



Province of Alberta

The 30th Legislature  
Third Session

# Alberta Hansard

Thursday morning, April 28, 2022

Day 26

The Honourable Nathan M. Cooper, Speaker

**Legislative Assembly of Alberta**  
**The 30th Legislature**  
Third Session

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New Democrat: 23

Independent: 3

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## Legislative Assembly of Alberta

9 a.m.

Thursday, April 28, 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 interests and prejudices, 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 19

#### Condominium Property Amendment Act, 2022

[Adjourned debate April 27: Ms Goehring]

**The Speaker:** Are there others? The hon. Member for Edmonton-McClung.

**Mr. Dach:** Thank you, Mr. Speaker. I'm always delighted to rise from my seat in this Legislature to speak about real estate matters. Of course, having been in the industry as a real estate agent for 30 years prior to becoming elected, amendments to the Condominium Property Act are something that certainly interest me. I'm happy to engage in debate, and I look forward to a healthy discussion on this piece of legislation regarding changes to the Condominium Property Act brought forward by the Minister of Service Alberta.

I can't say that I'm overly happy with this piece of legislation and the proposals therein. We could have accomplished, I think, so much more, and what it attempts to do, I don't think it does well. We're in the midst of an affordability crisis in this province, and the UCP have done little to address that with respect to housing. The Condominium Property Act amendments are going to potentially add costs and risk to condominium property owners as a result of the changes that are contained in it. Housing is unaffordable to so many people as it is already, and even the inherent risk in some of these changes is something that might cause millennials, in particular, to decide not to enter into a contract to buy a condominium because of the potential loss of their equity as a result of a dispute that they have no means to resolve other than going through the courts. I'll talk a little bit more about that as my comments progress.

What the UCP has done with this bill is avoided something that we called for early on in changes to the Condominium Property Act which occurred in 2014, much of which was not proclaimed until later on. In fact, the UCP decided to delay the proclamation of much of the Condominium Property Act, 2014, to make changes to regulations, and some of those changes, actually, never got made. One of the things that I'm talking about is the establishment of a tribunal process which would have protected owners in the event of disputes and avoided a lot of court proceedings that were very costly and onerous and time consuming on the part of owners and condominium corporations as well.

Of course, the NDP government of the day had intentions to bring in a tribunal had they been re-elected. That didn't happen. The UCP decided against that, and of course we are at a situation now where there is no tribunal to resolve disputes between condo owners and corporations, and in fact that is something that will remain with these amendments to the Condominium Property Act because the UCP government and the minister have decided that they won't implement it.

That raises a serious question: why? The goal, of course, quite often in bringing forward legislation that has to do with business transactions and operation of buildings and so forth, including condominiums, usually is directed at minimizing the need to go to court to resolve disputes, and that's been inherent in some other pieces of legislation we've talked about this session. Yet in this particular bill that is avoided, and it could have easily been implemented. It would have been a very reasonable and welcome amendment or a piece of the amendment to this legislation that's before us today.

What we have instead is a piece of legislation that still allows the condo corporation, with its larger resources, to wield itself in opposition to an individual owner who may have caused damage through their tenant or just simply through a breakdown of perhaps a water pipe or something like that in their unit that may have caused damage to common property, and of course they would be liable to the condo association, potentially, for those repair costs.

A tribunal, in case of dispute between the two parties, certainly would have allowed for a much less onerous and costly and time-consuming resolution of that dispute. They can be very, very costly. You know, if you are on an upper floor and your water pipes break for some reason or leak and cause a mould issue all the way down the walls in the common property for floor after floor after floor, you can be speaking about not tens of thousands but hundreds of thousands of dollars' worth of liability that the condo corporation may be seeking to eke out of the condominium property owner.

Whether or not that individual condo property owner's insurance is going to be adequate to cover such a potentially large bill would be in question. First of all, if there was a situation, in most matters, which are normally not that large, where the tribunal could be invoked or could be in place, you could avoid having the large cost of a court case, and both parties, I think, would have welcomed that. I don't understand why that tribunal was not put in place in this piece of legislation amending the Condominium Property Act.

There's also another element that has drawn my attention, and it has to do with the clarification by putting in legislation rather than in regulations the definition or, I guess, the liability direction on windows and doors. Who is responsible for damages resulting from issues arising from problems with windows and doors on condominium exterior walls? That has been a long-standing, big problem. Of course, we may all recall the so-called leaky condos issue right across the country and the severe damages and costs that they entailed, and quite often there were various significant questions and disputes between condo owners and condo property corporations as to who actually was responsible for those damages.

I might add to that list, on top of condominium exterior windows and exterior doors, the balconies. Indeed, Mr. Speaker, they were one of the major culprits in that leaky condo issue that occurred for a few decades. We've seen the results of that horrendously costly fault in design and/or construction occur many, many times in Alberta. In our city, here in Edmonton, examples are right close to the Brewery District, on a condominium right on 102nd Avenue, where a relatively new building was surrounded with scaffolding and stripped of its exterior cladding to repair the windows and balconies. In many cases what's happened is, of course, that they weren't sealed properly in installation, either the exterior foam

insulation that blocked the opening and sealed the window in place and/or the door frame.

Balconies, in particular, were built so that they sloped towards the building whereas the proper method, of course, is to have the balcony sloping away from the building so that water drained off. Water was in fact collecting on balconies and draining into the units.

9:10

These, once again, Mr. Speaker, are elements of condominium living that condominium owners may or may not be aware of when they first sign a contract to get into it, but that's all the more reason why we need clarity to determine who actually is responsible for the exterior walls and doors. Who are the owners of those exterior walls and doors? Are they common property, or are they part of the unit?

This legislation, the amendment we're speaking about this morning, seems to put the definitions of ownership into a rather rigid, legislated form which may not be as efficient as it first sounds. It might prove to be a pretty unwieldy way of dealing with the situation. I'd seek a bit more clarification from the minister on this. There are many, many different styles of construction and many different layouts, many different situations where you have windows, doors, and balconies on condominium buildings, and to rigidly define them by legislating where they may be either exterior units that are condominium-owned property, like condominium corporation owned property, versus a unit-holder's property or responsibility or liability might beg lawsuits in and of themselves just in fighting over that definition.

I do seek some greater definition of that part of the legislation so that the reasoning is clear behind using the legislative tool to assign liability and/or responsibility for exterior windows, doors, and balconies versus some other mechanism via regulation or just definition. I really would like to understand why the minister felt that this was the best way to solve the disputes.

I grant, Mr. Speaker, that there have been long-standing concerns about exterior doors, windows, and balconies. The condominium corporation bylaws and those that were originally established by the building contract, the owner before it was transferred over to the individual corporation, usually would describe and define who actually owns the exterior windows, doors, and balconies; who the responsibility or liability lies with, but it was not something that was set in stone. It was optional. It was up to the original drafter of the condominium corporation bylaws to determine who the responsibility or liability would lie with.

Perhaps it was the minister's intention to clarify in legislation exactly how that would be defined. I hope it wasn't to actually try to dictate each individual situation in a one-stop shop manner as to describing all of the exterior windows, doors, and balconies as always becoming the responsibility of one party or the other, because there are too many variances, I think, to use that one-stop shop methodology. That's one significant concern that I had, and I beg for more clarity on that.

Also, on the voting procedures in condominium corporation meetings, Mr. Speaker, I'm not a hundred per cent clear, and I'd like to, really, fully understand exactly what the minister's attempted changes are. My understanding, of course, is that now, if you have unit factor voting in a meeting – you'll have normally I think it's 10,000 or 100,000 unit factors in a whole complex – each unit, according to square footage, is prorated to be a percentage of those unit factors. Each owner is assigned that number of unit factors for that unit, based on the square footage, and that then would be transferred into a voting right capacity at a meeting. So unit factor votes would be something that would be a mathematical calculation to tabulate the strength of the vote, and that's why it

may be more complex to determine the outcome of a vote based on unit factors. You have to tabulate the unit factors based on the square footage owned by a particular owner.

What the legislation does, if I'm reading it correctly, Mr. Speaker, is that the votes on simple matters, like agenda changes or noncomplex issues, could be done by a simple one unit holder, one vote rather than breaking it down into unit factors proportionately for simple matters. More complex matters would potentially require a unit factor vote and all the calculations and so forth that are necessitated by that. But how, in fact, one would determine which issue would be available is then questioned.

**The Speaker:** Are there others? The hon. Member for Edmonton-Decore.

**Mr. Nielsen:** Thank you, Mr. Speaker. Happy to rise this morning to add a few additional comments here around Bill 19, Condominium Property Amendment Act, 2022. I'll just thank my friend from Edmonton-McClung for his comments. You know, it's always great to have the opportunity to tap into somebody's experience, especially for spending 30 years in the real estate sector. That knowledge can really be helpful when it comes to trying to debate such a bill as Bill 19.

It's funny. The story you were talking about with regard to construction and drainage of water on balconies: I actually have a friend who, you know, many years ago, probably upwards of 30 years ago, had to deal with that exact problem. The construction was faulty. The water was draining into there. Needless to say, the blame kept getting pointed towards him. It resulted in a very lengthy process to try to solve that, cost him a whole bunch of money, and then when it was finally actually determined that it really wasn't his fault, he had to go through the whole rigamarole and process to try to recover monies that he had spent to do that. Such a ridiculous process, really, when you think about that.

Given that, you know, when it comes to home ownership or condo ownership – probably one of the single largest purchases that somebody makes in their lifetime is around a home. Obviously, keeping those prices affordable is always a good thing. When we can get people into a home or they get into a position of being able to upgrade, somebody else then gets a chance to get into the market.

When I look at Bill 19, for all the rhetoric that I've heard from the government, the chest-beating and all the name-calling and everything like that, why the minister, who agreed that we would need some sort of dispute resolution process or tribunal or, you know, adjudicator, whatever you want to call it – where is that here in Bill 19? It's not there. So if you want to sit here and talk about how you're making life better for Albertans, how you're trying to make it more affordable for them, probably the last thing you want to do is say: we realize you have a problem; go to the courts. I can tell you right now, based on my story that I said at the beginning, that that didn't work out that great for my friend. It cost him a lot of money. If you're going to save people money, then give them something that's cheaper, which would be some kind of a dispute resolution process, which is absent here in Bill 19.

What is it? Promise made, promise broken? It's kind of sounding a little bit familiar here, Mr. Speaker. I guess we'll just add it to the list of other things that, you know, have been promised and haven't been delivered. We've heard promises around helping people with their insurance rates, especially for condo owners. I brought this up several times now in various different debates.

9:20

A senior in my riding comes into my office with two bills: his car insurance bill and his condo insurance. Condo insurance had gone

up 57 per cent. For somebody on a fixed income that's a problem. I have to ask (a) where is this, you know, dispute system so that should he run into some problems, he's got a cheaper way to do it because he's busy paying his insurance hikes that you allowed to happen?

I guess that begs the next question, then, Mr. Speaker. I'm hearing: well, that's going to be coming. When? When is it coming? Next week? Next month? Next year? In due course? Heard that a few times in here. People need to know when that's coming. Kind of like their rebates. They need to know when those are coming, too, because they could use some help there as well. With everything that's been going up and dithering on getting some money out the door to people and then to present a bill where you had an opportunity to provide at least, you know, one relief system for one problem for a group of people, you leave it out. That's a little bit disappointing, to say the least.

You know, when we don't have that process, where are people going? They're going to the court systems. We've certainly heard about how backed up the court systems are. If that system is struggling, why, then, would you continue to push these cases into the courts? I'm not saying that none of them should get there. Certainly, if they start to get really complicated and, as I've heard, sometimes ugly, probably the court is where they're going to end up. If they're pretty straightforward, give them something cheaper, give them something easier. Get it out of the court system, free up the time, and you can start dealing with other matters in an expeditious way.

You know, I guess, by leaving out this system, it'd be interesting to know how you arrived at that decision. I know, Mr. Speaker, that I remember a famous thing that members of the government bench and members of the government caucus, when they served in the 29th Legislature – I believe even yourself, Mr. Speaker, might've asked once or twice during your time there: how about a cost analysis? Is it actually to the benefit of Albertans to push them through the courts, or would it be better for the economy, better for Albertans – reduce some red tape maybe – to provide a dispute resolution process?

I mean, at the end of the day, if, you know, the information that you have that informed this decision to not add this is indeed the best way to go, I'm happy to accept that. I can tell you right now that I can't just trust your word. I have some significant difficulties with that right now, Mr. Speaker. I mean, like I said, as I've said in other pieces of debate, I remember the Premier promising up and down during his leadership: I'm going to release my donor list. Great. That was awesome. Tick, tick, tick, tick, tick. We're still waiting. Haven't seen that donor list. A simple promise like that, and you wonder why I'm a little distrustful when it comes to the words: trust me; we'll take care of it.

I think more needs to be done. Perhaps maybe we could – I mean, it's second reading right now, so it's only, really, initial comments around the bill and how to, you know, ask some questions on how you've arrived here and stuff. Maybe towards Committee of the Whole we might miraculously see the minister come in and table an amendment to provide a dispute resolution process. That would be fantastic.

I know that some of my constituents would probably like to see that. I've certainly heard some concerns around that, and, as I said, the best I can do right now is just point them in another direction, saying, "You might want to talk to legal counsel and consider having to head to a court to be able to get a resolution." Of course, I always hear the same thing back, "Well, that's pretty expensive." "Yeah. It is. I'm sorry." But at the time when I was having those conversations, I was like: "You know, fingers crossed. It sounds like there might be some kind of process that will be coming in."

Well, now I get to go back and tell them, "Sorry; I guess that was just more hot air."

I will intently listen to the debate as we go along. I would certainly urge the government to try to do a little bit more here with Bill 19, and I look forward to hearing more comments.

**Member Irwin:** I've got an intervention for you.

**Mr. Nielsen:** Are they allowed?

**The Speaker:** Please feel free.

**Mr. Nielsen:** Oh, well, I would love to accept that intervention.

**Member Irwin:** All right. Thank you to the member for his comments so far. I know he's got a few more comments to share with us. You know, I know that member. I've spent time in his riding of Edmonton-Decore. There are condos. One of the interesting things about Edmonton-Decore is that there is a lot of sort of social housing and a real sense of community in a lot of those areas. I'm just wondering: has the member had an opportunity to talk to or hear from any condo owners in his riding? Has he heard any concerns? I'll be honest; I've not heard from condo owners in my riding. I'm just curious if you've heard any of the concerns that are outlined or aim to be addressed by Bill 19.

**Mr. Nielsen:** Thanks for that question. Yeah, I certainly do have a few condos that, you know, are in Edmonton-Decore. As I mentioned in my earlier comments, with the one senior that owns a condo who came in with his insurance bills, talking about his condos, I've certainly heard from some that experienced problems. I think the Member for Edmonton-McClung was also talking a little bit about the voting system. We'll have to see how these changes necessarily improve things. I mean, I wouldn't say that I've not heard concerns around that, not a lot, but let's be honest. Most people are pretty focused on their rising bills right now, everything from, like I said, their insurance to their utility bills, personal income taxes. They're losing ground in that department. Having that opportunity to at least make things a little better for them has certainly been something that's come across to me. [interjection] I must be managing to trigger a lot of questions here. I see my friend from St. Albert.

**Ms Renaud:** Thank you for allowing the intervention. You know, one of the things that you mentioned is the lack of a tribunal. Some of the examples we've heard from the other member is that in other jurisdictions there are tribunals for, like, dispute resolution, those kinds of things. Some of the correspondence I get from constituents that do live in condominiums are that they can't resolve issues around things like pets, odours, vaping, smoking, parking, things like that. It can be very expensive and timely and frustrating and can break down relationships in a condominium unit. It's hard to live close to people like that sometimes. I'm just wondering if it's been your experience at all to have any kind of casework or any sort of concerns around disputes like that in condominiums.

9:30

**Mr. Nielsen:** Yeah. Thanks for that question. No, I can't think of a specific case. I mean, I'd mentioned earlier in my comments around my one friend from years ago that had that problem with his balcony, and it turned out that it was constructed the wrong way. He was the one getting the blame for it, saying that he wasn't, you know, doing all the things he could do to mitigate that, but when it's simply built like that, what can you do?

Yeah, not necessarily in Edmonton-Decore, but I have heard of problems where a condo that used to be pet friendly had decided to

change that, so there was a rather large conflict, if I remember the story correctly, around trying to get the ability to have their pet kind of grandfathered in so that they wouldn't be forced to get rid of the pet. As we all know, our fur babies, whether they be cats, dogs, or other interesting pets, become, you know, a member of the family, so a change like that can be incredibly disruptive. Of course, I guess if it gets to the point where the condo group is coming together to vote on these sorts of things, those kinds of meetings can actually really start to degrade very, very quickly when you feel like you're trying to defend your four-legged member of your family. So I've certainly heard.

There's never actually been a case like that that's come through Edmonton-Decore that I'm remembering at this moment, but I've certainly heard about it, you know, through friends and family and whatnot. So having potentially a tribunal or some kind of dispute resolution which could be affordable – like I said, one senior that I have in my riding whose insurance went up 57 per cent, car insurance went up 46 per cent. Top that with all the other expenses that are going up, like utilities, and all of a sudden the prospect of going even to a tribunal, to be quite honest, could even be potentially a barrier even though costs might be significantly lower for them.

I think there's an opportunity to try to create an atmosphere so that people don't have to necessarily go through that because we know that going through the courts is a significant cost. I understand why. Lawyers, you know, have to be compensated fairly for their time and the cases they're doing. But I think there is a better way to be able to do that, and the government fell short here on this. Again, I'm really hoping that some of these stories that we're getting the opportunity to tell here will urge the minister to maybe table some kind of amendment to introduce that into Bill 19, which will allow Albertans another process.

If you're going to stand up in the House and say, "We're making life better for Albertans; we're making life cheaper for Albertans," then you actually have to do that. Like I said, so far we're not seeing that on a lot of files, but here's an opportunity where you can actually do that. So I'm certainly urging the government to reconsider that part of Bill 19.

But, again, I'm happy to listen intently to the rest of the debate here for Bill 19. You know, I guess as we get into Committee of the Whole, there will be opportunities to maybe get up several times, maybe do a little back and forth with the minister on things. What informed the decision not to put in that tribunal? What has he heard around some of the changes that they're proposing around the voting and how that necessarily will impact renters and condo owners?

**The Speaker:** On Bill 19 at second reading, the hon. Member for Calgary-*Buffalo*.

**Member Ceci:** Thank you very much, Mr. Speaker, for the opportunity to speak to Bill 19, the Condominium Property Amendment Act, 2022, this morning and to address some of the things that I've been listening to as well as the experience that I've had as an MLA for Calgary-*Buffalo* and, before that, Calgary-*Fort*. Both ridings have a number of condominiums, a number of rental apartments, and as I was just reviewing some of the constituent complaints that have come to my office over those seven years in those two ridings, I can tell you that a great number – the tenancy act or people in rental units is primarily the reaching out that has been done by constituents to my office, and of course we've tried to assist where we could.

There are issues of affordability not only for people who are renting but people who are purchasing condominiums. Calgary-

*Buffalo*, where I now represent, is probably the most dense community, the most dense riding in all . . .

**The Speaker:** I hesitate to interrupt. However, I'd just like to maybe remind members, while there isn't necessarily one conversation that is catching my attention, the cumulative effect of conversations in the Assembly is making it a little distracting for the Speaker . . . [interjections] Order. Particularly when the Speaker is on his feet. One particular conversation is ongoing, and it vexes the Speaker. Maybe that's a bit of an overstatement. Anyway, the long and the short of it is that if you have conversations that you'd like to have, please take them to the lounges.

The hon. Member for Calgary-*Buffalo*.

**Member Ceci:** I am shocked, Mr. Speaker, that people aren't listening with rapt attention to the things I'm saying. I'll try and be a little more, you know, expressive to you all sort of to get your attention.

I was saying, Mr. Speaker, that the great constituency of Calgary-*Buffalo* has numerous condominiums, from starter condominiums to high-end condominiums. About \$250,000 is a starter, to millions of dollars in downtown Calgary and the east side in the Eau Claire area, and they're gorgeous, gorgeous, gorgeous. I'm not invited into many of those high-end condominiums at this time. I hope to be there in the near future, perhaps doing coffee parties with constituents who want to fight for better condominium legislation, as we are doing on this side, or to thank me for fighting for better condominiums.

I was looking at *Hansard* of yesterday, and I see there's a dialogue, a question back and forth between our critic for Service Alberta and the Minister of Children's Services, who was answering questions of our critic. It focused primarily, Mr. Speaker, on the tribunal process that, interestingly, was promised way back in 2014, when this act was first initiated or first introduced to the House and passed. Here we are eight years later, and the tribunal process is still missing in action.

Four of those years, as you know, the NDP was the governing party of this province, from 2015 to 2019, and we were working on that and working towards bringing that aspect into the act, but here today the UCP government is presenting a bill without the tribunal process as part of this act. The dialogue that went on between the two speakers yesterday, our critic and the Children's Services minister, was all about the fact that the condo corporations' owners are left without a ready process to handle disputes in their condominiums.

9:40

I certainly know a little bit about that myself, being in a rental situation at this time where there's an ongoing dispute between owners. You know, it's gotten, from my perspective, a little out of hand because now the different regulatory bodies are being brought in. The city of Edmonton people are talking about going to the courts, and I just think how much easier it would be for those owners in that situation to be able to undertake a discussion at a tribunal and resolve or potentially resolve the problems that they have with each other at this juncture.

I'm also looking at the responses of the Minister of Children's Services, and it's somewhat unfortunate that while the minister talks about, you know, "We're not pursuing a condominium tribunal . . . at this time," she doesn't explain why. She says "at this time" several times and "people can go to court; we're not removing due process from those owners who want to go to court." She doesn't say "court," but she does say "due process" several times, and I'm reading into that. There's no kind of reflection about what



the roadblocks are for the government to undertake that action, which is seen by many as one of the biggest stumbling blocks of this act before us today.

I'm just looking at the crossjurisdictional analyses. Of course, with any bill or legislation that's brought forward, the administration, the bureaucracy, the public service will often bring forward crossjurisdictional analyses to kind of locate where Alberta is relative to other provinces and territories. I'm just reflecting on some of that information, when I read down, that B.C., Ontario, and Nova Scotia all have versions of condo tribunals, some for many, many, many years, and they have been put in place, as our critic and I are saying, to handle those issues – lower price issues or lower cost issues is perhaps one way of saying it – in a shorter time frame, and we all know that the courts, as my colleagues were reflecting on earlier before me, are backlogged at this time, taking a long time to get the case to court, and many times people aren't satisfied with the outcome when they go through that process.

But a civil resolution tribunal revolving around condominium disputes might be a way, should be a way, could be a way, I believe is a way to speed up the resolution of problems that owners have with each other and the boards, often, that get appointed, get elected to represent them.

I wanted to reflect on that and to thank my colleague the critic for Service Alberta for dealing with this issue just yesterday in question period and, regrettably, not seeming to get an answer to the important questions that he asked.

The other provinces, crossjurisdictionally, that have – I mentioned B.C. Ontario has a tribunal authority, the Condominium Authority Tribunal. All condominiums are levied \$50, I believe, a year to fund that tribunal. It's administered online, and the system goes through stages of negotiation, mediation, adjudication, and by all accounts it is a helpful process for Ontarians. Nova Scotia, similarly, has fewer condominiums there, less population, so they have an officer who is in charge of the condominium arbitration process. We probably wouldn't have just one officer in this province, being the third or fourth most populous province. As I said, in my constituency numerous new buildings are coming up, 25 to 40 storeys, that are owner-occupied condominiums or owner-rented-out condominiums. Helpfully, though, there are a number of new apartments going up that are rental, and that will help to keep the housing in downtown Calgary as affordable as possible.

But that brings me to another issue that I just wanted to bring up, and that's the rising costs of housing relative to inflation. It's a good thing that there's capacity coming along in the downtown core of Calgary. Interestingly, just yesterday the city of Calgary approved three office tower conversions. I guess "tower" might be a bit of a stretch. A 10-storey building is not a tower, necessarily, but it is going to afford eight of those storeys to be housing for people in the downtown. Let me see. That would be in the southwest part of downtown. Two others haven't had their openings or ribbon cuttings. Of course, they're not greenfield. They're conversions, so it would be a ribbon cutting for the fact that they're going to launch the start of the conversions in downtown Calgary.

That's something that the NDP has been supportive of, believing that it's a good thing to look at that 30 per cent capacity or 30 per cent vacancy in the downtown to be repurposed for other uses, knowing that it'll take decades for that 30 per cent vacancy to be absorbed by the regular business coming back into the downtown. It's something that was disappointing to hear the Minister of Jobs, Economy and Innovation speak to and say: you know, we're believing that the downtown will basically recover on its own. That's not the way the city of Calgary believes things will go, Mr. Speaker. They believe that there need to be incentives to start the

repopulation of the downtown because the number of businesses that have left, the number of head offices that have left under the UCP is significant for downtown Calgary, and the fact that the city has set out a plan to incentivize – and the NDP, were we fortunate to be government, whenever that is, will support the city of Calgary in that plan.

I just want to say again, Mr. Speaker, that when I look at the bill before us today, I know that there are some changes that are being proposed to the way votes will be tabulated. I know there are some things missing in this bill that have been identified by me and my colleagues. I think the most significant change here is the voting process at condo meetings and certainly know that that can be problematic, and anything that improves that is a good thing. The cash calls at condos for fixing things in the common property are a regular occurrence, unfortunately. My own experiences early on – when I first got elected, my spouse and I had a condo up here and took care of our area as best possible and sold out before it was required to have a cash call of us.

Thank you.

9:50

**The Speaker:** Hon. members, are the others? The hon. Member for St. Albert.

**Ms Renaud:** Thank you, Mr. Speaker. It's my pleasure to rise and speak to Bill 19, Condominium Property Amendment Act, 2022, in second reading. A wonderful way to start the day is to talk about condominiums. I actually think about condominiums a lot in my life. I live in a condominium – shocking – and I have for, I guess, about 13 or 14 years now. So I have, you know, a lot of information about how condos operate, the good, the bad, and the ugly. But for the most part I think condominium living can be pretty terrific if you live in a condo that is managed appropriately and you have a board that is functional.

But one of the things, going back to this bill – and when I saw this piece of legislation come up, I was sort of excited, in a strange way, to be excited about legislation. I was excited to see what was going to be contained in the legislation. I certainly had a bit of a wish list of what I wanted to see in terms of not consumer protections but protections for both sides, for condo associations but also for the residents there. Sadly, Mr. Speaker, there are a few things in here that are good around voting, and I'll talk about that, but there's quite a bit missing, and what I think is really missing is the tribunal aspect, and I'll get to that.

But let me just say, for those of you that aren't aware of how condos operate or if you've not lived in a condo or you don't own a condo, that it actually can be a really terrific way to live. It is also particularly, I think, a good housing option for a lot of groups that maybe can't afford traditional single-family homes and things like that or even duplexes, townhomes, things like that. Those are groups that struggle to find affordable housing, struggle to find accessible housing, and those can be seniors, those can be disabled people, certainly youth, of course, singles, and then people looking for affordability.

I'll remind this House that when we talk about housing affordability, we're very specific. There's a specific definition for the words "housing affordability," or the phrase, and that is that no more than 30 per cent of their gross income is spent on housing. It's important to remember that when we talk about housing affordability. Now, when we talk about home ownership, it's a little bit different. I think they're saying that it's over 30 per cent – I think it's about 32 per cent – and in the case of condos that would include things like the taxes that you're paying and also condo fees and then some of the common utility costs, things like heat.

I think it is really important to recognize that condominiums are important, and they're important to provide housing. It's sort of dense housing, but in a lot of locations it's really ideal. My office in St. Albert is actually downtown St. Albert, which is lovely, by the way. If you haven't visited, you really should. Downtown St. Albert is really dense with condominium housing, and there's actually more going up. Right where my office is there are three large complexes, and it's all condominiums.

When I interjected earlier with the Member for Edmonton-Decore, raising some examples – as I do get a lot of e-mail from constituents that live in condominiums that have issues and that would like some information about how to navigate the process, or sometimes they just want to be heard about what they think is missing or some of the problems. Honestly, some of the disputes that they deal with, on the surface you'll think: well, can't you resolve that with your neighbour, or can't you resolve that within the board or with the property manager? Sadly, they cannot, and sometimes it can make your life really difficult if you are living in a condominium in a complex. The ones that I'm talking about are, like, apartment style. It can be really difficult if you don't get a resolution to issues that are really important to your daily living.

I don't mean to belittle any of these issues, but sometimes the issues are around pets. You know, I have pets. But sometimes they're around pets – and you can imagine what some of those issues are – as well as people who smoke or people who vape or people who use cannabis, let's say. Those are real issues and real concerns for people that live in condominiums, and sometimes in some condominium complexes there is no way to adequately resolve an issue.

Now, there are bigger issues, of course, around parking, storage, common-area damages, vehicles, all of those things. And the reason I'm raising these examples is that one of the things I was a little bit disappointed about is that there isn't a tribunal. I think, as my colleague from Edmonton-Decore and, I think, actually, my other colleague mentioned as well, that failure to do that will just mean that there will be more people looking for a resolution using the courts. That's not something anybody wants to see. Weirdly enough, if you just go online and google, like, "resolving condominium disputes in Alberta," you'll get a lot of law firms advertising. I imagine that they're making some business, making some money, not that that's a bad thing. But, you know, I think if we're going to look at what's best for Albertans, what makes life better for them, and what makes life affordable, we need to balance the interests of condominium associations and owners with the residents and owners. I don't think this piece of legislation does that adequately.

When I read the legislation and the research that was done, I was interested to see with the crossjurisdictional analysis that there are a number of provinces that actually have versions of condominium tribunals. British Columbia, Ontario, and Nova Scotia have different versions. The one that I actually spent a little bit of time looking at was the one in Ontario. It's called the Condominium Authority Tribunal. The acronym, which is fabulous, is CAT, so it's easy to remember. It's actually interesting, the way that they lay it out. I'm just going to refer you to some of the information that they have available online. You can see why this is an attractive process and why this would be helpful to resolve issues.

The CAT is actually an online tribunal dedicated to resolving and deciding condominium-related disputes. Now, keep in mind that this is in Ontario. The online dispute resolution system helps people resolve the disputes conveniently, quickly, and affordably. They actually back that up with the information that's available, so you can see that there are very definite timelines for each step. It describes the step, what is done, and then how much time that this needs to be completed in.

The first step will be, like, filing a case, so the applicant files the application with the authority. Actually, that can take one to three days. The delivery of notice: the applicant delivers the notice to the respondent, the intervenors; one week. Then stage 1 is the negotiation. Here's where it gets really important. We're not, you know, hiring lawyers, but there's actually an online negotiation. The users work together to resolve the dispute. I think we could all agree that any time that we can avoid litigation, if we can do any kind of mediation, dispute resolution, it's an ideal way to go and not just in terms of affordability for all parties but in terms of the ability to live together. I'm not saying – it's actually important. For people that live especially in these apartment-style condominiums, where you're sharing a lot of common areas, from parking to where you collect your mail to the main entries as well as your neighbours, it's actually important to do everything you can to live together amicably. I'm sure we've all heard horror stories when neighbours don't get along. Life can be very unpleasant and cause people to move and cause housing insecurity.

Again, just going back to the tribunal, that's why I think it's such a great idea. The next stage of this. Stage 1 is negotiation. Stage 2 is then mediation. That is a two- to four-week process. Here, if the users can't resolve in the dispute resolution in stage 1, this is where they use the CAT mediator, in stage 2. Stage 3 then is the tribunal decision. If the users can't resolve the dispute in stage 2, which is the mediation – so they've not been able through negotiation, which was stage 1; stage 2, mediation – they go to stage 3, which is the tribunal decision. If the users can't resolve the dispute in stage 2, then they actually hold an online hearing. I think that, you know, one of the – well, there aren't a lot of upsides to COVID. But one of the upsides that we have learned is just how flexible and how many uses for online meetings, hearings, things like that – I think that we've all come to understand that this is entirely possible and workable. This piece takes about one to two months.

**10:00**

Then following the hearing there's a deadline within 30 days. The CAT, which is the condominium authority, releases a decision. The decision goes to users, and then the case is closed. Again, that is done within 30 days. It's timely. It's important.

You know, the reason that I spent as much time as I did on this, to talk about what a tribunal can do, is that I'm incredibly disappointed that it's not here in this legislation. Given some of the legislation that we've seen come through in this session and knowing how long we've been discussing some of the issues around condominium issues, I'm surprised that we have not seen this. Anyway, it would be really great if at some point during debate on this piece of legislation somebody could provide some insight or some explanation. Perhaps there's another plan somehow to deal with the shortfall. I would certainly appreciate hearing that. If someone from the government side could explain why exactly the tribunal wasn't included in this bill, that would be most helpful.

If indeed there is a plan to create a tribunal and bring it online, however that will be done, when will that happen? What is the timeline? I think you've heard a lot in the last few days the opposition pressing about timelines. Timelines are super important, particularly when you have government focused on internal goings-on, and when their thinking is as short as election cycles, it's really important to have timelines and commitments to when these changes will happen. I think a timeline is essential. What will be implemented? When will it be implemented? It would also be quite helpful, you know, if one of the reasons – I wasn't around for the debate earlier on this piece of legislation. Is there anything around cost savings? I think we're always talking about efficiencies and

affordability. Are there cost savings for not having a tribunal and then having to default to other bodies to decide?

I think my colleagues talked about the chargeback system. You know, I did want to mention I do know that, because I have lived in a condo for some time now, condominium insurance has indeed skyrocketed. I don't blame everything on the government, but I blame a lot of it on this government. I think that they have made some decisions during their tenure that have really impacted affordability in all kinds of ways, and condominium insurance is certainly one of them. I know that I've had to increase mine based on changes that this government has made.

Now, I understand, I can appreciate that both representatives of condo owners who live there, say residents, and condominium associations or the property owners – like, we have to have a balance to protect the association and to protect the owner. Honestly, I think the best way to do that is to ensure that all voices are at the table in the creation of the legislation. I know this government has a pretty rich track record of following the advice of lobbyists. It's pretty clear. You can look in the lobbyist registry, and then you can do a little timeline about what happens and when. I have no doubt that their condominium lobbyists were busy to get some work done.

I'm not saying that all of the things in this legislation are bad. I actually think they'll be quite helpful. But I think there are some things missing. I would like to know: perhaps the minister or somebody in his place at some point during debate could explain what consultation was done with individual condo owners, specifically focused on what they need around dispute resolution. What are the different things that could be done to maintain affordability? It would really be nice to see, for a change, that there is a focus not just on corporations but also on individual Albertans.

Again, my biggest concern – just recapping quickly as I am quickly running out of time – is the lack of the tribunal. I think that we have heard musings from this government, talking about: "You know, trust us. We'll get it done. We're in process. It'll happen." Well, it didn't really happen. I think this is actually a fairly big hole, and I think it could have been a real win for this government to introduce this tribunal. Clearly, it has been successful in other jurisdictions, and I fail to understand why it wasn't included in this legislation. Again, as I said, if there's a reason why it was left out, I'm certainly willing to hear that reason.

Thank you, Mr. Speaker.

**The Speaker:** Are there others? The hon. Member for Edmonton-Glenora.

**Ms Hoffman:** Thank you very much, Mr. Speaker and to my colleagues who've spoken before me on this bill. It may not shock folks that I share some of the same queries that have been raised by my colleagues, and I sincerely hope that the government engages in responding to those specific questions.

Like many, I also lived in a condo for a significant portion of my adult life, and in many ways it was a very good experience. It, of course, enabled me to help build some equity, to have a sense of ownership and community in my home, and I got to know a lot of people through service on the boards that I served. Folks who step up to serve on condominium associations, on boards, typically do it out of a sense of service and a sense of pride and wanting to ensure that their home is as positive of a place as possible.

As has been highlighted by some of the previous speakers, it is very common for there to be moments of tension because multiple people share the same home. They maybe have different unit factors, they maybe have different square footage responsibilities, but ultimately they share the same home.

I'll speak about the two different buildings I lived in maybe briefly to talk about some of the different pressures that we faced. One was very much a starter condo situation. I was really proud to live there and grateful to my grandmother for sharing a portion of her estate with each of her grandchildren to give me the opportunity to have a down payment at a young age to be able to stop paying rent and start on the path to ownership. Not many people are fortunate enough to have a grandmother who decides to share. At that time entering into the market was much more attainable than it is now. The first home I ever bought was \$42,000. The first condo: \$42,000.

**Member Irwin:** No. Where was that?

**Ms Hoffman:** In Edmonton-Highlands-Norwood.

**Member Irwin:** No way. When was that?

**Ms Hoffman:** In 1998.

At that time you could get a CMHC-approved mortgage with 25 per cent down. The idea of saving up that much money was scary, but given that tuition was much lower than it is today and that I was able to work a lot in high school and saved a lot and then also had a grandmother who helped with sharing portions of her estate when she moved into long-term care, it made it possible.

I can't think of many 18-year-olds I know today who would be in a position to be able to do that given the huge rise in housing costs. As mentioned by my colleague the Member Calgary-Buffalo, it's hard to find anything in his riding starting below \$250,000, which means that your 25 per cent down is significantly larger than what it was in 1998.

In that building we didn't have any bells and whistles. It was a walk-up. It, you know, had shared laundry. In the spring and the fall – it was close to the stadium – the smell of the many spectators using the plumbing system of that part of the city would create sometimes an aroma in the hallway that made everyone pause and dump buckets of water down all of the drains in the building to try to get things moving.

It was not a luxury condominium like you might find in some other parts of the city, especially today given the way things have moved, but we all were proud of our home. We all worked collaboratively to find ways to beautify it in the spring and the summer, and if our snow service didn't come before we had to head off to work, people would grab shovels, and we'd help each other out. It really did bring together, I think, a lot of the best things about condo living in terms of people working collaboratively and sharing in a really positive experience of being proud to be homeowners.

**10:10**

It was a building that when it was originally built in, I believe, the '60s or '70s was owned by one individual as a rental property. Over the years he liquidated some of those, and that's how we all ended up there. Many of the folks who ended up buying into that building had actually rented from him for quite some time, but because they were able to buy in the 40s and the 50s, they were able to save up enough of a down payment, many of them, to be able to own when that opportunity presented itself.

We are seeing those opportunities be fewer and farther between than we have certainly in quite some time in this province, maybe in the history of this province. Entering home ownership is a goal for many families that is seen as unattainable. Especially right now I want to recognize – and I know the condo market isn't in the same situation as the stand-alone housing market right now, but things are moving so quickly and people are paying above asking in many situations in the housing market. So I think that many people will

start to consider condominiums again as a possibility given the pressures on single-detached houses these days.

With that in mind, I think it is incredibly important that we create systems so that when there are points of conflict – and I definitely painted the rosier picture of my memories of living in Edmonton-Highlands-Norwood in that first condo very positively. I was there for about a decade. It was a very positive experience. But there were also moments of tension and conflict. There were neighbours who didn't show the same kind of respect to the building that others did, or sometimes they would have house guests who would stay for extended periods of time that also didn't show respect to their neighbours and exhibited behaviour that was in breach of the condominium bylaws, bylaws that we all worked together to set and tried to reach consensus on when we amended them.

There were instances with a couple of neighbours that became especially tense and for good reason. For all of us this was our biggest asset in our lives. Our home was our biggest investment, and when we felt that somebody was doing something to jeopardize that investment, it caused grief, distress. Of course, the fact that it's our home and we wanted to be able to enjoy and take a sense of pride – it was contentious.

There are two things that I wish this bill did that I think are missing. Number one is the tribunal, having a process that doesn't involve having to put extensive liens on somebody's property, having to fine them excessively, having to involve the courts and the banks. It would be much better if there was actually a tribunal process that was affordable and accessible and ensured that every Albertan had an opportunity to have their voice heard when it comes to these tensions that exist around their home living situation. That's number one.

Number two, as I've mentioned, is the excessive inflationary pressures. I'm just talking about the cost to actually enter the market nowadays, but also there are excessive pressures when it comes to condo insurance. We've seen this carry over from, you know, the leaky condo crisis – that was primarily in British Columbia but carried over a bit here in terms of building materials – fires that have happened in condominium buildings, especially those where they're built quite densely next to each other and the building standard didn't take fire prevention as seriously as it probably should have. We've seen issues with rapid construction and, of course, what has been categorized as a boom-bust cycle here in the province of Alberta, where during boom times corners are cut.

We also know that in many other situations – the second condo I ever lived in I loved as well. It was a great experience, but it was built by a bunch of individuals who created a corporation, and then as soon as they built the building, each took a portion of the assets from the building of the units, sold them off, and dissolved the corporation. So there wasn't a mechanism to go after the builder for deficiencies because the corporation no longer existed. Sneaky and definitely problematic for the owners who were in the building. Having ways for people to have proper dispute resolution processes and also be able to have proper accountability to builders is something that I think should be a priority when it comes to bringing bills forward to this place.

I think there are some components in it that are probably moving in the right direction, for sure, but I think that some of the biggest pressures facing condominium owners and those who live in them are around the tensions between ownership and having a dispute resolution process for that as well as the inflationary pressures when it comes to insurance, as the big one, as well as general inflation that we're seeing when it comes to housing prices in the province of Alberta.

I know that condos, of course, are facing a different situation than the housing market, but housing is not as accessible as it was, you

know, in the '90s or definitely even earlier than that. I think it's important that we pause and find ways to create better legislation to ensure more people can have an opportunity to access first-time ownership as early as possible and that we set them up for success in terms of the living situation to ensure that they can live there long term with a sense of pride, without having undue distress with neighbours or in their lending situation.

We also know that there was legislation brought forward a number of years ago around doing long-term financial planning for condominium buildings. I think that was a smart decision. It was at the time, I think, seen by a lot of condo owners as an additional burden in terms of having to pay for this building envelope assessment in developing your five-, 10-, and 20-year plan. It was, of course, expensive to bring in these experts, who were so in demand as the whole province was moving forward with doing these types of reviews and entering into this type of planning situation.

However, I think it did create a more realistic scenario for a lot of condos that were being sold in the first five years with condo fees far below what was sustainable in terms of the market. Then what we saw were buildings having regular special assessments that forced people into selling their homes because they couldn't afford the special assessments; they had mortgaged themselves to a point where they were at their limit for what their monthly expenses could be.

Making sure that we have opportunities to focus this legislation on both affordability and also on the dispute resolution process, I think, is where I would urge the government to give some additional consideration, and I would certainly welcome any government amendments that help address those concerns.

With responsible owners, of course, there is this tension. There is regularly a sense of, "Well, I'm an responsible owner, and there are irresponsible owners in the building, and I shouldn't have to pay for their decisions that implicate and risk the equity that we've put into our asset and the enjoyment that we see in our home" rather than, you know, trying to create – and I think even some of that wording was used by the minister in presenting this bill. I get it. There is a sense sometimes of good guy, bad guy situations in times of conflict, but what I would really like to see is the government come up with a proper dispute resolution process rather than leave that adjudication up to boards.

Sometimes, when you're too close to the situation, it can be challenging to provide an objective view, and I'm saying this as somebody who had a loud and disruptive neighbour upstairs who certainly broke the bylaws on multiple occasions. I as a member of the condo board probably was a little extra close to that situation and couldn't have the same level of distanced judgment that is probably best served by somebody on a tribunal, who has a little separation from the closeness of the issue.

#### 10:20

Those are a couple of the questions that still stick out for me. I do want to ensure that every Albertan has an opportunity to live in a good, safe home that brings them a sense of pride, and it is getting tougher and tougher under this government. We're seeing houselessness continue to rise. I think the idea of ownership is a pipe dream for many Albertans, and it really shouldn't be. We should be creating long-term, sustainable, quality jobs. People should be able to – I know that when I was a kid, we used to say, "What do you want to be when you grow up?" and everyone would talk about having one job and what that one job would be.

It certainly isn't that case for most Alberta families right now. The number of people working two or three jobs just to help make ends meet is continuing to grow, and the pressures put on them and

their families should be the government's priority, and they should be finding ways to make life more affordable for everyday families.

Thank you so much, Mr. Speaker.

**The Speaker:** Are there others? The Member for Edmonton-Highlands-Norwood.

**Member Irwin:** Thank you, Mr. Speaker. It's an honour to join and follow my colleagues. Unfortunately, we've not yet heard from the government on this bill, but I'm certain it's simply because they're writing down all of our thoughtful questions and just preparing their answers. That's got to be it.

**Mr. Jean:** Absolutely.

**Member Irwin:** I thought so.

I've loved hearing the walks down memory lane of folks living in condos, particularly my colleague from Edmonton-Glenora, who owned her first condo in beautiful Edmonton-Highlands-Norwood. Forty-two thousand?

**Ms Hoffman:** Yeah.

**Member Irwin:** Wow. That was impressive in 1998.

**Ms Pancholi:** A steal of a deal.

**Member Irwin:** A steal of a deal is right.

You know, I too would love to walk down memory lane just briefly here, and then I'll get to the content of the bill. Well, this is connected to the bill. Sorry. You've all heard this story many times about my first teaching job in Bawlf, Alberta.

**Ms Pancholi:** Bawlf?

**Member Irwin:** Yeah. Bawlf. That's right. Don't mock me, Edmonton-Whitemud.

I moved to Camrose in January 2006. That was, as you may recall, a bit of a boom time. Camrose, of course, is also a community where there are many students, and I could not find somewhere to live. I'd looked at one place that was a basement suite. Oh, gosh, it was a little bit scary. The fellow who showed me that was like, "Well, I do have one other place, but, you know, it's a seniors' condo." So here I was. I had just turned 21, and I thought, "Well, you know, let's take a look," because I needed to find something soon.

He didn't know I was 21, but he was like: "I know you're not a student. You're a teacher. But just come take a look." For those who know Camrose, we went over to Camrose Crown Care. It's that pink building right by the high school. I took a look, and there was a nice, beautiful, clean condo available. So there I was, a 21-year-old teacher moving into the Camrose Crown Care condos. Let me tell you that it was probably one of the best places I could have lived, because those seniors – and a lot of them were older seniors, too. Some of them had assistance in their condos. They were just so supportive of me. I'd come in, and they'd look after me and always were interested in how I was doing. I remember my neighbour Ernie was always checking on me, too.

Anyways, that was my first condo experience. I didn't actually own the condo, of course. I just rented it. But after I moved out of Camrose Crown Care, I did purchase a condo in Camrose, my first time owning something. It was an interesting experience. I can echo some of the comments from my colleagues who've talked about the concerns that they have heard from people. You know, it is a lot to take on, because when you own a condo, there are things that are beyond your control as a condo owner.

You know, I think we've talked a little bit about: people are proud when they own a place, whether it's a condo or it's a home. For many Albertans it's one of the biggest investments that they will make. It's important to make sure that condo owners are supported and that condos are affordable. [interjections] Lots of noise in this Chamber this morning.

**Member Ceci:** You need to be assertive.

**Member Irwin:** I know. I need to take the stance of Calgary-Buffalo and maybe speak louder and more passionately about condos. I thought I was pretty passionate, but clearly some of the members aren't intrigued.

**Mr. Nielsen:** Tell them about when you were living with the seniors.

**Member Irwin:** Right. Exactly. That was a good story I told about living in a seniors' condo, and the Fort McMurray MLAs weren't even listening. I'm disheartened.

Anyways, I do worry about some of the aspects of this condo bill. You know, one of the big concerns that folks have outlined is that we are concerned that this bill will add to the backlog in the courts for more serious matters, and it will take away due process from condo owners in terms of disputes. As has been outlined quite eloquently, there's no tribunal established in this bill, and that's disappointing because condo owners that we've heard from have been expecting one for quite some time.

[Mrs. Frey in the chair]

This government, this UCP government, had an opportunity in this bill to make it more comprehensive and to address that concern over a tribunal, and they've chosen not to. It's another example where this government has promised something, promised a mechanism, in this case of a tribunal, and chose not to do so, and that record of lack of trust from this government continues.

Another example of the UCP . . .

**The Acting Speaker:** I hesitate to interrupt, hon. member. Hon. members, can we keep our side conversations to a minimum or go into the lounge, please. Thank you. I'm just having trouble hearing the Member for Edmonton-Highlands-Norwood.

**Member Irwin:** Thank you. I truly appreciate that, Madam Speaker, because it's just getting hard to hear myself, and, you know, I do appreciate the sound of my own voice.

But this is another example of the UCP failing Albertans. You know, they've asked us on multiple bills – again, I'm getting déjà vu. I think I spoke to three bills yesterday where that theme of lack of trust in this UCP government continued, and I'm also getting déjà vu in the sense that so many of the bills that this government has introduced this session lack any meat, right? I won't say all the bills but the bills that we've been debating recently. When we've asked this government, "Who have you consulted, who are you listening to on these bills, and which constituents are you hearing from?" they fail to rise and to defend where they landed at with their bills. I really want us to hear and am hoping again – and I know I'm sometimes joking in my approach of saying that I want to hear from the members opposite. I do. I do actually hope that they will rise and respond to some of our questions, our questions about the tribunal and the lack of a tribunal in this bill.

Will a tribunal be implemented, or has that Minister of Service Alberta decided that he's not going to address that at all? Perhaps it's coming in regulations. I don't know. Has the minister done a cost analysis comparing, for instance, the cost of a tribunal to the

cost of forcing condo disputes to the courts? Again, we don't know. Is the minister concerned about implementing a chargeback system that can allow corporations to charge condo owners without a tribunal to ensure that there is accountability within the condo corporation? I do think some of my colleagues have talked about this a little bit, that there are concerns about accountability.

Condo owners: again, I can be totally honest and say that I haven't heard concerns. You know, I have condo owners, of course, in Edmonton-Highlands-Norwood. I haven't heard much on this front, but I do trust my colleagues who have spoken – Edmonton-Decore, Edmonton-McClung, St. Albert – on this bill in sharing the concerns that they've heard from their constituents.

I don't want to present the misunderstanding that there hasn't been consultation on this bill. We know that there has been, and I understand and I appreciate that both representatives of condo properties as well as condo owners have provided some insights and have provided some support to this bill, but I want to hear from the minister. We all do. We just want to hear a little bit more about the consultative process. You know, were there alternate positions presented by condo owners, by condo representatives, stakeholders who took different positions? Those aren't reflected in this bill, so we want to hear a little bit more about the process.

**10:30**

Again, I know we're going to have many more questions. We've got more questions as well about just some of the pieces around voting, and I think some of my colleagues raised this last night in the Chamber, too.

You know, I just want to end my remarks by echoing something that Edmonton-Glenora spoke about, and that's just that housing is a big issue, right? Housing is a big issue in the riding that I represent. I said that I don't hear a lot from condo owners, but I actually hear a lot from unhoused folks because I talk to them. As I've shared in this House many times, just every day on my journey to work, whether I'm biking or driving, I come across folks who are unhoused or who are precariously housed. Of course, this bill does not address housing, but I hope that the minister responsible acknowledges that this is an opportunity for this government to invest in housing so that all Albertans have a place to call home. I hope that we will see more bills from this government that address the immediate need for housing.

With that, Madam Speaker, I would like to adjourn debate.

[Motion to adjourn debate carried]

### **Bill 17 Labour Statutes Amendment Act, 2022**

**The Acting Speaker:** Are there any hon. members wishing to speak to Bill 17? The hon. Member for Sherwood Park.

**Mr. Walker:** Thank you so much, Madam Speaker. It's an honour to rise, and on behalf of the Minister of Labour and Immigration I would like to move second reading of Bill 17, the Labour Statutes Amendment Act, 2022.

Bill 17 introduces changes that would improve Albertans' access to bereavement and reservist leaves and maintain the status quo at postsecondary institutions on bereavement leave. Job-protected leaves like bereavement leave and reservist leave allow employees to take time away from work to attend to personal matters without fear of losing their job.

Madam Speaker, few situations are more personal or more heartbreaking than miscarriage and stillbirth; however, Alberta's laws currently do not explicitly include miscarriage and stillbirth as situations for which employees can take bereavement leave. To

recognize the pain and grief felt by parents who lose an unborn child, the Labour Statutes Amendment Act, 2022, will extend bereavement leave to employees who experience a miscarriage or stillbirth. Proposed changes would allow any eligible employees who would have been a parent to take bereavement leave in order to make this leave as accessible as possible for employees during a very difficult time. For example, biological parents, adoptive parents, and surrogate parents would all be able to take bereavement leave when a stillbirth or miscarriage occurs.

Just in this time, Madam Speaker, I would like to recognize stakeholders that inspired my own private member's bill, which, in turn, I would like to think, and I believe so, helped inspire Bill 17. Of course, I won the lottery, the private members' lottery, last year. It was so amazing to put forward my own private member's bill, Bill 220, to support women and families as regards expanding bereavement leave to miscarriage and stillbirth. We want to ensure parents have the time they need to mourn and grieve the tragic loss of losing an unborn child without the fear of losing their job.

In my engagement with stakeholders, Madam Speaker, I want to recognize the incredible efforts and advocacy and expertise of Aditi Loveridge of the Pregnancy and Infant Loss Centre in Calgary, an incredible champion for supports for women and families, including as regards miscarriage and stillbirth. I also want to recognize and thank Dr. Janet Jaffe from the Center for Reproductive Psychology out of, I believe, San Diego, California, an expert in this field. When I was engaging with Dr. Jaffe, she had a really profound impact on my own understanding of the tragic loss and the emotional trauma, the mental health trauma from miscarriage and stillbirth. In the academic literature it shows that it takes two years for the parents and especially the mother to grieve the loss of an unborn child, and 1 in 4 women, unfortunately, will experience miscarriage and stillbirth.

I also want to thank the economic stakeholders who helped inform Bill 220 and as well informed, ultimately, Bill 17, Madam Speaker, the Canadian Federation of Independent Business as well as the chamber of commerce, to give the economic lens to getting this right at least as a first step forward with the expanded bereavement leave. They were telling me that most employers, as compassionate people, were allowing for this, for people to take time off work that they needed to grieve, anyway, but we wanted to also ultimately – and they were supportive of it, these important business and economic stakeholders – support a bill of this nature to recognize, elevate, and clarify in law that this situation of miscarriage and stillbirth needed to also be afforded dignity and included in Alberta's labour code. I'm grateful to them for that.

I also want to thank the members of this Legislature who were strong champions, supporters of the original Bill 220 and this whole initiative to expand bereavement leave and stillbirth to be included for bereavement leave. To begin, I just wanted to recognize and thank, on the opposition side, the Member for Edmonton-Highlands-Norwood for, during the private members' private bills engagement, very thoughtful commentary and inputs. Also, the Member for Edmonton-Riverview made me think a lot regarding the various types of leave, very thoughtful, thinking about all the types. We have bereavement leave, maternity leave, personal family responsibility leave, et cetera. Incredible contributions. As well, the Member for Edmonton-Whitemud gave a very passionate, persuasive speech, I believe, during concurrence. I want to thank that member.

Then, also, on the government side this was a really great bill that brought people together, as does now Bill 17. I want to especially thank the Member for Brooks-Medicine Hat as a strong champion. The Member for Peace River, the Member for Drayton Valley-

Devon, and, of course, the Member for West Yellowhead: all strong supporters of families and women.

Madam Speaker, I am grateful for everyone's continuing hard work and advocacy on the issue that touches so many Albertans' lives.

Aside from expanding eligibility for bereavement leave, Madam Speaker, the rules for bereavement leave will remain the same. Employees who have worked at least 90 days for the same employer can take up to three days' leave per calendar year when a family member dies. The leave length is three calendar days per year regardless of how many family members an employee may lose in a year. However, employees may also be able to take job-protected personal and family responsibility leave or long-term illness and injury leave in certain situations involving pregnancy loss or if they lose multiple family members in a calendar year and use up to their three days of bereavement leave. In some situations, Madam Speaker, birth mothers may be able to take maternity leave if a loss of pregnancy occurs within 16 weeks of their due date.

Employees must give their employer as much notice as possible to take bereavement leave but are not required to provide a medical note or other information. This leave is unpaid unless an employment contract or collective agreement states otherwise.

Granting bereavement leave in situations of miscarriage and stillbirth allows employees to spend time with their families and take care of themselves while knowing they still have a job to go back to. It is one way we can improve Alberta's job-protected leaves to show consideration for hard-working Albertans when they need time away for personal matters.

Now, Madam Speaker, on the important component of reservist leave, proposed changes to reservist leave in Bill 17 recognize the vital role reservists play in protecting the country by making sure they can take the time they need for annual training while keeping their civilian employment. Reservist leave allows Alberta's reservists who have worked at least 12 consecutive weeks for the same employer to take unpaid time away from their jobs to take part in annual training and Canadian Forces operations, and we thank them deeply for their service.

**10:40**

Bill 17 proposes changes that would remove the current 20-day limit on annual training leave so that reservists can take as much time as they need. The MLA for Leduc-Beaumont, who is Alberta's military liaison to the Canadian Armed Forces, has heard from military stakeholders that some reservists do not have enough time to complete annual training and have been using other entitlements such as vacation time to do so. I want to recognize the amazing MLA for Leduc-Beaumont for his advocacy and all of the Canadian Armed Forces members who shared their views with him, Madam Speaker.

Madam Speaker, Alberta has about 3,000 reservists, who devote their time and skills to the country by responding to emergencies such as fires and floods as well as serving on international missions. These brave men and women should not have to use vacation time in order to complete annual training requirements. Removing the 20-day cap on the amount of time reservists can take for annual training is a flexible approach that allows them to be prepared for deployments and protect their fellow citizens while also participating in the workforce and earning a living.

If they are deployed on Canadian Forces operations, reservists will continue to be able to take leave for as long as needed. Reservists are and will continue to be required to give their employers four weeks' written notice and include their anticipated return-to-work date before taking reservist leave, which can help employers plan for their absence.

If passed, the changes to bereavement and reservist leave will take effect upon royal assent as they are expected to have limited impact on employers, particularly for bereavement leave. Also, we want the changes to be in effect for annual training that may be occurring this summer.

Postsecondary changes. In addition to expanding protections for Albertans who need time away from work, proposed changes in Bill 17, Madam Speaker, would allow academic staff, graduate students, and postdoctoral fellow associations to continue to give their members experienced representation at the collective bargaining table. Under current legislation academic staff, graduate students, and postdoctoral fellow associations have the exclusive right to represent their members in collective bargaining and negotiations, but this arrangement was to come to an end on July 1, 2022. If unchanged, this would result in other bargaining agents being able to potentially represent their members as of July 1. Proposed amendments would preserve the status quo, giving the associations the exclusive right of representation indefinitely.

Academic staff, graduate students, and postdoctoral fellow associations have the experience and expertise to represent their members, Madam Speaker. They also have existing relationships with postsecondary administrations, allowing them to continue to have the exclusive right to represent their members and ensuring a continuity of experience and expertise.

Continuing to give postsecondary associations the exclusive right to bargain on behalf of their members aligns with other parts of Alberta's public sector. For example, the Alberta Union of Provincial Employees has the exclusive right to represent government of Alberta employees.

The change will take effect on July 1, 2022, rather than upon royal assent. This will align with other already-scheduled changes for postsecondary institutions, Madam Speaker, which will allow them to create employer organizations for collective bargaining as of July 1, 2022.

Madam Speaker, the proposed changes in Bill 17 improve or maintain protections for Alberta's employees. They allow grieving employees who have lost an unborn child to take a few days to focus on themselves and their families without having to juggle the responsibilities of a job at the same time. They honour our men and women in uniform by making sure that reservists can take the time they need to fulfill annual reservist training responsibilities while still having a job to go back to, and they preserve the status quo for academic staff, graduate students, and postdoctoral fellow associations to recognize the role they play in representing their members. For these reasons, I am proud to move second reading of Bill 17, the Labour Statutes Amendment Act, 2022.

Thank you very much.

**The Acting Speaker:** Are there any other hon. members wishing to speak? I see the hon. Member for Edmonton-Mill Woods.

**Ms Gray:** Thank you very much, Madam Speaker. It's an honour to rise to speak to second reading of Bill 17, the Labour Statutes Amendment Act, 2022, moved on behalf of the Minister of Labour and Immigration. Bill 17 will touch on three particular areas in Alberta labour law, and I'm going to speak briefly to each of these three.

First, it expands the current reservist leave that we have in our Alberta employment standards by removing the language around "up to 20 days in a calendar year." Now, Madam Speaker, the reservist force is an important part of our Canadian armed services. Reservists are primarily part-time service positions who often have other full-time employment, and the leave, the job-protected leave, ensures that when they are going out for training activities or other

service-related activities, their employment is protected, that they have their position to come back to.

Now, as I understand it, the removal of this 20 days in a calendar year, Madam Speaker, brings Alberta more in line with other jurisdictions so that reservists are not having to use vacation time or other time in order to meet their commitments. My understanding is that when it comes to the reservist leave, making sure that the impact on employers is minimized is something that the Department of National Defence encourages its members to do. As well, we know that there are a number of programs that are available to support reservists as well as their employers, namely the reservist assistance program and the compensation for employers of reservists program.

I am supportive of this change here in the Labour Statutes Amendment Act that will ensure that reservists have the time that they need and the job protection that will protect the employment and have that available to come back to.

The second change within Bill 17 is expanding bereavement leave and making explicit that it covers miscarriage and stillbirth. Madam Speaker, pregnancy loss can be a very, very tragic and difficult time for parents here in Alberta, and including specific language as well as language that's been, as I understand it, written to try and be as inclusive as possible to parents in all different types of scenarios where pregnancy loss can take place is a good change to our employment standards. Ensuring that these employees have access to three days per calendar year through the bereavement leave program and including that explicit language of miscarriage and stillbirth is very positive.

Now, I understand that as drafted, this section will also cover terminations for medical reasons and abortion. But it is not explicit in how this language is drafted. When it comes to this particular section, it is absolutely positive, but I think that the UCP government, in the drafting of this section, has missed an opportunity to make sure that it is as inclusive as possible and covers as many scenarios as possible.

The fact that, in moving this, the language was used that we needed to explicitly include miscarriage and stillbirth – certainly, I think that in order to make sure that we are protecting all parents who are going through pregnancy loss for all reasons, including for termination for medical reasons as well as for abortion – we need to make sure that that is explicitly clear as well. As we continue on through the debate on Bill 17, I look forward to hopefully bringing that conversation here into the Chamber.

I believe that when the private member's bill which is related to this section was debated in committee, Aditi Loveridge, who is the founder of the Pregnancy and Infant Loss Centre in Calgary, who, again, the mover of this bill acknowledged, certainly spoke to the need to have that kind of explicit reference. It's very positive that termination for medical reasons and abortion are covered, technically. That means that Albertans who are experiencing that type of pregnancy loss will be able to use the bereavement leave. Unfortunately, without that being explicit, I'm concerned that Albertans won't be aware of that. Really, this is a matter of clarity, just making sure that what is happening is made clear for all Albertans who may be wondering or curious or needing to know if this counts towards their particular situation.

**10:50**

Now, when Albertans are accessing these bereavement leaves, we do want to put on record that privacy, confidentiality, the amount of information that an employee needs to provide to the employer – employees do not need to provide medical notes or other details in order to access the three days of bereavement leave. My hope would be that the government, through their labour ministry website, would provide guidance to employees about how they can be taking these leaves, the steps involved, what information

they would have to require, and what information they would not. In order to access this bereavement leave, employees, I think, will be wondering how much they have to tell their employer. We're talking about some very, very sensitive and very personal experiences and, I know, for many, many Albertans, they would not necessarily want to disclose full details about what's happening.

I do want to acknowledge that the job-protected family and personal leave is also available to Albertans, and having that job-protected leave, I think, is really important to support Albertans in all sorts of scenarios because the bereavement leave is limited to three days in a single calendar year. Certainly, we know that pregnancy loss can happen more than once in a particular year, especially for families that are trying to become parents.

Certainly, as I became an adult, even though we took the sexual health courses in high school, the high prevalence of miscarriage and other pregnancy loss was something that I wasn't fully aware of until I and my friends who are of child-bearing years, many of them were actively trying to become pregnant and trying to become parents. Then all of a sudden you realize that it's not as easy for many people as your sex ed health teachers maybe tried to scare you into thinking that it would be. You can get pregnant with one time, but also there are people who struggle for years trying to get pregnant.

People aren't always aware how common miscarriage is. I know a lot of women can sometimes carry very complicated emotions: grief as well as shame, or feeling like they have done something wrong or have a personal responsibility. I believe the mover in the speech mentioned that 1 in 4 pregnancies can result in miscarriage. It's quite high. Having open conversations about this is really, really important, and having access to the bereavement job-protected leave is positive, but having a strong job-protected leave system is really important.

I was very proud, as the minister of labour under the previous government, to expand our job-protected leaves significantly. Albertans had access to way fewer job-protected leaves than other Canadians, and it hadn't been reviewed. I believe that particular section hadn't been significantly reviewed and changed in decades.

Seeing this update today and the clarity provided for miscarriage and stillbirth is positive. Certainly, I would like to see clarity added for terminations for medical reasons and for abortion, which we understand are covered. That is the response we've received through technical briefings and that has been given to the media, but without it being explicitly included, Albertans might not be aware of that. If it is covered, making that explicit, I think, would be a very positive change and would match the feedback that we heard through the private members' bills committee, when experts like Aditi came to the committee to share their perspective on this section.

Very positive change to employment standards – we hope to improve it with some clarity as we get into debate on this bill through Committee of the Whole. I certainly look forward to hearing more from stakeholders as debate continues on Bill 17.

The final section is changes to the Labour Relations Code. We've got two changes to leaves in the employment standards section and then this change to the Labour Relations Code, and I want to speak very briefly to the history of this. Prior to 2017, within the postsecondary sector, labour relations and postsecondary, there was not the right to strike or lockout. They were not governed under a strike and lockout system. In 2015 a Supreme Court ruling, specifically the Saskatchewan Federation of Labour case in early 2015, deemed that all public-sector employees have the right to collectively bargain and the right to remove their labour as part of free association in a trade union or a faculty association or with some other bargaining agent.



As a result of that, the NDP government at the time needed to update Alberta's labour relations bargaining to make sure that public-sector employees had the right to strike, and essential services legislation was introduced. But at that time postsecondary, including faculty associations and others, was not included. We embarked on a very intense engagement with those stakeholders because postsecondary labour relations was in quite a different state. Probably from fall of 2015 until Bill 7 was introduced in spring of 2017, consultation with the postsecondary sector around labour relations was held, and major changes were brought in to make sure that the unique nature of postsecondary was taken into account while the constitutionally protected rights for collective bargaining were brought up into Alberta's labour relations system. A new division of the Labour Relations Code for the postsecondary sector was created at that time, and a collective bargaining process that respects the rights of workers and employers was put into place to meet the needs of the Supreme Court ruling.

Now, one of the pieces of feedback that we heard was that because postsecondary had never had the right to strike or to be locked out, the system would need some time to adapt to this. From 2015, when we started consultation, to 2017, when the legislation was put in, certainly the sector, through consultation with the government, knew that a new strike-lockout regime was coming. The exact form of that was what the consultation was put in place for. To that end, one of the pieces of feedback we heard was that moving immediately to allowing the workers to choose bargaining agents could potentially be disruptive. So exclusive bargaining rights were provided to faculty associations for a time of I believe it was about five years, with that five years expiring June 1, 2022, this year. The change in Bill 17 is going to enshrine that exclusive right so that these workers are represented by their current faculty associations. Without the change in Bill 17, the workers would have the right to choose their bargaining agent.

[The Speaker in the chair]

Certainly, we've seen a big shift in Alberta. Our postsecondary system didn't have the right to strike or lockout. Then the Supreme Court ruling came, legislation was introduced through Bill 7 in 2017, and now we have seen, particularly with pressure on the postsecondary system by the UCP government through significant, significant funding cuts, that we have had a number of strike and lockout situations. I'm thinking about Lethbridge. I'm thinking about Concordia here in Edmonton. The faculty associations have shown themselves to be responding to the difficult negotiating circumstances, again because of the UCP government's funding cuts to postsecondary, and have been able to secure agreements that the workers have voted for and are pleased with. It has not been easy. Strikes and lockouts are incredibly difficult, but having our collective bargaining system in a place that respects the rights to bargain of the workers is incredibly important.

**11:00**

Now, we are currently consulting with the faculty associations across Alberta about the change in Bill 17, because we now have – our postsecondary system has been under the strike and lockout regime and has had those rights. We've now started to see those play out in collective bargaining situations across the province. Bill 17 purports to remove the right to choose your bargaining agent, something that was coming. For the Official Opposition and for myself, given that our original consultations were held in that time frame of 2015 to 2017 – here we are in 2022 – it's really important to me that we find out more about what the impacted workers and associations think about the change in Bill 17 to provide exclusive right.

Now, the mover of Bill 17 did acknowledge that there are other areas where exclusive bargaining rights are provided. Specifically, he mentioned the scenario with AUPE, and that's certainly the case. I would note that there's a significant size difference when we talk about the size of the bargaining units when you're comparing AUPE to faculty associations at smaller colleges, universities around the province. I'm very curious how that might impact workers' opinions about their bargaining rights and the right to choose their bargaining agent.

Interestingly, we've sent out some initial queries, and we're hearing back that these important stakeholders, that this directly impacts, were not consulted by the UCP government, so I'm very concerned to hear that. At this point, when it comes to the change to bargaining, I feel strongly that respecting all workers' rights to free, fair, collective bargaining is incredibly important. Removing the right to choose their bargaining agent could be of concern, but we are hoping to find out more from stakeholders, their perspectives so that we can bring that here into the Chamber during continued debate on Bill 17.

The government is correct that Bill 17 in its current form would essentially maintain the status quo. What has been happening for the past five years, whether that is a good thing or not, I want to find out more. I do want to acknowledge that certainly the faculty associations have proven themselves to be more than capable in the bargaining that they've had with their employers to date, again, given the pressure the UCP government has put on the postsecondary sector. I certainly would suggest that removing the exclusive right wouldn't necessarily mean that other bargaining agents would become involved given that scenario, but it would become a possibility.

These are my initial thoughts on the three main provisions of Bill 17. I'm certainly supportive of the changes to the reservists' leave, supportive of the changes to explicitly include miscarriage or stillbirth, and very, very glad to know that terminations for medical reason and abortion are covered by these sections. I'm concerned that that's not explicitly included and how misleading that could be for Albertans, how difficult it could be for Albertans to understand that the bereavement leave applies for their scenarios as well, and I would like to see that potentially changed as we go through debate.

Finally, on the labour relations changes, given what I know of the history of this and that my most recent consultation with the stakeholders impacted is a little bit out of date, we're reaching out to the stakeholders to find out more about their thoughts. I hope to have more to say about those sections of the bill further on in debate.

Thank you very much, Mr. Speaker, for this chance to respond.

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

**Mr. Nielsen:** Thanks, Mr. Speaker. I'm happy to rise here this morning to provide some initial comments here around Bill 17, Labour Statutes Amendment Act, 2022. You know, I guess, full disclosure, any time that I see labour legislation coming before the House, certainly the hair on the back of my neck stands up momentarily because, you know, we have seen some changes in the past that have not moved Alberta forward here. The good news is that I'm not seeing that here in Bill 17. I certainly have some questions that I will get to throughout my remarks about the bill. Obviously, we'll probably get a better opportunity later on in debate through Committee of the Whole to maybe get some answers to that and maybe even make some suggestions for some potential changes. I'll get to those also in my remarks here as well.

You know, I should point out, though, that it is interesting that as we debate this bill for the first time here today, coincidentally it also falls on the Day of Mourning, which, of course, is a day that we stop and recognize all the people who left us due to occupational hazards in the workplace. The loss of those members to their families is difficult. I think when we have the opportunity to talk about these kinds of things in regard to labour standards and things like that, we should always be keeping these things in mind. We always say that you should be able to go to work, put in a fair day's work there for a fair day's pay, and be able to go home to your family with, as my former president used to say, all 10 fingers and all 10 toes and be able to get up the next morning and do it all over again.

As my colleague from Edmonton-Mill Woods pointed out, we've got a couple of different changes here. I'll probably kind of go off some of her remarks here that she had brought forward. I will thank her for, you know, her time when she was labour minister and having to deal with some of the changes that occurred with that Supreme Court decision around the right for an individual to be able to strike. As we know, there were sectors, there were individuals that didn't have that. They should have. Personally, I believe that was a decision that was really a long time coming.

When you're looking at the workplace and collective bargaining and whatnot, really, the only thing that employees have to be able to try to convince the employer to, like I say, either improve working conditions, improve benefits, improve pay, or improve language, the only real tool they have in their tool box is to withdraw their labour. That's really the only avenue they have.

Now, as someone, again, who was very active during my time in labour with UFCW local 401, I visited many strike lines, I worked on a few strike lines, I've been on my own strike line. At the end of the day, you know, really, it doesn't matter whether it's a lockout or a strike, nobody wins out of that. It creates problems for the employees. It creates problems for the employer. Really, it comes down to just a failure to listen.

Out of that, obviously, as my colleague from Edmonton-Mill Woods was talking about, the changes in the postsecondary sector, one of those groups that, you know, back at a time when she had to try to navigate how to bring that forward to the Supreme Court, didn't have the ability to strike, and of course conversely, the employer didn't have the ability to lock them out either. Obviously, you don't normally see a lot of lockouts. You normally see a lot of strikes. Again, things have usually degraded pretty much when those start to become a reality.

#### 11:10

You know, for myself, I guess I'm a little bit uncomfortable, would probably be the words I could use, around dictating the exclusive bargaining agent for the postsecondary sector. I know the example being used is that AUPE is the exclusive bargaining agent for the public sector, and, as everybody knows, AUPE is the largest public-sector union in the province and has been at it for a very, very long time, but when you're talking about basically a brand new sector having that ability, the reality is that that ability to potentially change your bargaining agent does, to some degree, provide a little bit of pressure on that bargaining agent to make sure that they do continue to do all the things that they should be doing.

I will be the first to admit that there are an example or two of what, I believe, are not very good unions. You know, UFCW has been very vocal about that with regard to how they treat their members, not necessarily bargaining in the best interests of their members. And when those kinds of situations happen, the only way the membership can resolve that is to potentially look for another bargaining agent.

[The Deputy Speaker in the chair]

Now, during my time participating with 401, I certainly heard stories – I've never been able to participate in the process – of members approaching 401 saying: "Our union isn't looking after us. Would you please represent us?" The first choice the 401 took was: let's talk to your bargaining agent and see how it is that they could improve. The reality of why they do that is because when you drop your bargaining agent, there is risk involved with that, especially if the bargaining agent has been around for a while and you've had a few successive contracts. I mean, any wins that you have had through the bargaining process, be it wage increases, benefit increases, stronger language around health and safety, some of the different leaves that are available – of course, I'll be talking about those shortly here – those are at risk because the employer can then turn around and start from ground zero. So it's not necessarily in the best interest to drop your bargaining agent, which is why 401 would always try to work with them to try to improve that relationship between their members and prevent any of those potential losses there.

I guess to kind of wrap up my comments a little bit around this section with the postsecondary units here, you know, when you're directing an exclusive bargaining agent, then, are there some checks and balances in place? In other words, if the membership is unhappy, they can't potentially go and look for another, so do they have the ability, then, to perhaps vote on changing the leadership? Sometimes that's what it is. I mean, not everybody gets into a position of leadership with others in mind. They're more interested in their own fortunes. That's the unfortunate part of that. So do members have opportunities with which to be able to change that leadership?

I know that for 401 there's always a cycle for that, where they get to choose the leadership of the union and even the vice-president, that are chosen from all over the province from different bargaining units and companies, so again kind of that check and balance that's in place. You still have the leadership from the bargaining agent, but then you have members that participate within those decision-makings. I'd like to know potentially what kind of checks and balances are in place.

The membership having the ability to have their say on any negotiations that take place. Again, if you have an exclusive bargaining agent, do they start going down that road where it's like, "This is the deal, and this is what you're going to take"? That, in my opinion, doesn't work out. I'll look forward to seeing some more discussions around that.

Certainly, as my colleague from Edmonton-Mill Woods had pointed out around the lack of consultation, that concerns me greatly. When you're starting to mess around with legislation and putting in exclusive rights, why didn't you connect with all sides, not only the potential exclusive bargaining agent but their membership as well to get that input to inform the best language possible? Like I said, at the end of the day – I've said this in other debates as well – when we're forming language here in this House, it's not for us. We know what was going on. We know what was said in the debate. You know, 20 years from now, when we're not around to answer questions or try to explain how things went, can somebody interpret clearly what's going on? We tend to miss that mark when it comes to that.

The other section here, around the changes to reservists. You know, Edmonton-Decore is in northeast Edmonton. Straight up 97th Street you head out to the Namao base. It's there. Not only do I have full-time members of the Canadian Armed Forces, but reservists live there as well. Any time that we can endeavour to be able to make things easier for them in terms of job protections and the commitment that they've made to service – as we know, there

are always changes in technologies, things like that. Just like regular forces members, reservists have to stay on top of that as well. So if they find themselves being deployed simply for training but then they start, as I say, watching the clock because their employer is expecting them back on, say, Monday but they're not actually going to be done their training until Monday, for instance, now that pressure starts to come back in order for them to be able to keep their jobs. We certainly don't want to see that kind of thing occur, so I think the changes here that are being mentioned for reservists in Bill 17 are good.

That now brings us to bereavement and the changes being suggested here. As the Member for Sherwood Park brought the opening comments on behalf of the minister, I would like to recognize him for his time when he brought Bill 220 forward to the private members' bills committee. I did get the opportunity, of course, to review that bill as a member of that committee, and I was happy to see that he brought that conversation to the forefront. I do understand, again, that he was bringing forward comments on behalf of the minister of labour, but there would be one tiny, little thing I will challenge him on in his remarks, and that was where he was saying that pretty much most employers understand when it comes to different leaves.

**The Deputy Speaker:** Are there others to speak to Bill 17 in second reading? The hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Thank you, Madam Speaker. It's a pleasure to rise today and speak in second reading of Bill 17. I actually am very pleased to be able to respond even to the Member for Sherwood Park, who introduced this bill as a private member's bill last session, or at least a portion of this bill, I should say, brought it forward as a private member's bill, Bill 220.

**11:20**

That was, I think, a rare opportunity in this House, where we saw absolute, unanimous consensus in this House around the need to offer some bereavement leave for those who have suffered pregnancy loss. It was very important to hear the perspectives of so many in this Chamber and to realize, you know, that we do actually have many things that we share values and views on, and one is supporting women and people who have suffered pregnancy loss and to recognize that there are things we can do to support those who have.

I know Bill 17 contains some other provisions that are very relevant. I don't take issue, particularly, with the provision around extending reservist leave and removing sort of that limit on how many leave days can be taken for reservists. I should note that that issue was also something that we had consensus in this House around when it was brought forward as a private member's bill from the Member for Leduc-Beaumont, which was that we do support, you know, encouraging those who participate as reservists and offering them the supports they need to be able to do that, because it's important to serve our communities. Lifting that 20-day limit is something that, again, we stand in support of in this House.

I do want to focus my comments primarily on the issue of the bereavement leave for those who've experienced pregnancy loss. I want to begin by acknowledging what many of us have in this House already; first of all, the work of those in our communities who provide supports to those who suffer pregnancy loss: doctors, medical practitioners, health care workers, and the important work of groups such as the Pregnancy and Infant Loss Centre in Calgary. I, too, as have many of my colleagues, have had the opportunity to meet with Aditi Loveridge. I know the great work and important work that she does.

As we've talked about in this House, it is true that in Alberta 1 in 4 pregnancies ends in miscarriage. That is a statistic. I just want to highlight that that means that even in this Chamber there are a number of women that likely, according to the statistics, have suffered pregnancy loss. I know some members of this House have shared their personal experiences, either about hopes of becoming pregnant as well as challenges, maybe friends and family. During the debate on concurrence on private member's Bill 220 I shared my own personal experience as somebody who has experienced pregnancy loss. In fact, I experienced two miscarriages prior to the birth of my son and then my daughter a couple of years later.

You know, when we talk about pregnancy loss, one of the reasons why we talk about that statistic, about how common and frequent it is, is because it's surprising to many Albertans and to many people to know that so many pregnancies result in loss. We talk about it because it is something that is still shrouded in secrecy. The Member for Edmonton-Mill Woods talked about it very eloquently.

Yes, for women who experience it, there's often guilt. There's shame. There's grief. There are physical symptoms. There are a lot of complications around the feelings. But it also can be incredibly isolating. You don't know that so many other women in your life may have also experienced pregnancy loss, so you do feel very alone when it happens and because there are often complicated emotions, not just around the loss but oftentimes around the pregnancy itself. Sometimes a woman might not even be aware that she was pregnant until she experiences a miscarriage. There are many, many complicated feelings. Of course, miscarriage is often unexpected and abrupt, so when it happens, a woman is not prepared for all of those emotions and feelings. It is easy, as I did myself, to remain isolated and to not really reach out and seek support and to not even name what's happening.

For myself, Madam Speaker, you know, my pregnancy loss occurred only after about a week to 10 days of me even knowing I was pregnant. At that time my husband and I had not informed family or friends yet that I was pregnant. We were very early on in the pregnancy. It is something that we had debated for many years, about whether we wanted to have children. We were married for six years before we decided that we were ready and that we wanted to have children, and then when we did, we felt all that rush of joy that parents who want to become parents experience: the excitement, the knowing that your life is going to be radically changed in ways you couldn't even begin to fathom. You start to think, as a woman, about the physical changes that are going to be happening. I mean, for those seven to 10 days it was actually like a wonderful secret that we were enjoying, sharing this thing between us that we knew was happening. Then abruptly it was gone.

Because we had not shared with family and friends that we were pregnant or that we were even trying to have a child, we didn't know how to communicate that we'd lost the pregnancy. In fact, my mother only found out that I was pregnant because I was on hour 6 at the emergency room at the hospital and my husband had to go do something urgently. He didn't want to leave me alone, so he called my mother. The first time my mother found out that I was pregnant was actually when I had lost the pregnancy.

It was, you know, very emotional and physically uncomfortable as well. I mean, it came with significant pain and bleeding. This happened on a Saturday morning. It began on a Saturday morning, and then I went home, and then I went to work on Monday. In the context of bereavement leave – now, I went to work on Monday because I was still not comfortable sharing that I had even been pregnant, so I certainly wasn't comfortable sharing that I'd lost the pregnancy.

In retrospect, of course, I knew – you know, at the time I told myself that I was fine, that I was okay, that I'll go to work. I can tell you I was not okay. I think back, and there were a couple of meetings that I had during that time where I recall now that I was incredibly emotional about something that should not have been emotional, and I realize now that, of course, I was experiencing a lot of complicated grief and emotions and guilt and still some physical symptoms of my miscarriage. I didn't even know, really, in my mind at that time that it was a possibility to even say: I'm not going to go to work because I've experienced pregnancy loss. It was too complicated, and I didn't know how to do that, so I did go to work.

I want to take this time – I made these comments during debate on concurrence for private member's Bill 220, but I want to make them again because I do think it's important. When we're talking about leave and employment for women when they're pregnant, have lost a pregnancy, are on maternity leave, parental leave, all of those things, we can't talk about it in the absence of acknowledging that there are still some barriers that women face in the workplace that are related to having children.

One of the reasons, Madam Speaker, that I did not even think to take leave from work that day or that week or even articulate to my boss at the time was that I was afraid for my employer to know. I shouldn't say "afraid"; that's a strong word. I was uncomfortable at that time with my employer knowing that I was even contemplating having children. I was afraid that that would have implications for my work. I was not prepared to tell them that I maybe was actively trying to get pregnant, because I thought that that could affect the likelihood that, you know, major projects, major work would come my way because I was going to be seen as somebody who might be leaving in the near future to take a leave. I also knew that that might affect the quality of work that I was given, because if I was pregnant and had a baby and went on parental leave, I could be absent for a large period of time.

When we're talking about employment leave, I think that's an important aspect, but I still want to highlight how important it is to talk about the broader implications that still affect women in the workforce. Let me be clear. I had that first miscarriage, and I had a second miscarriage seven weeks later. At that time I ended up taking a week off work, and I took that week as sick leave. Now, I was fortunate to work in an employment situation where not only did I have a good number of sick leave days, but they were paid sick leave days.

**11:30**

While I support job-protected leave – I think it's incredibly important – I do want to highlight that there are still incredible barriers, particularly for women in certain employment situations. If they don't make a lot of money, to take unpaid leave is not an easy thing, and many women – not even just women. When we're talking about leave of this kind, while they may appreciate knowing they have job-protected leave, if it's unpaid leave, they still may not take it. And while I know that there is a hesitancy to require paid leave in legislation here – that's often left to employers, and I won't dig into the debate we had around paid leave during COVID – I don't want to stand here and pretend that unpaid leave is a solution for all women in the workforce. It can still present a significant barrier to know that they will lose pay to take these leave days, and that will prevent many women from actually seeking this leave.

I wanted to talk about that because I think it is really important to consider the context. If we're trying to lower barriers and support women who have experienced pregnancy loss, we have to consider that whole slew of all the other challenges they face in the workplace related to working in – you know, I'm a lawyer by training. I was in legal work. Enormous privilege. I mean, my pay

was above, obviously, the average pay of Albertans, and I still hesitated to talk to my employer about the reasons for my leave. So we can imagine that a woman making minimum wage, which – by the way, most of those who are earning minimum wage in this province are women, many of which are single mothers. They will have significant barriers still to seeking this kind of bereavement leave. I felt that that was important to point out.

My colleagues have mentioned, and I want to highlight as well, that I appreciate that there has been discussion publicly about what's in Bill 17 and whether or not the wording of Bill 17 leave extends to termination of pregnancy for medical reasons as well as abortion. I was very heartened when we had this discussion on private member's Bill 220 that there seemed to be consensus from all members of this House that any bereavement leave for pregnancy loss should include abortion and termination for medical reasons. I was very encouraged to hear that there was consensus. I think it's important, though, that that clarity be in the legislation. I understand that the minister has said publicly that it does not prevent taking bereavement leave for abortion or termination for medical reasons, but of course the language in the legislation is specific to miscarriage and stillbirth.

Again, we are talking about an unbalanced relationship where employees may feel hesitant and may not want to put forward that they've had an abortion or to make their case. My concern is that the way it's drafted right now, it may not be obvious to employers that that includes abortion and termination for medical reasons, and it puts, then, the onus on the employee to advocate for that. Let's be clear that this is already deeply personal. We've talked already about the shame and the guilt and the trauma, and that applies to women who have experienced abortion as well as termination for medical reasons. To put, then, that woman in the position of having to sort of educate their employer that this leave covers their circumstances as well, I think, is an unfair onus to put on women, again, especially if the goal is to support these women through these challenging times.

I do take this government at its word that they do intend to include abortion, they do intend to include termination for medical reasons in these provisions, but I think this is not just about providing assurance to us as the Official Opposition that this is included in the bill. I think it's incredibly important to provide that assurance to Albertans because, as we know, when legislation leaves this Chamber, it goes out into the world and into workplaces, and there are going to be employers and employees and Albertans who will be trying to understand and apply it in their day-to-day lives. It is our job, I believe, as responsible legislators to make it as clear as possible that we are including all these circumstances and not put that obligation on to employees, to try to inform their employers about that. You know, when we're talking about abortions, I mean, that's not a small portion of women. The average in Alberta – in 2020 12,000 women had abortions. And that's actually . . . [Ms Pancholi's speaking time expired]

Thank you.

**The Deputy Speaker:** Are there others to speak to Bill 17 in second reading? The hon. Member for Calgary-Buffalo.

**Member Ceci:** Thank you very much, Madam Speaker. In the few minutes that I have before we adjourn at 11:45 to pay our respects in various ways to a couple of situations that are ongoing, I want to extend my thoughts of appreciation both to people on this side and people on that side, the Member for Sherwood Park, who spoke to this issue on behalf of the Minister of Labour and Immigration. Bill 17: this is my first time debating this issue in the House. I wasn't here for the debate of private member's Bill 220, but I'm heartened

to hear that there was so much consensus going forward with regard to the items, issues brought up in that bill and also this one.

I want to spend a few minutes speaking in support of various aspects of this bill, particularly as my colleague from Edmonton – where are you from?

**Ms Gray:** Mill Woods.

**Member Ceci:** Edmonton-Mill Woods. Well, there's a lot of Edmonton here.

Anyway, I just want to spend some time talking, as my colleague from Edmonton-Mill Woods did, on how the reservist leave, expanding that to the time necessary for the training for reservists to keep up their skills and abilities and serve our country, is a really positive thing. I learned, too, from my colleague that there are – and I think these are federal programs: the reservist assistance program and compensation for employers of reservists. There is a great deal of recognition both from the federal government and the provincial government now, that want to support reservists in their efforts and their training and their services. To know that there are 3,000 Albertans who will benefit from this change is a positive step in the right direction and one that we can all be proud that we've taken on behalf of that group of individuals.

The second thing I wanted to just recognize is, just as my colleague from Edmonton-Whitemud was saying a few moments ago – and, certainly, not having the personal experiences that were just relayed to us in a sensitive and a passionate way by my colleague, I think and want to underline that being as inclusive as possible on this issue, particularly on the issue of termination of pregnancy for medical reasons and abortion, is important for the various reasons that were identified by my colleague. I think persons may not be aware that they are eligible for those three days of bereavement leave if it's not explicitly written down.

The fewer hoops a person has to undergo to take this leave, to be seen as entitled to this leave, is a good thing, is a positive thing. I know that on both sides of the aisle here there's a tacit understanding that that will take place, but as my colleague from Edmonton-Whitemud and the previous speaker before that person spoke to this issue, if it's not clear, then it can be misinterpreted, and that's the last thing that a person in that situation needs. I would hope – I want to put on the record as well that I think that when we have the opportunity to be as clear as possible, we should be. The fact that it's left to a tacit understanding means it's not as good a bill as it could be.

**11:40**

The third thing that I wanted to put on the record, I guess, is that with regard to the exclusivity bargaining rights of the various

faculty or postgraduate and graduate students' representatives, I too don't understand why that is being extended at this point. There was an extension or a burn-in period from 2017 to this period of time, or July 1, 2022, but I don't understand the bargain that's been made to continue to extend that. I haven't heard that answered either from the Member for Sherwood Park, who raised it or spoke to this bill at second reading, introduced it, or indeed people on this side who have spoken to this issue. I think that it is – I'm uncertain why. I know that it's easier for those current representatives who are bargaining on behalf of those groups to have it extended and to be in an exclusive situation, but I don't know why they're being granted it aside from it's easier, and it's kind of like a not rocking the boat kind of thing. If somebody could speak to that at some point, that would be helpful for me to kind of think about where my support is going to go for this bill.

I certainly want to support other aspects of this bill, as I said, that I think make great sense, and I'm glad they're here. I'm glad that it's an improvement, a further clarification on I think it was Bill 7 or 6, that we brought in years ago.

The other thing I'd like to briefly, briefly cover is the previous legislation, Bill 220, expanding bereavement leave. That was introduced in 2021. As I said, I wasn't part of that committee that reviewed that, but it was really great to hear that there was so much collegiality going on in that committee. I think, you know, if members of the public understood that that was the case, they would perhaps have a different understanding of the work of this House and the collective members, too often seen as too partisan, where good ideas on one side are rejected out of hand because they come from a side that you're not a part of. But when I heard that we in that committee and, it seems like, today are able to get along with the recommendations in a bill or a private member's bill, that's a positive thing.

With that said, under the understanding that it's about 11:45, I will adjourn.

**The Deputy Speaker:** You have one minute.

**Member Ceci:** One minute? Okay.

**The Deputy Speaker:** Happy to adjourn, too.

**Member Ceci:** You're not of the understanding that it's 11:45?

**The Deputy Speaker:** Oh, no. That looks about 45. Hon. members, the clock strikes 11:45. The House stands adjourned until 1:30 this afternoon.

[The Assembly adjourned at 11:45 a.m.]



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