment, which, I would like to say right off the bat, I think is very much misplaced given the amount of time and energy that's been put into Bill 11 by the minister, by so many people in his department. This has not been an overnight thing. This has been ongoing for years and years, since the mid-2000s; 2008, I think, was some early attempts to do this evolution of the legislation.

Mr. Speaker, in fact, I'm reflecting back, and I hear the talk of us not doing anything with respect for many, many years until the

government of the member opposite was in place. I reflect back on the 2,000 units that keep being referenced, and then I have to have a little bit of a chuckle to myself because I recall that that ASLI program was actually put in place, which provided most of those spaces and funded most of those spaces, before their government was in place. In fact, it wasn't 2,000; 2,671, I think, was the number – I was trying to find the reference to that – so there was actually a reduction from the original ASLI. There were many people – in fact, I refer back to a question I asked to the then minister back in October about what was happening with the 2,600 Alberta seniors' units and why are 2,600 Alberta seniors continuing to be at risk due to continued NDP funding delays and that they had put it on hold and that there were people that were on that ASLI list who hadn't heard the status of their funding. Didn't know, in fact, were told that – let's see. I'm taking a look through the media. They were told that pending a review by that government of the day, which allowed us to miss an entire construction season.

I reflect back on that, and I look back on some further documentation which referenced a lot of initiatives going on before that. In fact, I've got a full list of all of the seniors' facilities, the long-term care facilities, the designated supportive living spots, and the other supportive living facilities in this province that have been built in what I think is a really healthy mix in our province, which is a mix of publicly owned and operated, not-for-profit, and faith-based operations and some private operations, Mr. Speaker, which has given us a great mix and an attraction of capital of various sorts as well as public funding to ensure that we have that in place for our seniors.

So when I hear that they want to send this back to committee, Mr. Speaker, it gives me a huge pause for not only concern but for some serious angst on where we're going with this. We do have a bit of a hurry up. We do have baby boomers, of which some of us in this room are, and the pressures of the baby boom. We know that the number of seniors in this province is going to increase significantly. In fact, it's going to represent about a quarter of Alberta's population over the coming decade or so, and that is a huge challenge for us. That is why the importance of this legislation being passed now and being passed in a way that empowers and leaves some flexibility for the future is in place.

When I reflect back, there's so much in the current legislation which is not even reflected in the realities of the sector today. Some of the references, DSL and other types of supportive living and some of the contracted care that we have, are not even reflected in the current legislation. We know that that's going to change going forward as well, Mr. Speaker. We know that there's going to be evolution. We know that we want this to be flexible legislation that we can really work with and change over time as – guess what – society and the sector will evolve and improve, quite frankly, because of what's in this legislation. The overarching work of this legislation is very, very much something that we need to focus upon.

When we look at the high level, the highlights of these key principles that we're moving towards with this new legislation, again, Mr. Speaker, I look at the keys here: quality of life, person-centred care, dignity and respect, importance and contributions of caregivers of all sorts, importance of staff to resident and quality care of life. How are we going to attract the people, the talent we need in this continuing care sector? That in itself is a challenge, and I know that the minister will be working with those in education, in advanced education so that they can ensure that we have that career path for professionals in that sector so that we can support, again, that bubble, the baby boomer bubble, that is coming very quickly here upon us, as we see in society.

10:20

The highlights, the key principles, again: enabling Albertans to age in place, Mr. Speaker. Age in place. Hence, some of our focus is on increasing the home care options and opportunities. Again, I talk to innovators across this province all the time giving us new options for smaller congregate living, ways that we can deliver more comfort, care, and quality of life to individuals.

Providing services in alignment with the Alberta Health Act: that's something we need to do. We need to be able to deliver those services where people live, Mr. Speaker, whether that's in larger congregate living facilities, whether that's in medium and new-sized ones in evolution of the care, in the form of housing that they choose to live in or in the homes that they've lived in, in some cases, for many years.

And, Mr. Speaker, respecting diversity: that's a new one that's come out, and I applaud so much that's going on in our province. I reflect on a facility that I've had the opportunity – Wing Kei nursing home in Calgary, which has expanded significantly through the support of the ASLI program and others. It's great. I go in there, and – guess what – I ran into a fellow who I knew from when I was a kid, Ken Jang, who's a resident there and actually a spokesperson in the facility. I knew him when I was five years old. He and his family ran a grocery store near where I grew up, and to see him in there is just like running into old friends. He's vibrant and he's healthy, but he's also getting appropriate care and culturally sensitive and culturally appropriate care and meals, too. As I've often said, you can't take somebody who's enjoyed rice and noodles their entire life and give them a ham sandwich and expect them to thrive. We've got to be culturally appropriate.

We're doing that, and this legislation will allow us to empower the sector to do so as we move forward in the future. So when I hear of referrals and "Let's study this more" and "Let's throw this back to committee," Mr. Speaker, this legislation, through the hard work of the minister, through the facility-based continuing care review, through the input of so many people – residents, family members, caregivers, operators, the associations that represent the sector on both sides, from the individuals, from the seniors themselves but also those that are operating – has been incredibly robust, and I was very honoured to be part of that, thanks to the former minister, and be given the opportunity to continue to work with that sector and to find out what the priorities are and what the focus is.

When I hear that there was only one government that ever did anything – Mr. Speaker, I'm looking back, actually. I pulled up a report here and some information back from 2011, a gentleman that I know that is still working in the seniors' care sector, and that direction was well in place at that time as we were moving forward. The ASLI program was part of that at the time, and as we involved that, the noncapital ASLI programs that have been brought forward now and other innovative ways for us to bring more capacity into the system, into the facility-based side of it as well, knowing that we want to evolve it so that we can deliver those services, those health care services in different settings, that we can deliver that quality of life along with the quality of care: I see that these are all embedded in here but at a high level, giving us the latitude through regulation to ensure that this legislation meets the needs of a growing and diverse and pretty demanding group of seniors, as we see.

You know what? We've now gone past the era of Depression-era seniors. In fact, now we're into their kids. Depression-era seniors, I think, were taught: if you have a roof over your head and three squares a day, you're supposed to be happy. Then we got into the current generation, who's going, "No, actually, I want better; I saw my parents; I'm cut from that cloth of frugality," but they wanted

something more. Guess what. The new generation, the baby boomers, are going to go: hold on here a minute; we've worked hard. Some people will have means, some not. We need to make sure that those people are all receiving a high level of care, quality of care and quality of life.

Mr. Speaker, when I see this, when I hear this "Let's throw this back to committee," it really irks me. It's time for us to move forward, for us to look at the people, the professionals in the ministry. I will not be supporting this amendment. I think it's, quite frankly, irresponsible for us to consider doing it. Now is the time for us to move forward bravely, boldly and to address the challenges and opportunities. There are going to be challenges, but there are opportunities for us to work together with a diverse sector, which we're blessed to have in this province, to work with them to build the housing, to create the facilities, to create the options to deliver the services where people choose to live, and to make sure that they can have that enduring quality of life as they move forward into their golden years.

Thank you, Mr. Speaker.

The Acting Speaker: Any other members wishing to speak to amendment REF1? The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you very much, Mr. Speaker. I appreciate the opportunity to address this. I think the referral motion is one that was brought forward with good intention and not as an attack on the government. In fact, this is one of those bills that I think the underlying intent for both the government side and the opposition side is very much in line. The reason why we feel like this could be deferred at this particular time is the fact that the promise of this bill was so much greater than the bill itself.

I know that the Member for Calgary-Fish Creek has talked a number of times, quite well, about the incredible amount of work that has been put into the review, the facility-based continuing care review, and, of course, the subsequent legislation. That's the very reason why we have concerns, because we actually believe everything he says about that, that there were people who are quite dedicated to bringing things forward, issues forward, and brought forward quite a comprehensive report, that we were quite excited about. There were 42 recommendations in that report that we were looking to see, yet when we look at the legislation, we don't even see most of the aspects of that report even mentioned, let alone actual, you know, construction of overarching legislative pieces to enable the recommendations to be moved forward. I think that's the concern here. We do not seek this referral in this amendment because we wish to quash the bill; rather, we wish to enhance it and to bring it to life.

You know, when I look at the facility-based continuing care review, I see a number of things just in their overall policy list that I really feel like I can get behind. Policy direction 2, for example, is "Enhance overall Quality of Care with emphasis on residents living with dementia." Certainly, I think that there's a need for that. It's an area that is going to require a fair amount of structural establishment here of systems to allow people to deal with dementia.

Right now what's happening in people's homes is that they're finding themselves unable to care in their homes for people with dementia because they don't have the level of support services that they need, and as a result, people with dementia are going into care for the safety of the family members, very often, because living with someone with dementia becomes a 24-hour-a-day responsibility. Unfortunately, because the resources aren't there, people are having family members go into care when they would prefer to take care of them at home but they know they simply cannot do that 24 hours

a day, and they become fearful themselves that they'll fall asleep at the wrong time, that they'll just be exhausted and not be able to tend to the issues.

You know, what we needed to see in this bill, in that particular case, for example, is some legislation that would establish a new process for ensuring that dementia care would be created and deliverable in in-family-home situations in a way that it is not today. I think that would have required some legislative work, and I just don't see all of that work being done.

I look at the next policy direction, policy direction 3, and it talks about "culturally appropriate continuing care services." I don't even see the word "cultural" in the bill at all. Now, I may have missed it once, but in my review I don't see an emphasis on: what does it mean to bring in cultural services? What are the systems that are going to ensure that that is going to happen? I can go through all of those pieces of the continuing care review act and tell you that what we saw in that review, as the Member for Calgary-Fish Creek has indicated, was some really good work being done by people who clearly knew what was happening on the ground.

10:30

What we do not see are these policy directions and these recommendations actually coming forward. Now, what the government is saying is, "Well, we have an overarching bill here," and I understand that. But even if you have an overarching bill, you should have some sections that deal specifically with the recommendations to establish the processes by which those recommendations will be fulfilled, and we don't see that. We just don't see that the work is going forward.

Now, we're always left with this statement: well, that'll come out in regulations. It's always bothersome to me when I see that happening because if it is an issue of regulation, then you're saying that it does not require legislation; it just requires a decision by government, and that decision by government will happen in the regulations. Well, that could happen without the bill, so why aren't we seeing any progress then without the bill? We should have been seeing the implementation of many of these things anyways in spite of the bill because the government is saying that they don't need to be in the bill, that they can be done outside of the bill. Why haven't we seen any progress on that? That's the frustration that we have. They either have to decide that the bill is necessary or it's not. If it's necessary, can we please have the bill substantially do what it is the government promised to do in their own facility-based continuing care review?

You know, yesterday I talked about some of the other pieces, like the staffing hours, which certainly, I think, could have been included in legislation. Absolutely, there could be rules about the percentage of staff that must be there on full-time, ongoing contracts. That could be in legislation without any problem at all, and I don't see any emphasis on that here.

I've certainly talked about the things that I appreciate and I like about this bill. I mentioned at least four things yesterday just off the top to make sure that people know that, you know, we've kind of gone through it, we see some really positive things here, and we want to be encouraging as much as we possibly can. It's these other pieces that I get very concerned about.

I noticed that policy direction 8 talks about: to "consolidate monitoring processes and improve the coordination of inspections, while enhancing accountability and public reporting." I think that that's a really important area that certainly should have been enhanced in this bill in terms of the legislation. You know, we would certainly like to see that there is greater accountability and that there is some increase in fines, which I mentioned yesterday I appreciate, and the ability of inspectors to inspect unlicensed facilities, again which I appreciate, but what we don't have is a

recognition that the families themselves need to have rights. We know that the rights of families to sue many institutions were taken away by this government, so I was very disappointed not to see that.

I could go through a number of specific things. You know, when I talk to the facilities in my area, one of the things that comes up fairly regularly is the fact that they are constantly having to pull staffing away from front-line care into meeting their accreditation requirement processes. Of course, those processes are extremely important. Many of these facilities, because of the nature of the facilities, have to do these accreditation pieces time and time again, sometimes four or five different accreditations at a single institution.

It often means that in September you've satisfied a requirement that is asked by the second accreditation group in November, but you can't give your September results to the second group even though it's only two months old because it has to be done newly for each of the new accreditations. I would have loved to have seen something that talked about: how do we make sure that the accreditation process itself is not pulling people away from the front-line work, those kinds of things, and how do we make it, you know, really sensible? I could go through in fine detail because I actually know many of these people and I worked with them.

I just wanted to summarize my comments by saying that the point here is that much more could have been done. I can give specific suggestions in basically every one of these areas of what should have been in this bill. As a result, we'd like to see this bill being deferred as per this amendment, but at this time I would like to ask that we adjourn debate on this bill.

The Acting Speaker: Thank you, hon. member.

[Motion to adjourn debate carried]

Bill 14
Provincial Court (Sexual Awareness Training)
Amendment Act, 2022

The Acting Speaker: The hon. Associate Minister of Status of Women.

Ms Issik: Thank you, Mr. Speaker. It's an honour to rise today to move second reading of Bill 14, the Provincial Court (Sexual Awareness Training) Amendment Act, 2022.

As the Associate Minister of Status of Women I'm so pleased to see this moving forward. You know, as society becomes more aware of sexual assault and other violence that has taken place against women, this is an important step in making sure that victims are comfortable coming forward. I think the more we talk about the realities of sexual violence, the more we realize how widespread the problem really is. I think society is moving in a healthy direction by learning to accept that there is a problem and that we need to take action.

Of course, it's one thing for us to raise awareness about sexual assault and other context issues, but we need to make sure that victims can come forward. I think that we've done well in encouraging victims to speak out, and I'm proud of the work that has been done by many of our stakeholders and society as a whole in helping to encourage this. But, Mr. Speaker, we can't end there. We cannot just encourage victims to come forward; we need to realize and address the challenges that exist when they do come forward.

Up until recently many of these victims would feel shame about what happened to them due to misinformed public judgment and stigmatization. Instead of this, victims need to know that they will be supported, heard, and understood. More than that, they need to

be assured that there is a justice system waiting to help them. One of the biggest challenges for survivors of sexual assault is not just dealing with public opinions but dealing with the reliving of their trauma as they seek justice. In order for the process of our justice system to take its course, victims will need to provide statement and testimony of their assault. We're not talking about just any type of assault; we are talking about sexual assault, an assault on a person's most intimate, personal parts of themselves. These victims face reliving their experiences and often have to face their assailant in person in order to seek justice.

It's not something that's just forgotten; it has a lasting impact on victims' mental well-being. So what survivors of sexual assault need is confidence in their justice system. Confidence. Sadly, there are reasons for confidence to be shaken. In 2014 a court judge here in Alberta, who I'm sure most are well aware of, made headlines when he humiliated a victim of sexual assault by asking why she couldn't keep her knees together. This young Indigenous woman was brave enough to come forward. She was looking for justice. What instead she got was ridicule. With that comment and more, this woman was made to feel like the assault was her fault and that she should have done more to prevent it. During the same time a Nova Scotia judge told a courtroom regarding another case that clearly a drunk can consent.

These remarks came from past misconceptions about sexual assault that have been shown to lack any basis in reality. Instead of having judges that were there to impartially examine the facts, these judges showed highly damaging opinions. The Alberta judge's conduct, the Canadian Judicial Council said, was so "profoundly destructive of the concept of the impartiality, integrity and independence of the judicial role."

Now, we recognize that the actions of these judges were unreservedly wrong. We must also recognize that these opinions come from the past, where misconceptions about sexual assault were widely held and then passed down. One of the best tools to combat misinformation and stereotypes of the past is education and training. We all know this. In recognition of this, we have brought forward Bill 14 to make sure that our judges understand the nature of sexual assault and the humiliation experienced by victims. This is aimed to ensure that survivors of sexual assault are not revictimized by the very institution that is supposed to help them find justice.

We also need to remember that some victims of sexual assault never make it to court because they lose their lives during the assault. This leaves grieving families attending court and being traumatized all over again. This cannot be ignored by those running the courtroom. Many will know of the Cindy Gladue case. We must make sure that families never ever, ever again have to go through what the Gladue family went through. Bill 14 will help make sure of that.

10:40

As I said before, Mr. Speaker, we can encourage victims to come forward all we want, but there needs to be a willingness to come forward and seek justice. We are seeing a lot of women victims coming forward with their stories. This is a good start and a good sign that culture is starting to change, but it's not good enough. By assuring victims that they will not be berated or accused for bringing forward allegations, we hope to see more engagement in the justice system by all survivors, including Indigenous people, minorities, and other vulnerable populations. All Albertans deserve a justice system that is unbiased, effective, fair, and respectful. As with many things that we implement into law, this won't happen overnight.

I know there are concerns about having individuals currently on the appointment eligibility list for becoming judges undertake to

complete this training. This will take some time, but I am confident it will be done. The independence of the judiciary must be respected. Currently judges are provided with ongoing education and professional development, and that's derived from a number of sources, including third parties and, of course, the National Judicial Institute. The training for new judges is actually quite robust. What we are doing here is making sure that before a judge is even appointed or considered for appointment, they receive this very important education. This shows how seriously we take the issue of sexual assault.

Victim blaming and victim shaming must stop, period. We will only be able to prevent sexual assault when it is exposed to the light of day. This starts with victims feeling safe to report and feeling safe to proceed through the courts. I ask all members to show their commitment to ending sexual violence by supporting Bill 14.

Thank you, Mr. Speaker.

The Acting Speaker: Any other members wishing to speak to Bill 14? I see the hon. Member for Edmonton-Castle Downs.

Ms Goehring: Thank you Mr. Speaker. It's my pleasure to rise this morning to speak to Bill 14, Provincial Court (Sexual Awareness Training) Amendment Act, 2022. I want to thank the associate minister for her opening remarks. I think that there was a lot to be said on the importance of discussing sexual assaults and the importance of educating the justice system when it comes to that.

[The Speaker in the chair]

I think that there are some questions that I have regarding this piece of legislation. It's quite limited in what it's asking. There's a reference to – it's simply an appointment eligibility list, and there are two requirements, that the person being appointed as a judge "is a Canadian citizen" and "has completed education in sexual assault law and social context issues."

Now, I have a background in social work. I was a volunteer with the Sexual Assault Centre of Edmonton for quite a few years. I also, at the end of my career, prior to being elected, worked in the justice system with Children's Services as a specialist. I was a court coordinator, so I had the incredible privilege to work with Provincial Court judges under family law, and I had an incredible opportunity to sit on a committee with Provincial Court judges. In this committee it was the justice, the Chief Judge, for family court as well as defence counsel, members from family law, the native counselling centre – who else was there? It was a very diverse group of individuals that came forward to talk about the issues that were being faced in family law, and I can tell you that a lot of the solutions, because of the lack of ability to impede the independence of the judges, came from community.

We've seen, in Children's Services specifically, the creation of the Zebra centre. That was a space created that would allow an expert opportunity for the lawyers that were representing the victims to be specifically trained in issues related to child abuse, whether it's sexual abuse, emotional abuse, physical abuse, and it was an opportunity, what was intended, to create a space to educate through testimony to judges. It was real time, so it was happening during the trial. The experts that were there were the supporters of the victims. They were the lawyers themselves. They were defence that were, you know, quite versed in the issues regarding this, so the education component came from the lawyers and the witnesses, right? Whether it was the psychologist or therapists that responded to the victims, the approach was taken in an attempt to educate the justice in a way that was provided by testimony.

I can say that that has been somewhat successful when it comes to Children's Services. There has always been this discussion about

what sort of education can be provided to judges because of their independence, so it's a grey area when it comes to what that would look like. I think that simply being a grey area doesn't mean it shouldn't happen. We have an opportunity here where we're providing an expectation that any judge that's going to be appointed have this education in sexual assault, sexual awareness training, and I think that that's a wonderful first step.

I think that when we look at the federal law, there's a component of ongoing education when it comes to their judges. There's an expectation that you're a sitting judge and you continue to educate yourself on issues that are coming up. I know that in social work something that is a standard for our practice is that we have continuing education. We have categories that are required in order for us to maintain our status as a registered social worker. Part of the profession expects that we are educated based on upcoming events, current issues. Some of those things for job requirements are, you know, taking suicide awareness training ongoing, because the context is continuously changing, as we know, as society changes, as new procedures and techniques come out.

There should be an expectation that all of the service providers that interact with an individual who is a victim have that same level of training, and it shouldn't stop at the justice level. It shouldn't stop at judges. Having an opportunity to create space for newly appointed judges is wonderful, but I think the majority of those that are seeing cases before them are current sitting judges. It's a slow process to get new judges appointed, and to be quite honest, judges can sit well past retirement. They're brought in, you know, some of them in their 70s, 80s, and that's not a unique experience in Children's Services. It happens in drug court. It happens in criminal court.

So I think that we're missing a huge opportunity when we talk about the importance of educating judges and how it can be done. We can look to the federal legislation, that talks about that education component, and how it is simply just a requirement of being a judge. I think so many professions that we have that work with people have that requirement. It's part of the job. It's an expectation that your education is maintained. You can't go to university, graduate, and then just continue to practise in the education that you learned, perhaps some of them in the '60s, in the '70s. Things have changed, and it is unrealistic to look to the social workers and to our lawyers and to our organizations to have the expectation put on them that they're the ones educating the court process, they're the ones educating the judges.

What happens is that you have individuals who are brave enough to, number one, report, because that simply is a very low statistic when it comes to those that have experienced sexual violence. They were brave enough to tell someone, and then they were brave enough to bring it before a police officer, and we hope that that police officer has been trained in how to receive that report and then take it to a place where they feel that there's enough evidence to actually prosecute. Then the police officer has to convince a lawyer, the Crown, that this is something that's worth prosecuting, because there are so many barriers put in place even before it gets to the court system. This victim is so brave and vulnerable to be put in that position.

10:50

I'm happy to see the minister nodding and understanding this process. It's quite a complex system that, unfortunately, could fail on so many stages of it. I know it's a big task, but when I look at how much strength and support is required to get this to trial, the chances of it getting to trial with a new judge who's been trained is a very low per cent. I would question: have those conversations happened with current judges? Like, what could it look like in the

province in ways of receiving education? I think it's absolutely unrealistic for the current sitting judges to say: no, we're not open to that. Well, you know, maybe you need to be.

We look at the federal government and that expectation of ongoing education. Why are Provincial Court judges left out of that?

Ms Issik: They're not.

Ms Goehring: I know the associate minister is saying that they're not, but there isn't a set expectation that they have to follow. There isn't a guideline that says: you must comply with sexual assault training, a certain amount of education. It's all at their discretion. It's a slippery slope when we look at ways to educate a profession that needs it so desperately. Our victims need it desperately when they've taken that stance that they're prepared to tell someone what happened to them and then hope that that first person believes them and then supports them through this really daunting process.

I know part of the training that we give to social workers is to take what they see on TV and disregard all of that. When you're testifying, it's not like it is on TV. It's not an experience where a judge will simply say, you know, "You can come and sit down and give your evidence," and they're seated nicely. For most of Provincial Court testimony you're standing. That act itself is something that can throw a victim off or a witness off without knowing that the true life experience is so different from the court experience. Even the placement of a courtroom: the judge is quite high up. They're looking down on the victim. There are so many things that are so intimidating to someone who's never experienced that. To have to testify in this space about something that is so violating and then to not have empathy when you're looking over to the person who's making the decision is heart wrenching to watch.

I think that this legislation is so essential when it comes to making sure that newly appointed justices are given that awareness. But I think that this legislation doesn't show how that's going to look. What are the timelines? What's the potential for actually educating those current sitting judges? I know many of the judges want to learn. They would sit on that committee, where we would discuss current issues, ongoing concerns, and they would ask those questions. It was in a safe place because it wasn't on the record. There were no clerks. There was no public. It was just an opportunity to have an open discussion. But not all judges are in that space where they want to genuinely learn what's happening.

There were several judges, that I had experience with over the years, that, you know, when you walked into the courtroom and that was the judge that was sitting up there, you knew what the results were going to be. You knew that there was a bias. Despite them intending to be nonbiased and neutral, you knew that judge X was going to rule in a certain way because they weren't perhaps aware of whatever the dynamic was, whatever the situation was. I think it has to be something that is a requirement. It can't be: I hope you get educated on this; I hope that you will take that additional training. Some do but not all. It's those judges that you referenced in your opening statement that, I would argue, probably wouldn't be open to voluntarily taking training and taking education because they have a bias and they have an opinion on what that means.

I can think of an experience where I went before a judge to present an apprehension order of an infant. The information that I had gathered through interviewing the family was that the father of this infant was a sexual offender of children, with quite an extensive history. You know, to me and my team, when we discussed how we were going to present that, it seemed pretty straightforward: new baby, vulnerable, mom was low functioning, bio dad, who was in

the picture, in the home, was a court-convicted sex offender of children. We put the information before the judge, and his statement was: “He served his time. He was released into the community. I have no concerns. This child is not at risk. People can change.”

When you put information before a judge, they ultimately have the final decision, and you can only do so much. Perhaps if this judge had information on what sexual offenders’ behaviour could be or sexual violence training, there might be some more probing questions that could have been asked. I could have come away with a better dialogue with this judge, but I wasn’t given an opportunity to explain any more concerns. I wasn’t provided any sort of opportunity to educate in that moment. It was just: no; this is my belief, and absolutely not.

So I’ve experienced attempting to provide information to a judge to perhaps educate in the moment, and not all are open to that. I would think that when you know better, you do better. Until you have that information – perhaps it’s not that they’re intending to be malicious or ignorant; it’s just a lack of education and understanding. I think providing an opportunity to sitting judges is so wonderful if we could do that, come up with a way that the federal government does it. Provincial Court sexual awareness training is something that I’m so happy to see come forward. I know that there has been a lot of conversation over the years about the requirement of what does education – what are the standards for a person seeking to become a judge? What does that look like?

I think that when we look at some of the horrific stories that have come across our kitchen tables, when we’re looking at some of the decisions and some of the disgusting comments made by those that make decisions, we have to do something. We have to start somewhere. I think that being able to look at the legislation and change it is a great first step. I would hope that when it comes to the type of training, that’s something – that the victim’s perspective is all throughout this training. I know that when you are hearing first-hand from a victim and what their experience was like in a courtroom, they’re able to identify those little things that I talked about, just the simple staging of where the judge sits and that eye contact and not being able to sit. A judge doesn’t consider those things when they walk into a courtroom.

Hearing first-hand from the person that had a horrible experience and also the positive experience – because there are some wonderful experiences where I’ve seen victims provide testimony, and the judge was so compassionate and so caring and so kind. Take those experiences as part of that education as well, not just what not to do, but: here’s what it could look like to really support a victim who’s coming forward and being so brave.

I know that one of the examples that we could look at is how we work with Children’s Services and the way that we support children in testifying. There are support dogs that are provided through the Zebra centre. You know, they have a support animal with them. It’s things that we’ve learned over the years that people need in order to get over that anxiety, that stress, and that simple acknowledgement that what they’re about to do is hard. It’s so hard. To be able to talk about the violence that you experienced in an open setting is terrifying, and unfortunately when it comes to a trial, you’re not only sharing your story, but you’re often made to feel like you’re defending it. You’re questioned on so many of the facts.

11:00

Defence lawyers use tactics that are horrible. You know, the minister mentioned the question of being sober. It’s a strategy that we see over and over and over, so when we start getting to a place where judges are saying, “That is absolutely not acceptable; that’s not an appropriate line of questioning,” that culture, hopefully, will

shift and will change. But until then we have a system that has existing judges that don’t have that training. I’m so appreciative to see this start of what’s happening, but I’m just hopeful that there’s opportunity to make it so much better.

With that, I will take my seat. Thank you, Mr. Speaker.

The Speaker: Hon. members, are there others? The hon. Member for Edmonton-Manning.

Ms Sweet: Thank you, Mr. Speaker. I’m honoured to rise and speak to Bill 14, the Provincial Court (Sexual Awareness Training) Amendment Act, 2022. There are some thoughts that I have in regard to – and to build a little bit on what my colleague from Edmonton-Castle Downs was also speaking about, obviously, we have similar backgrounds. The member worked in court services, and I worked with high-risk youth. Sexual assaults, grooming into gangs, things like that were the areas that I worked in and, of course, was engaging with youth that, unfortunately, were often being either sexually assaulted, abused, things like that.

Now, I agree that this piece of legislation is important. I think that when we are looking at our court systems – and how we’re supporting victims is extremely important, and as my colleague mentioned, the training and understanding of that is very, very important. And the reason that I speak to that is the fact that I’ve had scenarios where I’ve had to work with youth that I’ve gone through this process with, and I think one of the biggest frustrations that I had through the whole process of trying to get to a court date and support a youth taking the stand and actually being a witness was the time that it took to get there. From the time that the first report was made, through the interview process, to the gathering of evidence, and then getting an actual court date, we were at about two years.

This youth that I was working with was assaulted at 14. We didn’t have a court date till 16, and by that time her life had changed significantly. She was, at 14, living on the streets. She’d been groomed into a gang. Many horrible things happened in that process. By the time she was 16, she was living in an independent living environment, had gone back to school – her life was significantly different – and had gone to counselling, so she had processed what had happened to her to the point where going to court was not on her priority list. She didn’t want to relive what had happened to her when she was 14, and she didn’t want to have to tell her story again because she told her story already so many times, whether it be in her interviews, whether it be the officer that she had to talk to, whether it be the social worker that she had to explain. Like, the reliving and retelling of that story over and over and over again is a deficit, to be honest, in all of our systems.

The court date was set. We sat down. We talked about: what did she want to do? Again, because she had been supported through Zebra, she knew what was going to happen because we did the practice. She knew she was going to have a screen and that she’d have the support dogs and all the things. The day came, and her youth worker went to pick her up, and she didn’t go. That court case failed. That individual was never convicted. We had enough evidence where I could confidently say that we would have definitely won that case, but because she wasn’t able to attend as a witness, the case died.

Is training important for judges? Absolutely. Do we have a fundamental problem within the justice system of how we get to these court cases? To me, it’s just as big of an issue. We are underfunded in the justice system. The access to judges that understand these cases is limited. The retelling of stories and having to expect individuals that have been sexually assaulted to have to tell that story over and over and over again is a problem.

And how we interact in these conversations is a problem. I will admit that when my first disclosure happened to me from a youth, I was unprepared to engage in that conversation. I acknowledge that in my practice as a social worker I could have handled that way better. I had training, and I had all of the things, but when you're taught something and then you have to actually practise it, it is very, very different. Luckily, again, as my colleague mentioned, we had the Zebra centre, so I was able to get support. There are experts there that were able to do the interview appropriately, and we were able to support that youth. Then I obviously spent more time at Zebra and, unfortunately, got better at being able to do that interview. But it was through that training and that expertise and engagement and being surrounded by people that understood what needed to be done and how to do it properly that I was able to be better.

Sexual assaults are extremely difficult to talk about, and they are also very easy to, unfortunately, mess up in an interview, with leading questions, with how you engage, so I think one of the strengths that we have in the province is that partnership that we have with Children's Services and our police partners and the fact that we have joint training. Social workers and officers go to the Zebra centre together; we do our training together. We get the justice perspective from an officer's perspective. You get the social worker's perspective of what we engage with: who gets first disclosure? What does that look like? How do we work in a collaborative partnership to ensure that we are doing the best practice we can do?

I would encourage the minister, when looking at this piece of legislation, "What does training look like?" that judges participate in that same process, that they come with us to the Zebra centre and they sit with the social workers and they sit with the officers and they learn about, one, how the Zebra centre works – in Calgary they call it something else; it's slipping my mind, but it's set up the same way – and that judges actually learn, from the moment of disclosure, what that whole process looks like, and they see it.

I appreciate that this is very much from a children's perspective. However, I think that if you can be a good judge and go through a trial with a child that has been sexually assaulted, your likelihood of being successful with adults is probably higher, because it's far more complex with kids. But I also just think that it's a good practice to see the whole spectrum of how the systems need to work together to make sure we have the best outcome.

11:10

My other recommendation, obviously, as we're talking about this is that the ministers – ministers, to be clear – work together in the sense of how this legislation from the Associate Minister of Status of Women to the Minister of Justice gets those cases seen sooner and that we accelerate those processes, because two years after an assault is too long. It is an unrealistic expectation to ask a person to go to court two years after a traumatic event such as a sexual assault and ask them to relive and retell that story and expect that they're going to show up, for one, and then, when they show up, to not necessarily have those supports. We need to make sure those supports are there, so I agree that this needs to happen.

I do think, though, that I also would like to see a harmonization between the provincial requirements and the federal jurisdiction. There are more strengths in the requirements for federal judges, obviously. We wouldn't have this piece of legislation if there wasn't, but because there is a requirement for federal judges, it would make sense to me that the legislation aligns, and I do believe that the federal legislation is a little bit stronger. There is more of a continuation of a requirement for training. Everybody is required to have it.

I agree that I don't believe that it should just be new judges. I think that all judges should be required, and I think it should be a continuation, and there should be a requirement for updating of that training, no different than in Children's Services, where Indigenous training is required. You have to update it every two years. You know, there are courses that can be taken within sexual assault training that you can update. Suicide prevention: you can update. Well, you have to. Because it is such an unfortunately common interaction, to refresh your understanding and your ability to engage, I think, is important.

Unfortunately for me, because I worked with high-risk youth, I was dealing with sexual assault often, so my skills were constantly being tested. Other colleagues of mine may never ever have to deal with a sexual assault as a Children's Services worker. They may deal with neglect and abuse and all of the other things but may never ever in their caseload experience have to do an interview when it comes specifically to sexual assault, just based on what kind of family you're working with and demographicwise. So for those workers who never had to engage or are less likely to, having that refreshing training is very important because when the day comes, if it does come, you need to understand and be prepared.

I do think that there needs to be more clarity that it is an ongoing expectation. I mean, I would assume that it's not depending on what a judge's docket looks like. They may not necessarily have these cases coming across their desks very often, so they also need to make sure that they're up to date and aware.

I think, I mean, as my colleague from Edmonton-Castle Downs also mentioned, things like even courtroom structure changes, right? Like, we never used to put screens in front of victims so that they didn't actually have to see the perpetrator. We never thought of that. Then one day someone decided that that would be a good idea and maybe we should provide a screen so there was limited eye contact, lack of intimidation, limiting that feeling of threat. Put a chair down; have a support person that can sit beside the person while they're testifying: those things shifted significantly as we became better at talking about sexual assault. Then it was about training court workers and, like, "How do we set up those spaces, and what does that look like?" So there is an evolution as we move through our systems, and as we learn more and as we develop more and get better at our professions, things shift.

Those were just the considerations that I would ask the minister to think about. Again, I think we can just always do better in this space. Our intentions are always good, and the more we learn and the more we're able to look at how we support victims so that we can have successful outcomes at trial, I think that is what we all genuinely want to see happen.

With that, I will close my remarks.

The Speaker: Hon. members, are there others wishing to add additional comments? The hon. Member for Edmonton-Rutherford has the call.

Mr. Feehan: Thank you, Mr. Speaker. I welcome the opportunity to speak to this legislation. We seem to have our third social worker in a row speaking to it and maybe more yet to come. I guess I want to start by thanking the Associate Minister of Status of Women for bringing forward the legislation. It is very nice to be able to support a piece of legislation for what it does. I think my comments will be more around thoughts I have around this whole, you know, issue or area of sexual awareness training and some of the concerns I do have, but I can certainly tell you that I support the direction of this bill and support the work that's been put into bringing this forward.

I think that, you know, the evidence has been that our sort of nonexpert attitudes and experiences towards things like sexual

assault have a huge effect on the decisions we make around sexual assault, and it turns out that judges are not immune to that in any way more than any other group in society. They are not experts in the area of sexual assault, and as such they make decisions based on the information that they have available to them, and that's typically their life experience. Unfortunately, that doesn't always lend judges to move in a direction which, I think, we need to see them moving in.

I know that in my many years of working in the area of child sexual abuse, I had, of course, many opportunities to deal with children that had been sexually assaulted, but also I did indeed provide counselling for or advice for and often training for people in the area of general sexual assault, including adult sexual assault. So this area is very meaningful to me, an area that I certainly dedicated a significant part of my life to and, of course, trained a lot of people on how to deal with this, both as a professor and in my work in private practice as an independent contractor providing services on training in the area of sexual assault for many years both to government and to nonprofits and other groups and agencies.

I certainly believe in the value of education, and I've certainly seen the negative effects of a lack of education in a particular area. It's really not to cast aspersions on the judiciary; it's just to point out the fact that one can only make decisions based on the information one has available to them. If you don't have it available to you, you tend to go fall back on things that are not, you know, really helpful, but it's what you know. I certainly experienced that a lot as I testified in cases of child sexual abuse.

I testified dozens and dozens of times. I was deemed an expert in both the Provincial Court and Queen's Bench in the area of child sexual assault and associated areas. I know I certainly tried to bring information with me when I presented all the time, but of course the courts want you to provide facts and not education in the courtroom as an expert witness, so it was a bit limited. Having a place where this could be done would be very appropriate.

11:20

I sort of reflect on some of the cases where I was, you know, particularly aggrieved at the decision-making that was done; a case, for example, of a child of three who was sexually assaulted by their father. When the decision was made, there was a reference by the judge that if we put this father in jail, this family is going to be without income and they'll be worse off. I can understand, from the judge's perspective, that that would be an important thing. A family needs to have funding and so on, but of course it totally neglected to bring into consideration the fact that, having been a sexual offender once, the likelihood of reoffending is significantly high. Of course, that young child was sexually abused continuously until they left home at the age of 18, and then it became a big issue again at that time. I was brought back to testify about it, this some 15 years later, and really was concerned that the decision why this man was left in this home was based not on the sexual assault aspects of the case but, rather, on some other aspects of the case.

Another one that, you know, really stuck with me – and some of these stay with you your whole life; you just never give them up – was a young woman that was abused by her father and, in fact, had become pregnant by her father and had an abortion by her father. But when it came time for the trial, unfortunately, nobody had thought to take evidence, DNA evidence, about the abortion from the time of the abortion to prove that it was the father. It was only at this point about a 16-, 17-year-old young woman testifying against her father.

One of the things that I was really aggrieved about was that the defence attorney brought in writings by this young girl, that she had written down, about how much she hated her father and so on and

had the young girl admit on the stand that she did in fact hate her father, and then they used that as evidence: obviously, this is all fault; she just hates her father, and she's doing this to attack her father. You know, it was just a terrible, terrible outcome, and I've never been able to get over that. Again, it was because they were using the outcome to justify their decision that somehow the assault hadn't actually occurred. I think that judges, with appropriate training, would certainly have been able to understand that, of course, a child who'd been sexually abused to the point of having gotten pregnant and having an abortion by her father by the time she was, I think, 14 would be angry. The point of the anger was an outcome of the abuse, not a reason to believe that somehow it was a false accusation.

You know, those kinds of stories just hang with you for a very long time, and you certainly are happy to see a piece of legislation that's going to move us ahead, that's going to make the likelihood of decisions based on information that is irrelevant or secondary to the sexual assault piece of the criminal activity – I think it's really important that we see legislation that supports that kind of work.

I want to also add in some thoughts about things that I might like to see happen that could perhaps be part of this legislation, because I, of course, believe that it's not just simply sexual awareness training that is important for the judges; there are other aspects that could be included. Maybe this isn't the appropriate place to put them, but I know that there has been a recent review by Professor Jennifer Koshan at the University of Calgary's law school asking essentially: can we have this kind of legislation for intimate-partner violence as well that looks not only at understanding intimate-partner violence but also context and so on?

Of course, as in the case with the young woman I just spoke about, in many cases of intimate-partner violence we also see decisions being made based on – well, in the outcome what we see is somebody who's very angry and that therefore this is probably a false allegation by somebody who's just trying to attack. I know that Professor Koshan, you know, wants us to caution against that and to actually have judges go back and learn more about intimate-partner violence and not look at where we're at now in terms of a fight between people but, rather, at what the circumstance was at the time, to help us understand and understand that what's happening now is an outcome, a legitimate outcome, of that.

I guess I wonder if a bill like this might include something like intimate-partner violence – or perhaps another bill could be brought forward that would do the same thing – to ensure that anybody who wishes to sit on the Provincial Court also has training in that area. You know, again, I'm just saying: "I like what you're doing. Is there more that we could be doing to move things forward a bit?"

I guess I also just wonder – and it's because of my own lack of knowledge, so I'm going to acknowledge that right up front – about the decision to have this only for people who are applying to become judges. I wonder whether or not it should be more broadly done, as some of my colleagues have said, for people who are already sitting judges, because, of course, if they missed that opportunity to get the training and they're on the bench for 30 years, they're still going to be making the same decisions now that they were making 30 years ago. So it might be good to include them, and perhaps there's a way to do it. Perhaps there are legislative reasons why we don't do that. I don't know. It would certainly be something that would be considered.

I happen to come from a bit of a legal family, and I know that when both my father and my brother were appointed to the bench, both of them were required to go for various sets of training after they were appointed. I can see the minister sort of saying across the floor that not all these things are possible, and I kind of understood that that might be true. I'm just wanting to put that out there, that I

certainly would like to see judges get information, whether they've been sitting for a long time or not, on these kinds of issues like sexual awareness or intimate-partner violence.

I wonder whether or not there might be some kind of work that could be done with the members of the Law Society, more commonly referred to as the benchers, who make these kinds of decisions about all lawyers. Should we be asking them to consider the possibility that all lawyers, particularly any lawyers who are going to be acting in the area of family violence and so on, should actually have some training, just as part of the course of their being able to practise law and stand before the bar at all? I realize, again, that that's not in the associate minister's hands. It would have to be a discussion with the Law Society and the benchers to do that.

You know, at this particular time I'm wanting the House to support this kind of legislation. There may be some things we can add to it as we go through the stages of the bill. I certainly would love to see some work done on the maintaining of statistics in this bill. As we have suggested in other situations, sometimes gathering statistics is important in understanding how differentially laws are applied. I know that our Member for Edmonton-City Centre has suggested in other situations in legislation that we keep race-based data on the outcomes of various things with regard to health and other areas like that.

It would also be interesting to know if there is a difference in this particular case in terms of sexual awareness training, whether or not that would have an influence on changing the nature or the application of law. But we'd only know if it needs to be changed if there were stats available. Are there cultural differences between who gets convicted and who doesn't, both in terms of the cultural status of the victim and the cultural status of the offender? It would be interesting to know if there is some difference there – I realize that it's just casting aspersions, so I want to be careful, but I suspect that we might find that there are some significant differences; we certainly do when we look at it from a social science perspective in many cases – so having some stats on that and having stats on the number of cases that are coming forward and the number of them that are actually resulting in convictions and the number that are not.

One of the things that you certainly have an experience of if you're a social worker, as I and many of my colleagues are, in terms of going to the courts is that the chance or likelihood of a conviction is very low.

11:30

We know that, in the statistics that have been done around, you know, adult sexual assault, for example, the conviction is the last of about four different stages, and in each stage the likelihood of progressing to the next stage goes down. Starting with the first stage of just even reporting that, in fact, something has happened, there is only a per cent of anybody who wants to report because they know the likelihood of a conviction is so little and the likelihood of sort of something negative happening to you as the victim through this process is likely to go on, and then, of course, having to report it. How often do charges get implemented, and how often are there convictions, all the stages along the way? I'd really like to see some stats on that end and see those used to bring us to a better place in terms of our legislation here in this House.

Thank you to the minister and the associate minister for this legislation.

The Speaker: Second reading of Bill 14. Is there a social worker in the House? Just teasing. The hon. Member for Edmonton-Riverview.

Ms Sigurdson: Well, thank you very much. Yes, it's my pleasure to join the three social workers who previously spoke, to also add

my voice to this. Although, I think it's pretty tough to be a social worker without having this part of your practice. Because I did a lot of macropractice – I didn't do so much micro, working with individual clients – I probably have perhaps the least experience directly working with this area of social work. Certainly, I also will say that I'm happy to see Bill 14 come forward.

You know, I just was looking at the legislation. It's a couple of pages. It's not an extensive bill, for sure. I think the section that's the substantive piece of it is section 3. It says:

- (2) No person may be appointed as a judge unless the person
 - (a) is a Canadian citizen, and
 - (b) has completed education in sexual assault law and social context issues.

That's basically what this bill is about, very specific to that and, of course, needed.

You know, we want this legislation in, and as my colleagues have all spoken about extensively, there's tremendous need. There are a lot of stereotypes. It's often referred to as rape mythology. Rape is sort of an old term. We don't even use it very much anymore, but it's still seen as this – a stereotype of often the victims of sexual assault as – I don't know – provoking it, wanting it. They gave false impressions of, you know, interest, so they were implying consent. A myriad of things. We can go on.

I mean, it's important that we do bring this legislation forward. Of course, you know, we're always wanting to give the government some advice, some suggestions on how to make it better. My colleagues have spoken about how it should be expanded to current judges sitting, and I would say that that's even probably more important almost than the judges that are newly appointed because it has a lot to do with age. I think that age and perhaps some of those stereotypes are correlated, and I would think, too, that there are just more people with lived experience of understanding what this is about.

You know, we have probably an appointment of more women judges now, so gender plays a role. I don't know the stats on how many judges are women or how many judges are men or things like that. But I would say that judges appointed in years past were more likely to be male and have less understanding of this issue. Certainly, they probably don't have lived experience at all.

But, as we know, 1 in 3 women have experienced sexual assault. That's a tremendous amount. You know, a third of women have had that happen, and only 1 in 10 actually report it, because of some of the things that we're trying to address today. It's not going to make a difference. They feel they'll be humiliated in a public setting. Nobody is really understanding. They don't understand the very significant trauma that, I'm sure, they experienced.

So it's very important that people be properly trained when they become judges and if they are already sitting judges. Certainly, I, as my other colleagues have shared, would like very much for sitting judges to also need to be trained in this way so that they, when they are presiding over these cases, have the knowledge, have looked at those myths and looked at themselves and done some reflection on what maybe are some of their biases that are unconscious, that they don't even know. That's why it's so important to have sitting judges be asked, required, mandated to do this training. I think this is very important.

Certainly, another thing that would help this legislation be stronger – and I am going to refer to some public comments by the MLA for Calgary-Bhullar-McCall. Of course, he said that mandating sexual awareness training for judges is very important and just encouraged also to follow the federal process, where the training is overseen and implemented by independent professional bodies, developed in consultation with sexual assault survivors. Again, I just offer this advice to the government, to make sure that

it's done similarly to the federal process and, you know, making sure that the voices of people who have experienced this – these are the survivors. They understand it intimately. Of course, their voices are so important, and they must be honoured. That is another thing that the legislation doesn't speak to – it's silent on that – but is very important.

I mean, it always certainly makes me very happy to see legislation – and largely we would say that women and girls are usually the victims of sexual assault. Not that men and boys don't experience this, but I'd say that the majority are female. Of course, anything that we can do here in this Legislature to create policies that support females to live better, healthier lives here in our province: I am completely in support of that. I would say that this legislation is going towards that.

I think that in Alberta we have some very challenging issues here. I want to point to a study by the Canadian Centre for Policy Alternatives. It looks at five indicators regarding: what are the worst and best cities in Canada for women to live in? It's looking at a whole bunch of different indicators, you know, for their quality of life and what are the best places to live. You know what? Out of 25 of the major centres, Edmonton is 24, so that's bottom basement, right? That's very, very low. We're not 1; we're 24. And Calgary is 23. So there's a lot of work to do. There's a lot of work to do to make sure that women in our province are supported based on some very key indicators.

Certainly, this legislation touches on what the study talks about in terms of security. Security they define as intimate-partner violence, police-reported sexual assault, and police-reported criminal harassment. Alberta and, specifically, our two major cities have extremely high rates of these acts of, you know, violence that hurt women's security. Because of that one indicator but also the others in combination, we actually have a lot of work to do in this province. We have a lot of work to do to make sure that women are honoured and supported and treated fairly and justly.

This legislation does, you know, focus pretty specifically on an area that's important to do, but there's still so much significant work to do to really support women in our province. I mean, I think it's important just to identify the other indicators that this study looks at because I think we really need to think about this in Alberta, what we're doing here and that there is some pretty significant inequality, unfairness, lack of justice for women in our province.

11:40

Another indicator is economic security; for example, the measure of the income gap between men and women. Alberta has some of the widest gaps in all of Canada. Economic security, we know, is so important, and we know – there's the joke where a woman might say, like: I'm a divorce away from poverty. A lot of times women don't have their economic independence, and here in our province, sadly, that is another indicator that really creates inequality, unfairness, injustice for women.

Also, another measure is looking at women in leadership. They're not looking at provincial government; they're looking at municipal government, so representation and what percentage of people in elected office municipally, Edmonton and Calgary, are women. In industry: who is in leadership positions, who is in management positions? Again, Alberta, Calgary and Edmonton, ranks very low, so women aren't in those leadership positions. How come? You know, that is, again, because of gender bias a lot of times. So what can we do as a provincial government to actually enhance opportunities for women in those roles? That adds to their equality in our society.

Another is health and well-being. That's another measure. It's sort of about the stress they experience, and of course the reports of

the stress for women in Alberta are high, likely to do with all these other indicators.

Then the fifth indicator is education level, so: do they have high school? Do they have, you know, a trade? Are they in postsecondary? Anyway, it is sort of some pretty damning statistics for women's equality in our province, women having the support.

Of course, Bill 14 does talk about the fourth indicator that this study references regarding security, women's security in terms of their rights to their person to not be violated, to not be assaulted, and when that does happen: what kind of justice can they seek? If they're going up against a judicial system that doesn't respect them or has all sorts of stereotypes and biases, then, of course, they're less likely to even bring forward their issue, and sometimes when they do, they're retraumatized.

This training is important and key that it go forward, so I'm pleased that the government is bringing that forward. I guess I just want to say that there is so much more to be done, as I said, referencing this study. I mean, the Canadian Centre for Policy Alternatives does amazing work, and I just really encourage other members of the House to look at the work they do. Certainly, this area that they've done research in really shows some very concrete ways we can make our society more just and fair. So I just encourage members to look at that. I think we all want people to be treated fairly and justly, so let's make that happen.

Early in my career as a social worker I did work in child welfare, and I had a myriad of cases. I guess I want to share a case where I was a supervisor in child welfare. Of course, we worked with legal aid when we had to go to court as social workers in child welfare cases, and my caseworker came to me and said to me: "I don't know what's going on, but the legal aid lawyer isn't listening to me. She's dismissing what I have to say." We had an understanding through work we'd done with the police that the father of the children who were in custody was actually grooming them and was a pimp, really, and was grooming his own children, who were under the age of six, to get involved in sexual activities. She said: "I've talked to our lawyer about this, but she just is always too busy to listen to me. She doesn't hear me. What can I do?" I said to her, "Okay; when is court again?" She said, "Tomorrow morning," so I said, "Okay; I'll go with you." So we're, you know, outside the courtroom. I go with my caseworker, and I tried to talk to the lawyer, and it's what she says. It's totally that. She dismisses what we say. She's had enough, and she's not listening to me. She's not fulfilling her responsibilities.

I'll have to conclude my story there, and I'll have to share some more later. Thank you.

The Speaker: Hon. members, are there others? The Member for Edmonton-Beverly-Clareview has risen.

Mr. Bilous: Thank you very much, Mr. Speaker. I want to start off by thanking all members of the Chamber that have engaged in discussion over this really important bill, and I want to thank the minister for bringing this forward. We've heard from four social workers on this side. Now we're moving to teachers.

[Mr. Jeremy Nixon in the chair]

You know, I've had the opportunity to take different sexual awareness training myself as a teacher working with some of Edmonton's most vulnerable youth, teaching at Inner City High School, and recognize the importance of this training. Again, I'm supportive of this bill and will make that clear at the onset, that this is important. We've seen other jurisdictions, Mr. Speaker, including at the federal level, that have in the recent past introduced legislation similar to this. I'm very happy to see Alberta is also bringing this forward.

The question that I have, and I hope that – I appreciate that the minister has been engaged this morning on this bill. When we move into committee, I'm just curious to know why – so this is great for new judges, but the first question that pops to mind is: what about existing judges that haven't had this type of training? What are some options that maybe the minister is thinking of as to why it wasn't included in this bill? I know that in other jurisdictions some have looked at providing this kind of training and social context training for judges as well as, as put by colleagues of mine who've talked about – you know, again, it's important to have that training for new judges. What is the plan for ongoing or continuous learning? When you think about those that work with youth or children that require first aid training, for example, we're required every so often to renew our credentials, to ensure that it's fresh in our minds and we know what to do. The question is around sexual awareness and context training. Is there a plan for ongoing training, or is this meant to be done once or through a series of workshops?

Again, Mr. Speaker, these are questions I have for the minister. What kind of training will be included, and who will be doing this training? Again, different jurisdictions in Canada have different bodies that are responsible for training their judges, so I'm curious, for Alberta here, what the minister's vision is around who's responsible for establishing these educational seminars in Alberta for provincial judges. Will this be found in a statute, or is this a policy? Will this be determined through regulations? These are questions that I hope the minister can answer when we get into Committee of the Whole.

11:50

You know, it's clear, Mr. Speaker, that this type of training is absolutely necessary. We have examples here in Alberta of judges that have quite frankly made some unbelievable comments and have blamed victims of sexual violence, which is abhorrent, quite frankly. So if this legislation will help to ensure that that never happens again, then this is a very positive step for the province of Alberta.

[The Speaker in the chair]

I appreciate, again, that, you know, right now, I believe, it's the Court of Queen's Bench that undertakes training for judges and new judges, including one of their committees, the education committee, so my understanding is that these types of conferences and training are paid for via grants from the government.

You know, my reading of this bill is that there are no legislated requirements for ongoing training, again, for sitting judges, which includes training for new judges for the first five years, so I'm curious to know what guarantees can be given to members, and how can the government guarantee that sexual assault law and social context training will continue and will not be at risk of potential future budget cuts?

Mr. Speaker, you know, we recognize the importance of this training and how it needs to continue on whether or not the province is in the middle of a boom or a bust. So what – not even assurances. As I've spoken to a number of times in the last couple of days, verbal assurances are not backed up through action or legislation. So this is where on this side of the House we're really looking for these types of commitments to be written into the legislation so that future ministers, future governments cannot make a decision to reduce funding for things like sexual awareness training and social context training based on the state of the economy. These are priorities that need to continue whether the province is experiencing \$100 barrel of oil, as it is today, or experiencing \$27 barrel of oil, as it did under our government.

I appreciate that this bill, again, will require that anyone seeking appointment as a provincial judge will be required to undertake sexual assault law and social context training. Again, as I've mentioned, you know, I'm curious to know who is responsible for that training.

You know, the other question is around – and maybe this is going to be left to these bodies – how do we guarantee that the pretraining and posttraining will line up to ensure that there's cohesiveness in the justice system, particularly for sexual assault and, again, for intimate-partner violence cases as well? That, I hope, the minister will comment on. Again, I'm curious to hear the measures and assurances that the minister will have to require training for sitting judges and if the minister has had an opportunity to speak with the bodies that represent sitting judges and what their proposals are. I would imagine that they're open to this training as well. I'm curious to know where that fits.

I do know, Mr. Speaker, that federally when a bill was introduced – actually, it was passed in third reading in May of 2017 by an Alberta MP. There were questions around, you know – because in the federal piece of legislation there also is missing training for current sitting judges, so there were questions that were asked by a couple of MPs. To my knowledge, there weren't adequate answers given as to why that was not included. Now, again, the minister, I hope, during Committee of the Whole will be able to address these questions.

As well, you know, Mr. Speaker, it's great to see a number of other provinces also bring forward legislation similar to this to ensure that we are doing everything we can to eliminate victims of sexual violence from being revictimized and, as well, ensure that our judicial system and judges have the adequate training to ensure that victims aren't revictimized.

Mr. Speaker, I will take my seat. Again, looking forward to this debate continuing. I appreciate that the minister has brought forward this piece of legislation.

The Speaker: Hon. members, are there others? I felt like we were on a bit of a theme. Perhaps we want to go to the Member for Edmonton-North West?

The hon. Member for Edmonton-Ellerslie.

Member Loyola: Thank you very much, Mr. Speaker. I have to say that I'm very happy to see this piece of legislation come forward. As has been stated by many of my colleagues on this side of the House, of course, I think that it's great that this will be for new judges, but as has been stated by several of my colleagues, the concern is the existing judges.

The reality is that – you know, I'm going to tell you this. I remember having a discussion with my mom one time, and we were talking about feminism. She's a good Latina feminist, right? Like, since I was a little boy, she had me ironing my own clothes, washing my own clothes, all that kind of stuff. She's like, "I'm not your maid; you've got to do your own stuff," which I was happy to do. I mean, for me, I don't expect anybody to do those kinds of things for me, but she raised me that way.

I remember we were having a discussion about this kind of thing, similar, not this particular issue about judges, but it was in the same vein, Mr. Speaker. I had said to her, "You know, it's a good thing that times are changing and that these kinds of antiquated ways of looking at the world are starting to go away." And to that she responded, "I've been fighting these kinds of things for" – she said her whole entire life. She said that even during the time she was a young woman who had grown conscious about these kinds of issues, there have always been men who have agreed with this. So

it's not necessarily that these are antiquated ways of looking at the world but people who have just firmly stood up and addressed injustice when it happens.

Even back then they knew it was wrong. They knew that these kinds of things were wrong, to treat people unjustly based on a person's gender or sex. It was just wrong. Now, what I would argue is that it's taken us this long to catch legislation up, to recognize

that something has just been wrong for so long. You know, I'm so happy that I had that example, in my mother, to tell me that it takes courageous people to stand up and speak truth to power.

The Speaker: Hon. members, I hesitate to interrupt, but pursuant to Standing Order 4(2.1) the House stands adjourned until 1:30 p.m.

[The Assembly adjourned at 12 p.m.]

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