

**LEGISLATIVE ASSEMBLY OF ALBERTA**

Title: **Friday, May 27, 1983 10:00 a.m.**

[The House met at 10 a.m.]

**PRAYERS**

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF BILLS**

**Bill 68****Mines and Minerals Amendment Act, 1983**

MR. ZAOZIRNY: Mr. Speaker, I request leave to introduce Bill No. 68, the Mines and Minerals Amendment Act, 1983. This being a money Bill, His Honour the Honourable the Lieutenant-Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

The purpose of the Bill is to consolidate, reorganize, and clarify primarily part 1 of the present Act, dealing with the administration of minerals.

[Leave granted; Bill 68 read a first time]

**Bill 59****Nursing Profession Act**

MR. KING: Mr. Speaker, I beg leave to introduce Bill No. 59, the Nursing Profession Act.

This Bill conforms to the policy of the government with respect to professions and occupations. Particularly, it provides for mandatory registration of registered nurses in the province; it provides for a greater degree of self-government of its members by the profession, particularly in the areas of the judgment of competence and discipline; it provides for the continued role of the Universities Co-ordinating Council in the matter of setting the educational standards for nurses in the province; and lastly, it provides for the repeal of the existing Registered Nurses Act.

Mr. Speaker, I might say that in my experience of the last five months, the introduction of this Bill today represents fine co-operation by the nursing profession with the government in this task, and I want to express my appreciation to the Alberta Association of Registered Nurses.

[Leave granted; Bill 59 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. FJORDBOTEN: Mr. Speaker, I beg leave to table responses to motions for returns 144 and 160.

MR. JOHNSTON: Mr. Speaker, I'd like to file copies of the Students Finance Board [report] for the year ended March 31, 1982.

DR. WEBBER: Mr. Speaker, I'd like to file copies of several reports: Comparative Analysis of Health Statistics for Southwest Alberta Communities, prepared by Alberta

Social Services and Community Health; second, the Twin Butte Environmental Health Study, prepared by Dr. Earle Snider, along with a covering letter from Dr. Snider.

MR. BOGLE: Mr. Speaker, I wish to table the response to amended Motion for a Return No. 173.

MR. PAYNE: Mr. Speaker, I would like to table our responses to motions for returns 139 and 158.

MRS. OSTERMAN: Mr. Speaker, I'm tabling the annual report of the Automobile Insurance Board for the year ended December 31, 1982.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. NOTLEY: Mr. Speaker, I'm delighted today to be able to introduce 24 grade 6 students from the Spirit River elementary school. They are accompanied by their principal Mr. Jim Brandon, teacher Mrs. Weisenburger, and parents Mrs. McAusland, Mrs. Clarke, and Mrs. Peterson. They are seated in the public gallery, and I would ask them to stand and be welcomed to the House.

head: **ORAL QUESTION PERIOD**

**Sour Gas Health Effects**

MR. NOTLEY: Mr. Speaker, I'd like to direct the first question to the hon. Minister of Social Services and Community Health, and ask when he received the report by Dr. Earle Snider tabled this morning.

DR. WEBBER: Mr. Speaker, it's in the covering letter to the report just filed. It was the day before yesterday.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Premier. Given the Premier's assurance on March 18 with respect to a question I posed to him on an overall study into the sour gas industry—and the answer was:

Mr. Speaker, the short answer is that if evidence to indicate a concern of that nature is presented to Executive Council, which to date it has not, the concern would be responded to.

In light of the Snider study, will the government of Alberta now announce a province-wide study into the operation of sour gas plants in this province?

MR. LOUGHEED: Mr. Speaker, the report certainly is not one that's come to my attention. I would expect an assessment by the hon. minister and ministers who may be involved in it and, in due course, consideration may be given by Executive Council with regard to any follow-up steps.

MR. NOTLEY: Mr. Speaker, a supplementary question to either the Premier or the minister. What will the process of evaluation of this study be, and when might the Assembly expect some definitive response by Executive Council to the Snider study?

DR. WEBBER: First of all, Mr. Speaker, let me say precisely that I received the report on the afternoon of May 24, I indicated the day before yesterday, but it was

Tuesday evening — the date of the letter I have in front of me.

The Snider report is one report that we have. He indicates in the report that other studies are going on. The ERCB is conducting a wide-ranging inquiry. On page 17 of the report, there is an indication of other studies that are under way. Once those studies are completed, we'd be in a better position to know what we are to do.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. I can hardly believe my ears. Am I to understand the minister's answer to be that various other studies now taking place will have to be completed before this government will make any decision on the now long-standing request for a province-wide review and assessment of the environmental and health impacts of the sour gas industry?

MR. SPEAKER: Order please. Under the circumstances, the hon. minister should of course be given an opportunity to reply. But what the hon. leader has just done is simply to repeat, by way of argument, the answer which he just received, perhaps with some varying emphasis. It's really not a question.

MR. NOTLEY: Mr. Speaker, just to make sure there's no misunderstanding — and I wouldn't want any misunderstanding to linger in the House — will the minister assure the House that in fact the province would consider a province-wide review of the environmental and health impacts of the sour gas industry, quite apart from other studies on an isolated basis which may or may not now be taking place?

DR. WEBBER: Not at this time, Mr. Speaker, in terms of a province-wide review. I indicated that this is one report. I filed another report this morning, and the ERCB has indicated that it's undertaking a number of studies in the area identified. There are some concerns in the Twin Butte area. When those reports are complete and we have a picture of what's happening, we'll be in a better position to know what we are to do.

Mr. Speaker, I should emphasize that this particular report indicates a number of statistical relationships between health symptoms and some factors that may be related to them. But at no time does he indicate that there's a causal relationship between the gas plants and the health symptoms. In fact, this morning the author of this report indicated that by taking the gas plants out of the analysis, the problems would still remain.

MR. NOTLEY: Mr. Speaker, a supplementary question to either the hon. Minister of Social Services and Community Health or the hon. Minister of the Environment. As I understand the report, however, it did indicate an effect between cancer and those people living downwind from the plants. My question to either hon. minister is: what steps is the government now considering to reduce the risk to people in the Twin Butte area, as a result of the Snider study?

DR. WEBBER: Mr. Speaker, I think it's important to get on the table precisely what Dr. Snider has indicated in his report; that is, there's a statistical relationship between downwind status and higher levels of family cancer in the Twin Butte area. However, he also notes in the study that there are no statistical differences between Twin Butte and the control areas of Mountain View and Division 5.

There are no significant statistical differences in the incidence of cancer between those three areas. In fact, in terms of history of family cancer, there's a higher self-reported incidence of family cancer in one of the control sites than there is in the Twin Butte area.

MR. NOTLEY: Mr. Speaker, a supplementary question, again to either hon. minister. In light of the Snider study, what provision is the government now prepared to make for monitoring reports, compiling and putting in one relatively easy-to-obtain place all the reports from sour gas plants in the province, so Albertans may be able to have a better idea of what the monitoring is showing?

DR. WEBBER: Mr. Speaker, the Minister of Energy and Natural Resources may want to supplement my response, with regard to the activities of the ERCB.

I just want to indicate that there's only one recommendation in this report: that the Department of Social Services and Community Health assume the responsibility of ensuring that relevant authorities provide immediate and appropriate types of health assistance to all individuals who can be identified. In my conversations with Dr. Snider, he is prepared to indicate to us who these individuals are. We will be working with the local health unit, in terms of providing whatever health assistance we can to the individuals in that area.

MR. NOTLEY: Mr. Speaker, a supplementary question.

MR. SPEAKER: Might this be the final supplementary.

MR. NOTLEY: Then could I direct to the Minister of Energy and Natural Resources or the Minister of the Environment — either hon. minister might like to answer this — whether there will be any change in the rules with respect to emission reports from sour gas plants in the province, not only in terms of the ambient air standards but also the compilation of those reports, so they can be readily identifiable and obtainable?

MR. BRADLEY: Mr. Speaker, all air quality and water effluent monitoring reports of the department are public and are filed in the library which the department has over on 97th Street.

MR. NOTLEY: Some are easier to get than others, Mr. Minister.

MR. SPEAKER: Order please.

#### Hospital User Fees

MR. NOTLEY: Mr. Speaker, I'd like to direct the second question to the hon. Minister of Hospitals and Medical Care. Is the minister in a position to report to the House on the meeting he held yesterday with his federal counterpart?

MR. RUSSELL: Yes, Mr. Speaker. I'm glad to receive that question, because it was a very good meeting. It was good in this respect: the federal minister was very well briefed with respect to our levels of health care, the programs being provided, and the expenditures being put out by the province in support of the national health program, and did agree with what I've been saying to members in this House, that Alberta's health care program is the best in the country. She also expressed her

appreciation of the unmatched program of hospital construction under way and the support this government is giving to medical research in the interests of not just Albertans but all Canadians. I was very pleased to receive her agreement, appreciation, and understanding of those things.

As our meeting progressed, it became apparent that our disagreement really is based on philosophy. She's very forthright in her belief that all these services should be paid for through general taxation, at no direct charge to the user of any of these services at any time. Of course, we don't believe that that is necessarily the best way. At one time in the meeting, she did suggest that the Alberta government ought to raise its level of income taxes, and I found that a rather interesting suggestion. She did express concern about the legality of transferring federal funds to the province of Alberta if we did enter a system of hospital user fees, notwithstanding the fact that other provinces have been doing this since 1958.

We then discussed the legality of each other's positions. We both believe we're on firm ground and both agreed that perhaps as a last resort, this may have to be referred to the courts for a legal opinion.

MR. NOTLEY: Mr. Speaker, a supplementary question. If I take the minister's answer that perhaps this might have to be referred to the courts, is the minister saying that the federal minister indicated that should Alberta proceed with user fees, she may feel obliged to suspend funding under federal/provincial agreements?

MR. RUSSELL: Yes, she did indicate that. But she's indicated that to the provinces on earlier occasions vis-à-vis health care premiums and extra billing. So it was not a new thought that she expressed, but she did repeat it yesterday. I was very interested in why she would do it with Alberta and not with the other provinces who have had these programs in existence for many years.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. In light of the hon. minister's answer, are preparations going on at the present time with regard to a potential court challenge with regard to that matter? Is it the position of the government to take it to court if necessary?

MR. RUSSELL: Mr. Speaker, I believe it's recognized that in any situation, especially when it involves matters of constitutional jurisdiction, that could be a last, final resort. But it was suggested yesterday that there may be some area of compromise. The federal minister returned to Ottawa and indicated that she wants to discuss the matter further with her colleagues, and I rather expect there'll be more discussions during the coming weeks. But we both agreed that that may — and I emphasize the word "may" — or could be a final resolution that both parties might want to use.

MR. NOTLEY: Mr. Speaker, a supplementary question. If I took the minister's answer to the hon. leader of the Independent's question correctly, the minister indicated that there may be some room for compromise. Did the minister offer the federal minister a proposal as to how either user fees might be modified or Bill 38 might be changed in order to bridge the gap between the two positions?

MR. RUSSELL: No, Mr. Speaker. I think the question was discussed. For example, why can the province of British Columbia have user fees of \$7.50 a day with no cap on them and that would be acceptable, and Alberta go to a maximum of perhaps \$20 a day with a cap and that would be unacceptable? There are some very interesting questions that I think the federal caucus will have to consider. She did indicate that she wants to put an end to all these kinds of things in the new Canada health Act but gave no indication as to when we might see that.

#### **Sour Gas Health Effects**

*(continued)*

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Social Services and Community Health, as well on the Snider report. The Twin Butte area has been reviewed, studied, and assessed over a 20-year period. I am wondering if the minister could indicate why the department's assessments have not come up with the results that have been diagnosed by the Snider report. Secondly, would the minister be prepared to table for the Legislative Assembly's review some of those internal as well as external assessments that have gone on over the past 20 years?

DR. WEBBER: Mr. Speaker, I'm not sure I got the impact of the first part of his question. However, the document I tabled today, titled Comparative Analysis of Health Statistics for Southwest Alberta Communities, does make reference to a number of studies that have been carried on in the past and relates to general mortality and morbidity statistics. I don't know what else we could file at this time.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to clarify my first question. I asked the minister why the results of the Snider study, which we now have before us, were not available and were not diagnosed at an earlier date by the department and public health officials? Why did we have to wait 20 years for this type of finding to be made public?

DR. WEBBER: Mr. Speaker, as I indicated earlier, I received the Snider study on May 24. As he indicates in his study, his is a different approach to other studies that were done in the past.

MR. NOTLEY: The downwind approach.

DR. WEBBER: The Provincial Board of Health selected his particular approach, and he carried out the study. By his particular approach, he identified some relationships between health symptoms and other factors.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. In light of the minister's answer, is it the intent of the Minister of Social Services and Community Health to use the approach recommended and utilized by Dr. Snider for other problems — future problems and some current problems such as what we faced at Lodgepole not long ago? Will that technique be used in studies from this point on?

DR. WEBBER: Mr. Speaker, I can't answer that question at this particular stage. We'd have to review the report we have in detail. And as I mentioned earlier, the ERCB is carrying out other studies. Once those are in,

hopefully we'll have a picture of the situation in Twin Butte, and maybe no further studies will be required at that time.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the hon. minister indicate whether a proposal such as, say, an independent investigative board under an independent judge would sit and have hearings with regard to, one, the Snider report and, two, concerns of individuals in Twin Butte, and then make recommendations back to government? Is the government considering any independent agency such as that to assess the matter at the present time?

DR. WEBBER: Mr. Speaker, I think that question has already been answered by the Premier.

MR. R. SPEAKER: A supplementary question. Could I ask the Premier that same question, in terms of the specific suggestion I've made that there be an independent board of inquiry headed up by an independent judge. Is any type of format such as that being considered?

MR. LOUGHEED: At this stage, Mr. Speaker, the only thing I could say to the leader of the Independents is that that certainly is an option that could be considered by Executive Council.

MR. ZAOZIRNY: Mr. Speaker, perhaps I could supplement the answer of my colleague the hon. Minister of Social Services and Community Health to point out to members of the Assembly that in his report, Dr. Snider makes specific mention of and commends the various studies being undertaken by the Energy Resources Conservation Board. My understanding of the rationale behind that commendation is that the various studies being undertaken are to determine the facts, to determine if a causal relationship exists between the plants and health concerns expressed by people living downwind.

It's very important to recognize that Dr. Snider acknowledges in his report that he has not established a causal relationship. He has simply indicated some correlations of a statistical nature between proximity of people downwind of the plants and concerns about health. Dr. Snider is saying that we must pursue the finding of facts; we must determine if there is a causal relationship, which has not as yet been determined. That is the intention of these various studies that are under way, and that is why it would of course be premature at this juncture to take action until those reports are in and we have determined whether or not a causal relationship exists.

MR. NOTLEY: A supplementary question on the Snider report to the hon. Minister of Social Services and Community Health. The minister indicated he'd been talking to Dr. Snider this morning. During that conversation, did the minister discuss the question of how many people participated in the study between Drywood Creek and Yarrow Creek, the areas most affected by the downwind effect, and whether or not the fact that virtually no one from that area participated in the study — whether there's some danger that the results could in fact be understated in the Snider study as a result of not having participants from that area?

DR. WEBBER: It would be pure speculation to comment on that, Mr. Speaker. In his particular approach, Dr. Snider took a sample within a five-mile radius of both gas

plants and then took two other control sites, one in Mountain View and one in Division 5, an area east of Claresholm, I believe. He did his statistical analysis with those control groups and the group at Twin Butte. I can't add any more than that.

#### Suicide Prevention

MR. MARTIN: Mr. Speaker, I'd like to direct my questions to the Minister of Social Services and Community Health. Distress line calls to AID services have increased by 58 per cent in the first quarter of 1983 over the first quarter of 1982. Because of this, is the minister prepared to provide mobile units to suicide prevention organizations in the province, so they may be able to make effective personal outreach to people who are contemplating suicide?

DR. WEBBER: Mr. Speaker, I haven't had that proposal presented to me by any particular group. I might add that the Alberta Suicide Prevention Provincial Advisory Committee, headed by Dr. Menno Boldt from southern Alberta, has been working closely with communities across the province, in terms of trying to set up programs to assist families that have had suicides in them as well as other programs which would try to identify and help potential victims.

MR. MARTIN: A supplementary question, Mr. Speaker. At this point, I'm talking about the prevention of suicide. In view of the fact that the distress lines at AID Service in Edmonton are operating at maximum capacity, will the minister undertake to provide an expanded telephone system so that they are able to answer all calls — and this is important in suicide prevention — which are now running into busy signals?

DR. WEBBER: I'd be happy to discuss any concerns of the AID group with that particular group. They haven't raised those concerns with me.

MR. MARTIN: A supplementary question. Will the minister arrange for toll-free access for all Albertans who are considering suicide and who are in distress, to prevent suicide, so it could expand throughout Alberta?

DR. WEBBER: Mr. Speaker, the hon. Member for Edmonton Norwood is suggesting a number of possibilities, and I just take them as notice for consideration.

MR. MARTIN: A supplementary question, Mr. Speaker. In light of the dramatic increases in suicide and serious attempts at suicide, what specific measures has the minister taken to ensure a real reduction of suicide in this province?

DR. WEBBER: Mr. Speaker, the hon. member is indicating a dramatic increase in suicide, and the statistics don't show that. The latest statistics I have — if I recall, they are for 1981; I'd have to check that — indicate that there is a high suicide rate, but I think we were number two or three in the country at that particular time. I can get those numbers for the hon. member.

MR. MARTIN: A supplementary question. Even if we were two or three, from the minister's figures, it would still be very scary. Is the minister taking any measures at

this particular time to ensure a real reduction in suicide in this province?

MR. SPEAKER: I had difficulty with the previous question, which was really of the same sort. It's a repetition of the previous question. Of course, I have no way of knowing how long an answer might be required to a question of that kind. But it seems quite plain that what would be required would be some broad statement of policy, which should be made outside the question period. The conclusion has to be that that sort of question should go on the Order Paper.

DR. WEBBER: Mr. Speaker, I'd like to indicate that the Suicide Prevention Provincial Advisory Committee, headed by Dr. Menno Boldt, is the group to which we are providing significant funds, over \$800,000 this coming year, in terms of suicide prevention programs. We're also working with the Canadian Mental Health Association and other groups in the province, including the AID group here in Edmonton, in giving suicide information, suicide prevention training programs, and bereavement counselling. At the present time we have a suicide group in Alberta that I think is second to none in the world.

MR. MARTIN: A supplementary, Mr. Speaker, to the Minister of Manpower. In view of the well-documented social problems that occur because of the high unemployment rate, will the minister now make recommendations to Executive Council that more job-creation projects should become a major priority of this government?

MR. ISLEY: Mr. Speaker, at the moment we still have a number of positions to be taken up under the community support element of the summer temporary employment program. We have a number of positions to be filled under the Alberta youth employment program. We have a significant number of positions still to be filled under the new employment expansion and development program. Once those programs are filled, we will reassess the situation.

MR. LEE: Mr. Speaker, would the hon. Minister of Social Services and Community Health indicate if the provincial advisory council is addressing the issue of teenage suicide, which has been growing at a significant rate in the past couple of years?

DR. WEBBER: Mr. Speaker, the group I referred to, the advisory committee, is looking at all age groups. And yes, in particular teenagers as well.

MR. LEE: A supplementary, Mr. Speaker. Could the hon. Minister of Education indicate if the provincial Department of Education is attempting to bring about greater awareness of the symptoms of teenage suicide through its curriculum in the schools?

MR. KING: Mr. Speaker, there has been considerable work done on a new health curriculum, as some hon. members may be aware. In the context of the development of a new health curriculum, a group of problems referred to as self-defeating behaviors is referred to; that is drug abuse, alcoholism, and the stresses that might cause young people to think about suicide. Other than that, we also received the report of a task force on guidance and counselling last year. Probably a better way of dealing with the prospect of suicide among young

people than in the curriculum, is to try to further develop a constructive relationship between students and teachers informally.

MR. PAPROSKI: Mr. Speaker, a supplementary to the Minister of Social Services and Community Health, pertaining to the provincial advisory council. Does it report to the minister on a regular basis?

DR. WEBBER: Yes, Mr. Speaker. I've had a number of meetings with Dr. Menno Boldt and members of his committee since last November.

MR. PAPROSKI: A supplementary, Mr. Speaker. Are there written reports from this committee that are available to the public?

DR. WEBBER: Yes, Mr. Speaker, there is an annual report put out by the advisory committee. I can't remember whether it has been released or whether it will be, but I'll check into that.

#### Natural Gas Export Pricing

MR. OMAN: Mr. Speaker, my question is directed to the Minister of Energy and Natural Resources. The Alberta government has suggested that the price of gas sold to the United States should be reduced to \$3.30 U.S. per MCF, I believe, for anything above 50 per cent of full contracted volumes. I believe that position has been criticized by some, because it would in effect be cheaper than the price of gas at the Toronto city gate, which would be about \$3.37 U.S., I believe. Can the minister indicate if the position of the Alberta government remains the same on this issue?

MR. ZAOZIRNY: Mr. Speaker, I'd be happy to respond. As members are aware, there is a proposal put forward by the Alberta government and industry with respect to an incentive pricing arrangement. We should begin by noting, of course, that the base price for sales of natural gas into the United States is at the level of \$4.40 U.S. per MCF. That price is derived from a bilateral agreement with the United States, often referred to as the Duncan/Lalonde arrangement, and which was revised recently, given that it is dependent upon the price of crude oil landed on the eastern seaboard of Canada.

The fact of the matter is that when one is making any comparisons of price into the United States — or I should say more specifically at the Canadian-U.S. border — one should recognize very carefully the basis for that comparison. When there is importation of gas into the United States from Canada, there are transportation costs involved in getting that gas from the border, which are in addition to the \$4.40 base price. Bearing that in mind, Mr. Speaker, and bearing in mind that the first 50 per cent of sales would be at the base price, the Canadian price compares very favorably. The fact of the matter is that \$4.40 U.S. equates to some \$5.39 Canadian, compared to a price landed at the Toronto city gate slightly in excess of \$4.00, and again bearing in mind the added transportation cost to get that gas into the United States. The incentive price of \$3.30 again compares exceedingly favorably . . .

MR. SPEAKER: I am somewhat concerned by the length of the minister's answer. I know it's an important ques-

tion, but my recollection is that the hon. member was asking whether there was a change in government policy.

MR. ZAOZIRNY: Mr. Speaker, there is certainly no change in policy, because the fact of the matter is that the Canadian price is an extremely attractive one. And there is in fact an incentive arrangement on the Canadian side, under the market development incentive program under the energy agreement.

MR. OMAN: A supplementary, Mr. Speaker. Has the minister had any indication from his federal counterpart that Alberta's suggested price might be acceptable to them?

MR. ZAOZIRNY: Mr. Speaker, the federal minister, Mr. Chretien, indicated in Calgary on April 11 that within four weeks of that date, he would expect a report from his departmental officials on the Alberta proposal for incentive, pricing and that in the aftermath of that report, a recommendation would be taken to his cabinet colleagues and announced forthwith thereafter. We are of the view that Mr. Chretien intends to follow through with that publicly stated position, so we look forward to a decision in the immediate term on the incentive pricing proposal.

MR. OMAN: A supplementary, Mr. Speaker. Does the minister have any immediate plans to get together with his counterpart, and does he expect that they will have an answer?

MR. ZAOZIRNY: Mr. Speaker, it would be my expectation to meet with Mr. Chretien in the very near term on a variety of subjects, including the Alberta/Ottawa energy pricing arrangements. During the course of those discussions, we will look for a reaffirmation by Mr. Chretien of the stated plan of the federal government to move immediately with a decision on the incentive pricing proposal.

MR. OMAN: A further supplementary, Mr. Speaker. Is there any indication from the contracting people on the U.S. side that such an arrangement would be acceptable to them and might increase our export volumes?

MR. ZAOZIRNY: Mr. Speaker, there has of course been a great deal of comment in the United States with respect to the price of Canadian natural gas exported to the United States. We believe that the position put forward by the province of Alberta is a very reasonable one. We view it as the bottom line. We think it has the potential to give rise to some incremental sales in the period between now and the fall of 1984 when that program would come to a termination, with our hope being that in the aftermath of that time frame, the United States market place would be a more rationalized one and would enable a more market-oriented and market-specific pricing arrangement.

#### **Barrhead Airport**

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Transportation. It relates to a motion for a return that the minister gave to the Assembly, which I appreciate very much, and refers to the Barrhead town and county airport. The airport was built seven years ago, at just over half a million dollars, and this year's budget has over \$600,000 for repairs. I am wondering if the

minister could indicate why, in seven years, we need that much rehabilitation for the airport in Barrhead. Did the former minister make a bit of a miscalculation?

MR. M. MOORE: Mr. Speaker, I'd be pleased to. It's a situation that arises from time to time with any kind of construction. In this particular case, the base on which the pavement for the runway was laid was not sufficiently packed and drained to allow the runway pavement to maintain a level condition over a long period of time. The result was that some waves developed in the runway and, as anyone knows, it's more important on an airport runway than it is on a highway to have a very level runway. So we will be going in this year and doing fairly extensive repairs to it. The fact that it is located in Barrhead has relatively nothing to do with the problems that were encountered. It's simply a poor engineering job in the first place, I guess, that led to the repairs that are now necessary.

MR. R. SPEAKER: Mr. Speaker, to the minister. Would it be the intention of the government to go back to the engineering firm and indicate fault on their part or request any type of further compensation from them because of the engineering job — or the people that did the construction?

MR. M. MOORE: Mr. Speaker, the Department of Transportation takes every action possible in every case where contract work is done for us and it's not adequate. If there are provisions within the contract agreement for us to take action, we do. I'd have to check in this case, but my understanding is that there is no possibility of recovery of any funds from anyone who might have been involved in the initial work.

MR. KOWALSKI: A supplementary, Mr. Speaker. Is the Minister of Transportation aware that the airport in question is located proximate to the Paddle River, which has had a lengthy history of very, very poor and unstable soil conditions?

MR. M. MOORE: I am now, Mr. Speaker. [laughter]

#### **Day Care Guidelines**

MR. MARTIN: Mr. Speaker, I'd like to direct my questions to the Minister of Social Services and Community Health. In response to a question I raised this week about the Calgary Montessori International Day Care, the minister said he would check into the differences between the Montessori method accepted by the province and the so-called Pan-American Montessori Institute based in Mexico City. Has the minister had a chance to check into this? If so, could he report on his findings?

DR. WEBBER: Mr. Speaker, the hon. member asked whether this particular Pan-American method was acceptable. I am not going to go into differences between the different Montessori methods, because I don't know what they are.

With respect to the day care centre in Calgary, however, the centre is no longer functioning, and the people that were involved in operating the day care centre for the few weeks it was open had indicated that they would not be addressing any church teachings. The particular centre did receive quite wide publicity in Calgary, and day care licensing officials had a concern about the principles that

were involved. The licensing officers had intended to visit the centre after it opened, but it closed before that could come about.

MR. MARTIN: A supplementary question, Mr. Speaker. Can the minister advise what steps were taken by his department prior to licensing this centre in Calgary, to determine whether they were accredited by the well-known Montessori Institute in Canada, headquartered in Toronto?

DR. WEBBER: Mr. Speaker, in terms of the day care operation, there are standards that relate to the size of the day care, the number of children that can go into it relative to that space, and the staff/child ratio. There are no standards in terms of kinds of programs that are offered to the children in these centres, and the licensing officers can do nothing in terms of the kinds of programs they carry out in the centres. However, they had a concern in this case and had intended to visit the centre. They notified the Calgary City Police about it. But there appeared to be no reason for denying a licence under our current regulations.

MR. MARTIN: A supplementary question. Can the minister indicate if, to his knowledge, there are other day care or child care operations in the province accredited by the Pan-American Montessori Institute, as opposed to the more well-known one?

DR. WEBBER: Not to my knowledge, Mr. Speaker.

MR. MARTIN: A supplementary question flowing from that. Can the minister advise what steps are being taken, for departmental purposes, to evaluate the merits of accreditation by the Pan-American Montessori Institute of Mexico City?

DR. WEBBER: No plans to look into that, Mr. Speaker.

MR. MARTIN: A supplementary question, Mr. Speaker. In view of the fact that it seems that almost any religious cult seems to be able to get a day care licence from the Social Services and Community Health Department, will the minister now proceed with the trained staff registry previously announced by his predecessor?

DR. WEBBER: Mr. Speaker, I'm aware of only the one centre that might fit into the category the hon. member refers to.

In terms of the day care registry, I responded to that the other day.

MR. SPEAKER: We have one minute left. The hon. Leader of the Opposition wishes to ask a question. Perhaps we can deal with the question and the answer briefly.

#### **Labor Legislation**

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Premier, in the absence of the chairman and the vice-chairman of the Standing Committee on Public Affairs. In light of second reading of Bill 44, when is it the intention of the government to have the standing committee report to the Legislature?

MR. LOUGHEED: Mr. Speaker, my recollection of the motion is that it does not provide for a report.

MR. SPEAKER: Before calling Orders of the Day, I should mention to hon. members that the statement on the question period which I propose to share with the House will be ready on Monday.

### **ORDERS OF THE DAY**

#### **head: GOVERNMENT BILLS AND ORDERS (Second Reading)**

#### **Bill 44 Labour Statutes Amendment Act, 1983**

[Mr. Appleby in the Chair]

MR. YOUNG: Mr. Speaker, I'm pleased this morning to move second reading of Bill No. 44, the Labour Statutes Amendment Act.

The debate that we're about to engage in today is the second stage of the legislative process which we normally follow and has been preceded by hearings before the Standing Committee on Public Affairs, that all members here have participated in. Mr. Speaker, I want to take this opportunity to express appreciation to the many groups who made submissions to the standing committee, in particular to those who not only made submissions but were prepared to answer questions of the standing committee. In that exercise, I believe we have improved Bill 44 considerably in the proposals which were tabled yesterday.

Mr. Speaker, in dealing with Bill 44, I first should like to reflect very briefly on the general subject of labor relations and particularly labor relations in Canada. The whole subject of labor law is very complex. It's a subject which is dynamic, in that it is ever evolving. It is very important, because it deals with the manner in which we organize in our society to respond to the perceptions and expectations that people have for the division of income flow which is available to us. If our labor laws do not meet the demands and challenges of a changing work place and a changing society, then of course they become irrelevant and do not reflect economic reality. It is our challenge to see that we do so.

Most of Bill 44 relates to the area of public service labor relations. Of course, since government is very much involved in that as a participant, not only in an umpire or third-party capacity but also at points as the employer, it is a very difficult and at times controversial area.

Perhaps, Mr. Speaker, I could take just a moment to indicate how far we've come in labor law in Canada in the last 100 years. In 1872 the Canadian Trade Unions Act was passed, which at that time removed trade unionism from being an illegal activity. In 1900 there was actual formal recognition provided for union organization, the ability of workers and employees to combine and exercise collective bargaining, even striking and picketing.

I suppose we could identify the father of much of labor relations as it has developed over the past 60 years as having been the former Prime Minister, Mackenzie King. In the late '20s and early '30s, he had some experiences working on behalf of some Rockefeller interests in the

United States and other locations and, building on those experiences, provided the impetus for a set of legislation which appeared not only nationally but also in the provinces in the mid-1930s. It was legislation which led to the protection of unions from unfair labor practices of management, among other things.

This was further elaborated in 1940. Then along came the war. Subsequent to the Second World War, there was a meeting of labor ministers from across Canada with one objective: to achieve greater uniformity and to concur in some principles which might be incorporated into labor statutes. In fact, they did agree upon some principles, and that was incorporated into the industrial relations and labor disputes Act of 1948. Perhaps it's well for us to reflect very briefly on those principles: the principle of freedom of association and union recognition; compulsory bargaining rights for certified unions; the intervention of government in labor disputes prior to any strike, and for that intervention to take the form of conciliation to assist the parties; the prohibition of unfair labor practices by both union and management; legal status was given to collective agreements; and again, there was provision made for resolving disputes without resorting to strikes. That whole structure was monitored and administered by a series of labor relations or industrial relations boards.

In 1967 a very major event occurred with the acceptance by the federal government of the Public Service Staff Relations Act. That marked a major watershed in terms of public sector labor relations. We've had a variety of developments since then. The most recent one that would be of note in terms of what we're discussing here today, I think, could be identified as the Public Service Employee Relations Act, adopted about six years ago here in Alberta, which put in place the formal structure for labor relations between the government and its employees.

Mr. Speaker, during the hearings and at other times, we've heard a variety of discussions on rights and principles. I'd like just to take a moment to mention a couple of those. I think we need to distinguish very clearly between the principle of freedom of association, which is a very fundamental principle, is included in our Charter of Rights, and is seen as a principle of a very high order. That of course leads to the capacity for a majority of employees to form a trade union. Among other principles enshrined in that same Constitution, we also have the principle of free speech. These rights are fundamental to us all. They provide a basic opportunity which we all ought to have. That's quite a different principle or order of right from the capacity to bargain collectively, but the capacity to bargain collectively is endowed by statute.

Where a majority of the employees so wish, with a few exceptions, that capacity has led to another principle or ability, an ability much talked about, unfortunately, as though it were a right, which it is not. In fact, it is a lower order of principle. That is the capacity to cause a work stoppage. Nowhere in Canada is the capacity to cause a work stoppage an absolute, unfettered principle. It has been attached, in one way or another, everywhere it has been enacted, and so it must be. Were it not so, we could have anarchy in our society through our labor and industrial relations statutes. So, Mr. Speaker, the capacity to cause a work stoppage as a means of concluding an impasse in collective bargaining is what I would regard as an auxiliary capacity of a lower order to collective bargaining, which every legislature and every parliament at times has had to consider in relation to the other goals and principles of a free and democratic society which is

interdependent. We should note that there are always alternatives to the capacity to strike.

I think it would be useful to look at our situation as far as employees in Alberta are concerned. Who have organized in unions and who have not? I am surprised, in talking to people, that there is a general view that most employees are represented by unions. I gather that that view emanates and is based upon the widespread publicity that some disputes acquire. Unfortunately in labor relations, as in so many other things, it is usually the bad news that creates news, so it seems that we have a false impression of who is unionized in Alberta. I refer to the 1980 statistics for Alberta.

In 1980 we had a total labor force in Alberta — I speak now of the age group 15 to 64 inclusive — of 1,026,000 persons. Of that, 863,000 are the paid work force. We should delete the agricultural paid work force, and we wind up with about 850,000 employees. The total union membership at that time was 243,000 employees. It is important, Mr. Speaker, to realize that although the public-sector paid workers number 170,000 of that 846,000, the number of employees belonging to unions in the public sector in Alberta is about 134,000. Of all employees belonging to unions in Alberta, 55 per cent are employees of governments, municipalities, and hospital boards. In fact, 79 per cent of employees of governments and institutions in Alberta are members of unions.

If we look at the private sector, which is obviously the majority — 695,000 paid workers in the private sector at that same time — only 109,000 belonged to unions in 1980. I'm sure that number has declined subsequently. That means that 16 per cent of the employees in the private sector belong to unions. So, in some of the discussions we will get involved in, I think it's important to recognize that there are many, many people — in fact the vast majority, 72 per cent of Albertans — who do not belong to unions and who rely on their ability to reason with their employer, either individually or in informal associations, for the conditions of their employment.

Bill 44, which was introduced, had a number of amendments tabled yesterday that are proposed to be moved at committee study. I just want to make that observation. It may change the nature of the debate somewhat. It should. They are rather extensive amendments and, in fact, attach a number of the principles of the original Bill.

I would now like to move directly to the Bill and address my first comments to the final stage of collective bargaining, when there is an impasse in a situation that must be resolved by compulsory binding arbitration. I do that because in Bill 44 we are providing some additional criteria to arbitration boards. When we debate those criteria, it is important to recognize that we are in fact discussing criteria which, hopefully, all bargainers will take into account. Those are the very factors which are fundamental to a reasonable, equitable resolution or collective agreement, regardless of whether that collective agreement is achieved voluntarily or has to be achieved by binding arbitration.

Mr. Speaker, I know there has been some criticism about the directions that are being provided to arbitrators. I have a copy of an award of the arbitration board between the city of Edmonton and the International Association of Fire Fighters, Local 209, dated 1982. The board was chaired by Blair Mason. It is interesting that that award was produced well before we got near this debate. Under the heading of criteria, the chairman observes:



The Firefighters and Policemen Labour Relations Act sets out no statutory guidance and specifies no criteria to be applied by an arbitration board in adjudicating a dispute pursuant to provisions of this Act.

He goes on to observe.

Although not bound by this statute to adopt these criteria here . . .

and he refers to the criteria in the Public Service Employee Relations Act,

. . . they do serve as a useful guide to the board in its determination of the issues brought before it in these proceedings.

So he not only indirectly makes an observation about the lack of criteria in that particular statute but seems to suggest criteria are in fact helpful. I have taken the time to read a large number of arbitration awards, and I find that a number of them reflect upon the absence of criteria and a weighting of those criteria. In discussing criteria, we have to be very sure to keep before us our objective and what it is we want to achieve either in collective bargaining or through compulsory arbitration.

Mr. Speaker, there are many sources one could refer to. I think it useful to reflect very briefly on a statement by Professor Kenneth Swan from Queen's University, Faculty of Law. In a book entitled *The Search for Meaningful Criteria in Interest Arbitration*, he says:

To the extent that interest arbitration has failed, it has not been a failure to identify and select criteria, but a failure to structure them, to assign relative weights to them, to create from them a mechanism for determination of interest disputes which will permit reasonable predictability and which will, in general, lead to results commanding the mutual approval of both the parties to the dispute.

I repeat:

. . . which will, in general, lead to results commanding the mutual approval of both the parties to the dispute.

Swan recommends a system of fair comparisons. He goes on to note the difficulty of this approach of fair comparison, but he says again:

Fair comparison must satisfy the test of a generally held perception of fairness on both sides of a labor dispute before it can truly merit that description.

On May 10, 1977, during second reading of the Public Service Employee Relations Act, the hon. Merv Leitch, who moved the Bill, said of the organized government employees:

If they are not to have the right to strike, in fairness to them we must provide a system for resolving labor relations issues that is not only fair but is seen to be fair by them.

I now take an excerpt from an arbitration award this year. Mrs. C.A. Fraser, chairman of the Division 3 board, who dealt with the last round of disputes between the government and government employees, stated in that award:

It is clear, however, that if a system of compulsory arbitration is to succeed, it is essential that both the public, who are in effect the employer, as well as the employees in question, consider such compulsory arbitration process to have treated both parties fairly.

Mr. Speaker, that is our goal, the goal of Swan, Leitch, Fraser, and numerous others who have expressed themselves on this matter, a goal of treating both parties fairly and recognizing that one of those parties is in fact the

public.

The challenge which has occurred is best illustrated by an excerpt from page 31 of *Hansard* of April 26. It is by Mr. Leonardis who, as I recollect, appeared before us and indicated that he was representing Wescab Industries. He said this:

But the ironic part was that on September 1, 1982, I had a general meeting with all my plant and office staff. The basis of that meeting was a 15 per cent wage cut for the staff and an approximate 30 per cent wage cut for management. As I said, it was ironic that the next morning we all woke up to the news advising us that the firemen and policemen, I think it was, had just received a 37 per cent award. I don't know what the firemen or policemen make, but the average wage for my people in the plant is around \$8 an hour. Unfortunately, that is \$3 higher than my competitors in Quebec. Those are the realities.

Mr. Speaker, that is not only the reality; that is the nature of the issue which is before us in dealing with the directions to arbitrators.

[Mr. Purdy in the Chair]

We must strive to assure that wages and benefits are fair and reasonable in the interests of the employees and the public. If we don't, we have an alternative open to us that has been adopted by others. Those who uphold and try to maintain collective bargaining as a viable process ought to take serious note of it. The alternative is the Anti-Inflation Board of 1976 and those years, or the federal six and five program of 1982, which effectively legislated out of existence collective bargaining in any form in the federal sector. Or it is the Ontario legislated limit, the Quebec legislated rollbacks, or the B.C. commissioner with authority to roll back not only agreements voluntarily reached but also arbitration board resolutions and awards.

This government is committed to the principle that the collective bargaining system should be able to work effectively. It is committed to the view that the collective bargaining system is the most responsive, the least blunt, if you will, instrument to resolve disputes and to acknowledge the idiosyncrasies, distinctions, and unique features of each set of relations between employer and employees. Mr. Speaker, we are searching today for a way to make collective bargaining viable, in the public sector in particular, and to do so in a manner which will be seen to be fair. We are trying to do that in the interests of both organized employees and the public and management.

If one examines Bill 44, one will note that the directions to arbitrators specify that they are to have regard for the period with respect to which the award will apply. In effect, the instruction to the arbitrators is to consider the most up-to-date information available at the period of time the award will be in effect. They are not to fantasize about what would have happened, what decision they would have made had they made a decision three months earlier based on the available information three months earlier. Clearly, they should not do that. When the public sees it, when the parties see the award, what do they evaluate it against? They evaluate it against the most recent information. So the recent information is the best information. It is the information that arbitration boards should utilize, the same as what would be utilized in collective bargaining, were it available.

With regard to the expression "wages and benefits", I'd like to elaborate slightly. This expression is used because we mean it to be comprehensive, to anticipate a complete and full comparison. If it is not complete and full, how can it be equitable and fair? Let's use an illustration. Let's take a government employee with a \$20,000 a year gross salary. As the employer, government pays a portion of Alberta health care, life insurance, pension, sick leave, and time off for various types of leave. All these added together will come to about 30 per cent of the gross salary. That's not unlike some of the larger employers. About 30 per cent of gross salary is the value of the benefit package to the employer and, accordingly, to the employee.

That may be very different from the value of benefits to employees in other circumstances. I should point out here that the majority of employees in Alberta, 52 per cent, work in units of 19 or fewer employees per employer. I should also indicate that the general statistical base collected by the federal government deals only with employees in trade unions covered by collective agreements having application to 500 or more employees. So much of the information we work with in this field is information which is very selective, probably very much of an elite nature and, I would suggest, may not at all reflect what is happening for the majority in the real world.

Mr. Speaker, my point is this: a \$20,000 gross salary in the provincial government has a value of about \$26,000. If we're going to make true comparisons of full benefits and wages, we should make the equivalent comparison in the private sector, where the majority are employed. As well, we've said in our instructions that the comparison should be made with the private sector non-union situations as well as unionized situations, and with other public employers, union and non-union.

Mr. Speaker, I could go into some considerable depth about the problems of doing comparability studies. Rather than do that, I think I should simply draw to the attention of hon. members a variety of references that might be available. I would do so by referring hon. members to an article by Sharon Smith. I think this is the most comprehensive one I've seen, and a good introductory think piece. She is a senior economist, domestic research department, Federal Reserve Bank of New York, who published an article in the *American Economic Review* of May 1982.

Mr. Speaker, I have your note that I'm rapidly running out of time. If it's the will of members that at the end of my time limit I'm to be seated, I shall be seated and we will deal with the other matters at the question period.

I'd like to reflect on continuity and stability of employment, as they are very important factors. They are important, first, because they are readily available, measurable statistics, and always current. Second, they tell us a lot about what is happening in the labor market and in the economy. For the interest of members, I checked with the Department of Labour. In 1980-81 the turnover rate in the Department of Labour was 26 per cent. In 1982-83 it is 9.6 per cent, and I know it has declined since then. That tells us something about a labor market; it tells us something about the competition and opportunities for employment. That's the kind of information I believe every arbitration board and every collective bargainer should have regard for and take into account.

On the question of fiscal policy, I want to make a couple of comments because we're on a very critical item that has to do with the differences between public and private employment. There are very substantial dif-

ferences. In private-sector collective bargaining, both parties must recognize that the deal upon which they agree must be balanced enough to allow the employer to compete. If the employer can't compete with his competitors, he sells no product, his operation loses, and so does the employment opportunity for the employees. There's a basic, fundamental bottom line. As Mr. Leonardis stated, that is the reality in the private sector.

There is no such reality in the public sector, and that's what we must address. The reality in the public sector, the bottom line, is the next election. If we really want to get to the bottom line, it is the next election for the persons who are responsible. The fundamental principle is that only elected officials can impose taxes and spend money. Elected officials are responsible for the financial affairs of the body from which they are elected. They and they alone exercise and are held responsible for financial control, and they should do so having regard to current and future needs of government, with thought for the public treasury.

We have placed the provision in the statute to enable regard to be given to the fiscal policy of the government. Fiscal policy is expressed very specifically, since many of the comments made in the public hearings were: what is the fiscal policy; how do we identify it? We're saying it's easily identifiable. If he believes there is a need to do so, the Provincial Treasurer may state that fiscal policy. In the name of equity and fairness to other employees and in regard to our responsibility as leaders of government, I am suggesting that we have a responsibility to recognize that there is a fiscal policy which must be taken into account. I realize this is one of the hurdles which many people in collective bargaining in the public sector have difficulty with. If we cannot overcome this hurdle, I submit we are back to AIB, we are back to legislated absolute wage limits. I say to all, what is the better choice? A decision has to be made.

Mr. Speaker, I don't want to comment much upon the other criteria for arbitrators — they've been there before — except to address two points. One is the question of geographic region, geographic differences. Implicit in the introduction to that particular section of the Bill is that it applies to employees and employers. That obviously takes into account the location of the employees and the employers. Also, in the section on comparability, it refers to geographic area. So in my view, the Bill is clear enough in its instruction that consideration must be given to the geographic area and the rates and conditions prevailing in that area.

The other point I want to make is this: in my reading of arbitration board awards, there is some question as to the interpretation of "interest of the public". I would like to be quite specific that we have deleted certain references to "interest of the public" and tried to be more precise. But it is clear, if one thinks about and has regard for the fiscal responsibilities of government — the ultimate responsibility of government — that it is not up to arbitration boards to decide the level or quality of service to the public, nor the delivery mechanism. Those are responsibilities of elected governments. The responsibilities of arbitration boards are much more narrow, and they uniquely concern the relationships between employees and employers.

Finally, Mr. Speaker, on the question of criteria, there is the matter of the independence of the arbitrators. I've already indicated a variety of items which the directions suggest the arbitrator shall consider. It doesn't say precisely what weight they shall give to any one of those

directions. It says they may consider other directions that are there. Finally it says, other relevant matters. I submit that that gives arbitrators a significant amount of scope in which to make decisions. I note that I am supported in this submission by Paul Weiler, a professor at Harvard University and well known in labor relations in Canada. I therefore submit that given the opportunity they have, there is no question of any compromise of their independence, of their ability to make decisions within this range of criteria.

Perhaps a brief word is appropriate in . . .

MR. ACTING DEPUTY SPEAKER: Order please. Is the minister able to conclude? The time is now up.

MR. YOUNG: Mr. Speaker, I would seek unanimous consent. Obviously I have an opportunity at committee study, but there are a variety of other matters within the Bill. It's completely up to the wishes of the House whether I should receive unanimous consent to continue.

MR. ACTING DEPUTY SPEAKER: Has the hon. minister unanimous consent to carry on?

SOME HON. MEMBERS: Agreed.

MR. ACTING DEPUTY SPEAKER: There is not unanimous consent.

MR. COOK: You didn't want to hear about the Bill, eh, Grant?

MR. NOTLEY: Mr. Speaker, I just remind my insolent young friend back there that it was not my colleague or I who denied unanimous consent.

Mr. Speaker, I'd like to enter this debate and make some observations about Bill 44, just as a warm-up to Bill 38 which should come up some time next week when we complete second reading of Bill 44. What the government is proposing in Bill 44 — and it's really quite interesting to hear the hon. Minister of Labour attempt to soft-soap us with gentle persuasion — is a recipe for massive government intervention in the collective bargaining arrangements of this province. I think that is really quite interesting, coming from a government that is composed — so it appears — of such militant free-enterprisers that we do away with rent control. We look the other way when the Public Utilities Board increases utility rates far beyond any reasonable level. We've got a million and one excuses why we can't intervene in the private sector, even when that private sector is controlled by one or two large companies.

But when it comes to dealing with working people in this province, we have a totally different approach. We have big, nosey government which is going to inflict itself with all the clumsiness, not of professional arbitrators but . . . As I see it, listening to this explanation this morning and reviewing the events of the last couple of months, we have a big, nosey government motivated by government members in the House who frankly have almost no understanding at all of the delicacy of collective bargaining procedures. I say to members of the House that we are asking for trouble. I regret saying this, but we are passing legislation which is going to cause no end of trouble. Members of the House are going to have to take this into account when we consider the principle of Bill 44.

It's fine for politicians to say we must defend law and

order. But when we pass laws, every politician has to take into account: are those laws just; are they fair; are they equitable; has the process been fair, equitable, and just? If the answer to those questions is no, we should not be surprised if the results of the considerations in the caucus are somehow not translated into peace and tranquility in collective bargaining but unnecessary confrontation. No one other than the government members of this Legislature can take the blame for what may come from a Bill which is ill-advised and dangerous.

I want to say it in the House on second reading of the Bill. I want it clearly on the record. It's not a threat but a warning. I would urge that the common sense of some of the members who are not so blindly anti-labor that they fail to understand there is a need for some balance, may come to rescue the government from what I consider is a Bill which will be a disservice to the people of Alberta.

Mr. Speaker, there are many things that can be said about Bill 44. I want to make it clear that there are not many things that can be said in favor of Bill 44, but there are many things that can be said about Bill 44. What we have today is a Bill that came as a result of a process I want to comment on for just a moment. The last question I posed in question period — and I regret that the Premier isn't in his place — was: where is the report of the Standing Committee on Public Affairs? We had public hearings, yet there is no report of the committee. What in heaven's name was the point of having public hearings if all we were going to do was filter views so the government members in closed, secret caucus could make their decision?

Mr. Speaker, we have the ridiculous situation of neither the chairman nor the vice-chairman of the Committee on Public Affairs even being present during second reading of Bill No. 44. We have one of the most important pieces of legislation this entire Legislature will deal with and, when we come to second reading, there are only three members on the front bench who even bother to be present for the discussion on second reading of a Bill that is going to fundamentally alter some of the rights of working people in this province.

Mr. Speaker, there is a process here which this government is going to have to be accountable for. In my view, this is typical of the way the Lougheed government has acted since their mandate on November 2. It seems to me that that mandate did not include the privilege of failing to listen, did not include the right to have public hearings and not even commission a report as a consequence of those public hearings, did not include the right to make decisions behind closed doors, did not include the right to introduce a whole series of major amendments which, in this particular case, are going to fundamentally alter the industrial relations of the province of Alberta, without proper consultation with both sides before those changes are made.

This government can be very, very content as it meets in its own little private club of a caucus. The question, Mr. Speaker, is that we are all duty-bound to speak for every Albertan. When I look at Bill 44 and see the sham we went through in the process of those hearings, I find it absolutely incredible that this government takes such a major piece of legislation in such a frivolous, irresponsible way.

The hon. minister said that there are distinctions between free collective bargaining and free association. No one is suggesting that free association and freedom of speech are not some of the fundamental rights. But in

most parts of the world, there is a recognition that free collective bargaining is also a basic right.

MR. COOK: How about the U.S.A.?

MR. NOTLEY: Yes, hon. member, look at the United States. Look at the conventions of the International Labour Organization. Look at other countries in the world, Mr. Speaker, and you find there is a recognition that free collective bargaining is a right. If we are going to change that right, if we're going to alter it, we have to be absolutely certain of what we are doing.

In citing the options that were available, the minister talked about strikes that have had to be ended in other parts of the world and Canada. But one of the arguments that has been made — including, I might say, the assertion of the trade union movement itself — is that if you are going to terminate a work stoppage, it should not be done as a result of a ministerial order but as a result of a vote in the Legislative Assembly, where elected members of all the people have to balance the rights. Balancing of rights must occur in any organized society. The point is that rather than the minister behind his desk meeting by himself, or Executive Council meeting behind closed doors, or even as a result of one of those little government caucus meetings behind closed doors over at Government House — there is a great difference between that and the kind of open debate which says that in the interests of all we must modify the rights of some in a particular instance.

Mr. Speaker, that's not going to occur as a result of much of the import of what we are considering today. We are giving the minister a rather substantial blank cheque to take away from many, many thousands of people who formerly had the right to strike, to exercise one of the prerogatives of free collective bargaining — we're taking that away. Instead, we are consigning it to the minister behind his desk.

I say to the Member for Edmonton Glengarry, who before the last election courted working people, and to other members in this House, that before we take this kind of step, we had better know that we are right. I have yet to hear any of the government members — and during the course of those hearings, which the government has apparently chosen to ignore, the vast majority of evidence was overwhelming — arguing the case for the preservation for free collective bargaining.

Mr. Speaker, there are a number of specific points I want to deal with in addressing the principle of Bill 44, which is now before the House. One thing we have to recognize about free collective bargaining is that it doesn't operate in the context of some economic textbook or perhaps a beginner's textbook on industrial relations. There is a give and take that is based on a very simple proposition: there must be an "or else". If there is no "or else" in collective bargaining, it won't work.

When we talk about free collective bargaining, people have the right to organize, the right to form a union, and they bargain. But there is no effectiveness at all to that bargaining process, unless there is some "or else". In democratic societies, at least, that "or else" is the right to withdraw one's service. If you take that "or else" away and impose all kinds of gimmicky solutions, whether it's the last-offer solution referred to in the amendments to Bill 44, or some of the other proposals, you really detract from the basic point of the whole exercise.

Most settlements are arrived at as a consequence of the interplay between management and labor. The vast ma-

jority of settlements occur as a consequence of both having at least some clout in the collective bargaining process. If you take away the "or else" from one side, you undercut the basic concept of free collective bargaining. It may still be there in a theoretical way. It may still be on the statute books. Bill 44 may have a reference to it. But the spirit of it, the blood and guts of it, if you like, will be taken away if we remove the "or else".

Mr. Speaker, we should not be misled as to what the government is proposing to do here. First of all, we are massively increasing the area for compulsory arbitration in this province, taking away from nurses and hospital workers the normal rights they have held to withdraw their services. As the United Nurses pointed out in their excellent submission to the Public Affairs Committee, if you look at the comparative wages, you'll find there has been only a marginal increase, an average cumulative increase over the last seven years of 1 per cent a year. Is that too much for the nursing profession of our province? I frankly suggest it isn't, when we look at some of the other groups in society that have done rather well.

As well, Mr. Speaker, I think this government appears to have overreacted to the arbitration awards. As the burden of people making submissions to the committee pointed out, that may have resulted from a failure to understand just what the time periods were. Most of the arbitration awards were for time periods when we had a very different economic outlook in the province. We had a dramatic changeabout in the province. Between November 2 and November 3 we had quite a remarkable changeabout in the outlook on the part of this government. From an economic standpoint, in a matter of a few hours it moved all the way from sunny, economic spring is going to be here, to the depths of the coldest winter. The returning officers hadn't even made their official announcements before this government began to change its position on the outlook of the province.

The awards that got the Premier so exercised were for a different time frame. I found it really quite remarkable that the Premier, who gets so irate about arbitration awards for provincial employees, didn't say anything about the utility increases for some of this government's friends in the private utility industry, where there is no competition at all, where you have private monopolies, where profit increases have gone far above anything provincial employees have received under the arbitration process. So part of the determination, if you like, of this government to change the labor rules in Alberta stems from a failure to comprehend just what time frame these arbitration awards dealt with. As a consequence, we have a government that has massively overreacted.

The second major principle in this legislation is of course the principle of compulsory arbitration. I don't like compulsory arbitration. I've always argued that the best approach is the free collective bargaining process. If you get into those occasional situations where the overwhelming public interest demands that a lockout or a strike be terminated, then it's the responsibility of the government to accept, in public, that responsibility and deal with it in the Legislature where all members can speak, all matters can be debated publicly, and the public knows exactly what the options are.

Mr. Speaker, if we get into a situation of compulsory arbitration, then we have a very clear obligation to ensure that the process is fair and equitable. I recall one of the submissions — I believe it was the Christian Labour organization — who favor a form of compulsory arbitration. But in their submission to us, Mr. Minister and

members of the House, they underscored the importance of having a fair approach to arbitration. You can't take away the rights of people to withdraw their services, substitute compulsory arbitration, and then rig the rules for the arbitration process.

Mr. Speaker, I want to deal with the so-called amendments, because they have to be examined in light of the principles of this Bill. In section 117.8, we have the government saying that these are the things the arbitrators "shall consider" — it's not "may", it's "shall":

- (i) wages and benefits in private and public and unionized and non-unionized employment;
- (ii) the continuity and stability of private and public employment, including

- (A) employment levels and incidence of layoffs,

- (B) incidence of employment at less than normal working hours, and

- (C) opportunity for employment.

Then the section which is so completely outrageous that I'm going to spend a few moments on that separately:

- (iii) any fiscal policies that may be declared from time to time in writing by the Provincial Treasurer for the purposes of this Act.

Those are the things the arbitration board "shall consider". In other words, if there's serious unemployment, they will have to take that into account.

However, Mr. Speaker, these are the things that they "may consider". If I were the Member for Edmonton Glengarry, as he goes back to try to court re-election, I would place more emphasis on these things than he appears to. What "may" they consider?

The terms and conditions of employment in similar occupations outside the employer's employment taking into account any geographic, industrial or other variations that the board considers relevant.

In other words, one of the most important things an arbitration board should take into account — if we're going to deny people the right to strike — is the "terms and conditions of employment in similar occupations outside the employer's employment". But as a result of this rigged arbitration process, that's only something they "may" take into account now. It's not that they "shall" take it into account; they "may" take it into account.

The second thing:

the need to maintain appropriate relationships in terms and conditions of employment between different classification levels within an occupation and between occupations in the employer's employment.

They "may". Mr. Speaker, during the time we had the boom in this province, one of the problems was keeping people in the public service. I remember the provincial Auditor General coming before our special Committee on Legislative Offices three or four years ago and telling us the difficulty that that hon. gentleman had maintaining staff. He couldn't even begin to keep auditors or keep people in the Department of the Auditor General because of the salary levels, because we weren't maintaining competition with the private sector. It seems to me that if we're going to be fair and equitable, that would be one of the things the arbitrators would want to keep in mind. But no, they "may"; not they "shall".

The third thing:

the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered.

Mr. Speaker, when people think of compulsory arbitration, almost everybody thinks that the basic approach of an arbitrator is going to deal with this third section: "the need to establish terms and conditions of employment that are fair and reasonable". But with this new approach to arbitration, that's one of the things the arbitrator "may", not "shall", take into account.

People in the different constituencies in this province are told by the Member for Edmonton Glengarry or perhaps other members: we're setting up a very fair system. I wonder how many Tory MLAs are telling their constituents that "the need to establish terms and conditions that are fair and reasonable" isn't even one of the mandated aspects that arbitrators have to take into account when they're rendering a decision. Mr. Speaker, this is sloppy draftsmanship, government incompetence, or both.

Any other factor that it considers relevant to the matter in dispute.

Mr. Speaker, what has happened is that arbitrators have handed down awards using common-sense guidelines. The government didn't like those awards. So what we have instead is a rigged process for compulsory arbitration.

Mr. Speaker, the most offensive aspect by far of this legislation is the section:

any fiscal policies that may be declared from time to time in writing by the Provincial Treasurer for the purposes of this Act.

What kind of definition of fiscal policy is that? What are we asking the Legislature to accept? We are going to allow the Minister of Labour, behind his desk, to have enormous power to say we're going to take away people's rights, we're going to set up compulsory arbitration. Then if we think we're going to lose the case, we will have the Provincial Treasurer redefine instantaneously, for whatever arbitration case that's before us, the fiscal policy of the government. This government has had so many fiscal policies in the last 12 years. All one has to do is look at the fiscal policy of their election campaign promises compared to the fiscal policy of their post-election campaign performance, and you will know just how questionable that particular provision is.

I don't support compulsory arbitration, Mr. Speaker, but small wonder that even people who support compulsory arbitration consider this provision a completely obnoxious, unfair, indefensible proposition being put forward by a government that is drunk with its own legislative power, if not the right flowing from, I think, being honest with the people before the election. Had they put this on the election campaign platform, then they might have at least some moral right to proceed with this kind of legislation. But they did not do that, of course, and they must now accept the consequences, which I think will be a large number of Albertans growing more and more bitter at what they see as an unfair approach by a big, arrogant, insensitive government.

Mr. Speaker, the third thing I want to deal with is the whole question of union security. The minister is quite right when he points out that only 16 per cent of the non-government employees in this province are unionized. It's certainly not easy to organize a union. One has to go through all kinds of jumps and hurdles to organize a union in this province. But with these new rules, we are now going to make it much easier for employers to play games with their locals, even when an agreement has been signed. Why? When you have diffi-

cult times, there will be isolated cases of work stoppages. In an effort to be vexatious, some employers are simply going to suspend the check-off any time something like this occurs. While the amendment says that the whole process will now have to be appealed to the board, we're going to be blocking up our board with useless appeals from people who are feeling the muscle they get from other provisions in this Act, and are going to be attempting to roll back the unionized work force in this province and ditch union security arrangements when they have been made in their particular plant.

Mr. Speaker, there may be some who feel that Alberta would benefit from the so-called sun-belt strategy, right-to-work legislation where we would drive away the trade union movement or at least seriously jeopardize and undercut its ability to perform the services and to represent its membership. But I argue that in the long haul, this province is better served by having a strong trade union movement which can effectively represent its own membership, plant by plant. In a whole gamut of things, whether it be occupational health and safety or the collective bargaining process, it seems to be that one of the most important rights in a democratic society is the need to protect union security arrangements.

The minister remarked about some of the history in this country. We all know that there weren't any major moves in the industries — the steel industries, the automotive industries — of the eastern part of this continent, either in the United States or Canada, until we had major legislation passed by the Roosevelt government in the United States. We then saw the drives to organize General Electric, Ford, General Motors, and Bethlehem Steel. Those great moves in the late '30s and into the '40s for the unionization of the industrial workers are still hallmarks in the history of working people. Any time you bring in vexatious rules which undercut the check-off system, you are asking for a reaction, and quite properly so, of total, implacable opposition from organized labor in this province.

Mr. Speaker, I've read the Bill and the amendments. Frankly, this government should carefully and thoughtfully back off while there's still time. I know this government doesn't like to back off from anything. They like to get their way regardless. They want to have the last word on everything, whether it's reasonable or not. But sometimes the wisest course for a sensible government is to say, maybe we'd better step back a bit and cool down.

During the course of those hearings, no member of this House could deny that the vast majority of submissions were opposed to Bill 44. These cosmetic amendments aren't going to change that opposition. Not at all. I suggest that a much wiser course is to hold the matter over in the summer, think it through again, and consider the implications to collective bargaining by pushing ahead recklessly with legislation that can only haunt us in the months and years that lie beyond.

Mr. Speaker, I would like to move that the motion on today's Order Paper for second reading of Bill 44, the Labour Statutes Amendment Act, 1983, be amended by deleting all the words after the word "That" and substituting the following:

Bill 44, Labour Statutes Amendment Act, 1983, be not now read a second time but that it be read a second time this day six months hence.

This of course is the traditional six-month hoist.

In closing my submission, Mr. Speaker, I would argue that in the interests of harmonious labor relations in Alberta, the government take those six months, review

not only the submissions we heard but those we didn't hear, which in the main backed up the submissions we heard, and go back to their constituencies over the summer and talk to the people they asked for votes from in October and November. If they are still prepared to push ahead then, so be it. But at least let us have some waiting time, some time to think it through, some time to move back from the precipice which, if we are nudged over — and I don't think the minister is leading this; I think the minister's being pushed by the extreme right-wing element of the local caucus. But I say to this government that whether you're being led or pushed, it's ludicrous and irresponsible to move forward with legislation that is so totally rejected by working people in this province. Surely a little time for thought, a little pause, would be well worth this government's consideration.

DR. BUCK: Mr. Speaker, I'd like to say a word or two on the amendment. In looking at the charade we went through, the so-called public hearings of the Public Affairs Committee . . . [interjection] For the person back there who has a problem hearing: at the charade we went through, there was never any evidence by this government — and we're speaking about giving this Bill a six-month hoist — for the immediacy of this Bill.

MR. COOK: Walt, your leader's leaving.

DR. BUCK: Mr. Speaker, I would like to say to the hon. Member for Edmonton Glengarry that I don't know who his leader is. Jimmy Carter, I guess. But Jimmy Carter is no more.

When we had the hearings in this Assembly, there was consistency in that an invitation was extended to groups we wanted to hear who were going to support the legislation. That became patently obvious, Mr. Minister. Also there were groups that tried to indicate to this government that there is no need for the passing of this legislation at this time. When we look at the contracts that are coming up for settlement — a large number of them in December and January — this government can have a look at this legislation over the summer.

I have to agree with one major point the Leader of the Official Opposition made. This government seems to be choosing direct confrontation specifically with labor. I can't understand why the government is trying to do that. Surely if we're going to have a happy labor force, a happy private sector, and a happy government in this province, we have to get all three working together harmoniously. But when the government goes out of its way to confront labor, I think they have taken the wrong turn.

When we want harmony, people working together, we sit down around a table and intelligently discuss what it is we're proposing to legislate. In the hearings, Mr. Speaker, I did not see the government making any great effort, any effort whatsoever, to go that route. It was very, very interesting when the United Nurses of Alberta made their presentation, because that group knew they had been had. They knew that this government knows only one thing, power politics. So they just let it all hang out when they made their presentation, because they knew this government wouldn't listen to any reasonable presentation.

Mr. Speaker, I think the government has taken the wrong tack. If you genuinely believe in sitting down and consulting with people, you don't do it the way this government has chosen. I've always considered the Minister of Labour to be a reasonable man. The reason I didn't

give unanimous consent was that I think the minister could have pulled together all that material he had in 30 or 35 minutes. It takes a long time to give a speech in which you don't say much, but it doesn't take that long when you've got something to say. That's why I withheld unanimous consent. The minister will have many opportunities in committee and third reading to make his point.

So, Mr. Speaker, the Bill does not have immediacy. There are small groups that have never closed a hospital in this province, and some of them are not essential services. I can't understand why they were included under the umbrella legislation. I'm glad to see that the government took out the firemen and policemen in its amendments. They should not have been in there. They're under a separate Act.

MR. ACTING DEPUTY SPEAKER: Order please. Could the hon. member stick to the amendment, please.

DR. BUCK: Mr. Speaker, in looking at why this Bill should not be passed at this time — the amendments that were made were wise. Basically we have a large government which seems to be ruling by divine right at this time. It seems to think it has all the answers and has decided that we're going to ram it through. That's the only word you can use for it. So I would just like to say that I think this government has made the wrong decision. It would be wise and prudent for the government to take this six-month period, review the legislation, and genuinely consult with the groups affected. Because if we're looking at harmonious labor relations in this province, the government has certainly taken the wrong tack. I certainly support the amendment that this Bill not be read until six months hence.

MR. MARTIN: I'm surprised. I thought the Minister of Labour wanted to get up again. I was going to give him an opportunity to finish his wonderful speech. But seeing that he's not going to bother, Mr. Speaker, I too would like to rise and support the amendment. I'd like to explain why I want to support the amendment.

AN HON. MEMBER: Because your leader told you to.

MR. MARTIN: Because it all ties in together.

Speaking about leaders, the puppets talking back there are rather amusing. They haven't had an original thought in their whole lives. [interjections]

The point I'm trying to make — and I'll come back to the amendment — is that we need six months for a cooling-off period. There are a number of reasons why, Mr. Speaker. First of all, I know that the whole process was meant to be a public education exercise to show how democratic this wonderful government is. But if they were really interested in listening, the conclusion I had to come to is that people, especially people affected, said the whole thing should be abandoned and Bill 44 was a disaster. That was far and away the predominant sentiment in those public hearings. As a result, we're not listening to the public hearings. We have some cosmetic changes that aren't going to satisfy anybody.

The point I'm making, Mr. Speaker, is that if the government was listening, we should have abolished it and gone back to the table with the labor groups. Seeing that we're not listening to the public hearings we set up, the only thing we can come to is that this should be postponed for six months to give people time to think it through a little more. If we don't do this, we are going to

have serious problems in this province. The point we're trying to make to the minister through you, Mr. Speaker, is what is the hurry? This is a major document. Six months from now is not going to make much difference. If the government is still going to proceed, what's the difference between six months? But at least it would give people time to have second thoughts about it.

The point the minister tried to make is that it's by principle. Frankly, Mr. Speaker, that is absolute, pure, unadulterated nonsense. Clearly what the government has done — and they know they can do this in a recession; right-wing governments do it all the time — is take a poll. They know that unions aren't too popular in the province right now because there's an ignorance of what goes on in labor negotiations, so we can step on them, just as we have done in the hospitals. We can step on people there; we can step on social services. This is why they're doing it.

We're appealing that this is why we need the six months, to take time and have some sober second thought. I expect there are some people in the Conservative Party — not the backbenchers, but some people — who can think through what they're doing here. Frankly, we're appealing to the right-wing element. Now I am surprised by the right wing, because whenever I hear the right wing, they talk about government intervention. Surely the right wing will be fair about it and not want massive ...

MR. YOUNG: Mr. Speaker, on a point of order, the hon. Member for Edmonton Norwood ought to be speaking to the amendment and not talking all over the map.

MR. MARTIN: The minister is a little bit touchy. I'm trying to explain why we should have a six-month cooling-off period, which is precisely what the amendment is about. I'm trying to point out the difficulties and why we're getting into it. I will continue, even if the minister is a little touchy about it. [interjection] The point I'm trying to make with the right wing is, let's be fair. Let's not have massive government involvement there.

I'll move on to why we need a cooling-off period, Mr. Speaker. First of all, if you wanted to appeal to the right wing and step on people's rights, it would be one thing if it even worked in terms of labor negotiations. It was pointed out very clearly by a number of the groups — and they looked into it — that compulsory arbitration does not work particularly well. The best example we can give is the comparison in Ontario: where hospital workers have not had the right to strike, there have been more illegal strikes.

MR. ACTING DEPUTY SPEAKER: Order please. Would the hon. member come to the point of the amendment.

MR. MARTIN: Surely the point of the amendment, Mr. Speaker, is why we need a six-month period to wait. That's the explanation I'm trying to make. If we're saying that we don't want strikes, I'm pointing out, let's have six months to wait and consider the briefs we're talking about. What they said very clearly — and the minister knows this — is that they've had more illegal strikes in Ontario, where they do not have the right to strike, than legal strikes in Alberta. That's why we need a six-month cooling-off period. Mr. Speaker, I say that very carefully. We're talking about the six months because we need more time to think through what we're doing.

The other point I would make is that it doesn't work. It's going to create a fair amount of friction. The government can ram this through with the majority they have. I'm sure they will, because very seldom do they listen. But we'll be paying the consequences of this for a long period of time, Mr. Speaker. That's why we want this six-month cooling-off period. Because we're dealing with a major Bill that is going to influence labor relations in this province for a long, long time.

If there is one thing we know from labor relations — if the minister has looked into it at all, and I'm sure he has — it is that labor negotiations work not by taking people's rights away and creating confrontation; it's where we have co-operation. There are many examples of that in the world. It's obvious that the Conservative government here either doesn't know that or is just ignoring it. We're saying very clearly to them, and I'll explain why . . .

MR. ACTING DEPUTY SPEAKER: Would the hon. member please come back to the amendment.

MR. MARTIN: That's what I'm going to explain to you, Mr. Speaker. We come back to the amendment: that's exactly why we need six months, so they have time to look into what's happening in the rest of the world in terms of labor negotiations.

AN HON. MEMBER: You're waffling, Ray.

MR. MARTIN: If they haven't done this, then we want to give them time. Six months should be able to do it. In six months, even Conservatives might be able to read that much labor negotiations. The point we're trying to make here, Mr. Speaker, is what is the hurry? Why the hurry? I have seen no logical reason for the hurry.

AN HON. MEMBER: You're repeating yourself, Ray.

MR. MARTIN: First of all, we rammed through the charade of public hearings. Then we came back with some cosmetic changes. I know the boys want to get out and get their money so they can go to the Conservative convention. That seems to be the only logical reason we have for pushing this through. So I would just ask them to back off.

It's not the mark of a weak government when they look at things and say, gee, maybe we've rushed things a little; maybe we could back off for just a little while and let saner thoughts prevail. That means keeping the minister away from the backbenchers, because there's never been a sane thought there. Taking the time to think about it is all we're asking.

This is not saying they have to give in altogether, Mr. Speaker. They can still have Bill 44 six months from now if they have honestly gone through the process and checked out what's happening in the rest of the world. If they then have time to speak to the groups again in a serious way — and if they really were saying they were listening, I'm surprised they even came back with Bill 44. I'm even surprised with the cosmetic changes. Because when I sat in those public hearings, the vast majority of the people affected — I'd say all the people affected — said the whole thing was a total disaster; go back to the drawing table.

If they were listening, Mr. Speaker, that's what they would have done. So we're giving them the opportunity. We're trying to save the poor Minister of Labour from making a big mistake. Because we're humanitarians and

we don't want him to make a fool of himself, we're saying back off for six months and think about it, and really do consult the people. You may win this battle in terms of ramming it through this Legislature, but you will create so much friction and labor strife in the future that I'm sure the minister will not want his name remembered with Bill 44.

Thank you, Mr. Speaker.

MR. YOUNG: Mr. Speaker, very briefly. I've already outlined to this House the number of negotiations which will be taking place at the end of this calendar year and the fact that some of those negotiations will be under way, some of them positioning for September/October commencements. In fairness to those bargaining groups, they should know what legislation they are working with. For that reason, this Bill should not be delayed.

Mr. Speaker, I regret that the hon. members in the opposition appear to have dealt with the public hearings as a charade. It's unfortunate if they've chosen to do it that way, but I can assure the persons who appeared before us that the members of the government listened carefully and took keen interest in what was said. I guess it's not my place to apologize for others. But if that is in order, I will do so to the persons who appeared before us, for the lack of respect and esteem in which those hearings were held.

Also while I'm on my feet, the hon. Member for Edmonton Norwood seems to suggest that at times certain things should be done honestly. We on the government benches always do things honestly. Perhaps he should keep that in mind in his dealings.

MR. DEPUTY SPEAKER: Are you ready for the question on the amendment?

[Mr. Acting Deputy Speaker declared the motion on the amendment lost. Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Buck	Martin	Notley
Against the motion:		
Alexander	Kowalski	Planche
Alger	Koziak	Russell
Carter	Lee	Schmid
Chambers	McPherson	Shrake
Cook	Miller	Stevens
Drobot	Moore, R.	Szwender
Embury	Musgrove	Topolnisky
Fyfe	Nelson	Webber
Harle	Oman	Weiss
Jonson	Payne	Woo
Koper	Pengelly	Young
Totals:	Ayes—3	Noes—33

MR. MARTIN: Mr. Speaker, I take it I can continue without the Minister of Labour thinking I'm out of order when I come back to Bill 44. I'd like to continue where I left off, if I may.

First of all, let's go back to the concept of compulsory arbitration, the idea that somehow this is going to solve our problems in the hospital industry, that if we just take people's rights away and they're not allowed to strike,



we're going to have labor peace and everybody in Alberta is going to live happily ever after. The point I was trying to make before — and I'll make it again — is that that's just not the case when people take a look at what's happening in other parts of the world. I used the Ontario example. I'll use the example of Australia, although that will change now that they have a more rational government. But they had more strikes where they had outlawed strikes than we did in Canada where it was legal.

When you take people's rights away, eventually they are going to rebel, even against an oppressive government, even if the government has set the rules and changed the laws. There's enough historical evidence that when people's rights are taken away, when they feel pushed, they will rebel against that. Sure, we can put people in jail, as they did in Ontario, and we can put out massive fines. But is that the type of society we want? The proof of the pudding would be that even if this Bill — which I would be totally opposed to anyway in principle, of human rights recognized by the ILO — would work, even if there was some evidence that this type of legislation worked, then I could understand it. I wouldn't agree with it, but I could understand it. But surely if the minister was listening, every bit of evidence says that this type of legislation will not work.

The minister quoted some authorities. I [have] two or three short quotes from people who would disagree with what the minister is doing. The first one is Senator Goldenberg, not exactly a rabid socialist or trade unionist. He says:

There is a tendency when strikes occur for people to say 'there ought to be a law' ... But we have to recognize the fact that labour-management relations are problems in human relations with all the complexities involved. Such problems cannot be solved by laws alone.

That's exactly what the people in the public hearings were trying to tell the minister and this government.

There's one here by Pierre Elliot Trudeau, but I wouldn't use that one. [interjections] The other is a labor mediator, Dr. Noel Hall, somebody who knows and is involved. I dare say he might even know as much about labor negotiations as the Tory backbenchers. I'm not sure of that, but we'd hope so. He says:

There's no sense in talking about banning strikes in the public sector. That will not make labour unrest disappear. All we would be doing is passing a law that ...

and this is the key

... otherwise good, law-abiding citizens would ignore ... Nor is the answer to impose compulsory arbitration. The real problem with both methods is that they come dangerously close to a system of compulsory employment.

Now, that should say something to even the Conservatives about massive government intervention. He goes on:

We would be telling people: 'You must set your alarm clock. You must get up. And you must go to work.' Are we really willing to issue this kind of order?

He's saying, government compulsion of the worst possible kind.

I think government members will be aware of the last one I would like to quote. I'll give the name after. This person says:

The justice of any socioeconomic system deserves in the final analysis to be evaluated by the way in which work is properly compensated ... The or-

ganization of workers into unions is necessary to protect the rights of workers, especially the right to a just wage ... In this connection, workers should be assured the right to strike, without being subjected to personal penal sanctions for taking part in a strike.

The quote is by Pope John Paul II.

The point we and these people are trying to make is that we're dealing with human rights. This is why we thought the amendment made sense and even the government could go along with it, but obviously not. What we're saying very clearly — and it may not happen tomorrow, next month, or even six months or a year from now — is that down the road we are asking for trouble. I do not say that as a threat, as the minister often gets up and says. It's not a threat. If you look at every historical movement, when they brought in Bills like this there was trouble down the way. People will become agitated.

I dare say to the minister, though, that one positive aspect of Bill 44 is that he has united the trade union movement like they were never united before. At least it's good for the trade union movement in that sense. It's good for a lot of thinking people in the long run. But down the way the danger is that we are asking for labor trouble. I don't think anybody on either side of the House wants that. What I've talked about in labor negotiations — very clearly, when you look at what works in this world today, it's where there is co-operation between government, business, and labor, and not where you take one cent and one group's rights away. That never works, and it won't here.

The point we're trying to make. Mr. Speaker, is that it's very easy to trample on peoples' rights when you're a big, powerful government. This is in fact a right; there is no other alternative for people in labor. My colleague talked about "or else". What other "or else" do you have but to withdraw your labor if you have an unfair employer? That's the only "or else" you have. Otherwise the whole area is a charade. If one side in a dispute doesn't have any clout, how are they going to get a just settlement? Surely that's a fundamental right the United Nations and people all over the world recognize, except here in Alberta — well, maybe in Alabama too; I'm not sure. It very clearly has to do with the rights of workers, confirmed by what these people are saying, confirmed by what Pope John Paul says, a man who I suggest has a little more worldly knowledge than people in this Legislature.

The point we're trying to make is that you can take rights away because you perceive that you can get away with it. Perhaps they feel that at this moment the labor movement's not strong enough to fight back. And perhaps they've taken their polls — I'm sure they have — and people are saying, gee, we don't like unions, therefore step on them. You can run government with this sort of mentality, as this government's doing.

AN HON. MEMBER: Good enough.

MR. MARTIN: Somebody said, good enough. Get that down in *Hansard* quickly. Good enough, the backbencher says.

The point we're trying to make, and all thinking, fair-minded Albertans will recognize, is that if you take one group's rights away — and the government can do that — what's to say they can't pick on some other unpopular group later on and take their rights away? What's to say that a big government can't take other rights away then?

Surely that should be appealed to the right wing in the Conservative Party as well. Think about it. Mr. Speaker, I suggest it's massive government involvement of the worst possible kind.

Before we flippantly pass Bill 44 . . . We've defeated the amendment, but I know the minister will probably come to his senses and realize what a big mistake he's made. We'd be glad to bring the amendment in at another time. I'm just offering my services to the minister. He is basically a decent person, and I want to pull him out of difficulty on this issue. I sincerely do. I also want to save the people of Alberta. [interjections] Boy, that really got the backbenchers going. They don't often get a chance to exercise their vocal chords. Whenever they get on the mikes, strange things come out of their mouths.

At this point I'm talking to the Minister of Labour, Mr. Speaker. I sincerely want to help the minister. I do not want him to be associated with Bill 44 down the line and be embarrassed, because he's basically a very decent man. Not only that, I don't want Albertans to be faced with labor confrontation. So being the sport that I am, Mr. Speaker, even though they've made a bad mistake here today, we have all next week and I'll be glad to sit down with the Minister of Labour and work out a new deal that we get rid of Bill 44. We'll save him, and we'll save Alberta at the same time. To be fairer, we won't even take any of the credit. We'll say the minister did it all by himself. . He will go down in the annals as one of the people . . . Maybe the labor movement will even support him, invite him to a convention, and give him a standing ovation, because here is a man with courage. I can offer the Minister of Labour all these things. I hope he takes me up on it. But let me come back. [interjections]

I see they're getting excited about it; they want to take me up. Thank you, Minister of Municipal Affairs. I promised that minister that I wouldn't tell the truth about him and our earlier days if he didn't tell any lies about me, and that still goes. So I'm helping him out at the same time. I'm really in a generous mood today, Mr. Speaker. I'm helping them all out.

But to come back to the point, I would say as earnestly as I can that we believe this Bill is wrong in every possible way. I believe the minister believes that what he is doing is morally right. I don't question that. But we just said that's why we're talking about the six months. Let's take our time. [interjection] No, not if our minds are made up.

Fair-minded Albertans, even people that agree with the government on the Bill, have said to us, we don't understand what the hurry is. We've had this Bill for these many years: why are we pushing it through in the spring session? Fair-minded Albertans, whether they agree with the government on that issue or not, do not understand the hurry. The thing they do understand is what I'm saying. A government powerful enough to take away the rights of the trade union movement is also powerful enough to take away other rights. That's what they understand. I think even Conservative thinkers understand that. That's the point we're trying to make. I don't expect it, but I would say to the government that there's still time. There's next week. Why the hurry?

MR. NOTLEY: Wait until after the Conservative convention. Maybe you'll learn something down there.

MR. MARTIN: That's right. Maybe Crombie and some of them will talk some sense into you. But why the hurry? Mr. Speaker, let's have, some serious second thought about this Bill. I earnestly say to the minister, with all

sincerity, that I believe we are courting a recipe for disaster down the way. As I said, it may not be the next six months, it may not even be next year, but ultimately it's going to be there. I'm saying to the minister that there is next week. He might even have a chat with the Premier and see if the Premier agrees. We could save the Premier too. I'll help save him at the same time. Let's slow down and recognize what we are doing.

Thank you, Mr. Speaker.

MR. SZWENDER: Mr. Speaker, I rise to participate in this debate. It took quite a large amount of patience to sit through this drone and tirade. However, I'll try to deal with the remarks.

MR. MARTIN: All you can do is try. Don't get excited.

MR. SZWENDER: Mr. Speaker, you are going to have to be patient with me. I was standing in a draft yesterday and I am not feeling as well as I should. I'll proceed at a steady pace. I thought we were going to be discussing the merits of Bill 44 today. But after hearing the Leader of the Official Opposition and his colleague, I thought we were going through a leadership convention already. We're not going to Ottawa for a couple of weeks. I think the Leader of the Opposition is trying to make a pitch to retain his job. There are all sorts of individuals looking over his shoulder and the coffers of the NDP have to be refilled. [interjections] However, we did listen to the tirade and histrionics presented by both members and their departed colleague. I don't think we can really place much merit in the words they presented to us. [interjections] Mr. Speaker, I would like to continue with the interruptions that are being presented to us but . . .

The hearings that were before us from April 25 to 28 were extremely useful. The opposition members are trying to claim that they were a charade and that nothing useful was accomplished. Certainly the information was well noted, and the results are evident in that the Minister of Labour has brought in very useful amendments. As such, I think it's deluding to say the whole purpose was a futile exercise. [interjection] That's right; teachers are known to have poor English and, as such, I can take credit for that as well.

I would like to bring up a number of points about the merits of Bill 44. It's the kind of legislation we have long been expecting, and certainly it has a lot of important merit. The opposition members were claiming that our party did not include this when we made our election promises, but I believe that was part of our election promises, which was to include restraint and fiscal responsibility. This Bill is a clear indication of that direction.

Mr. Speaker, I'd like to begin by providing a little bit of background and history on collective bargaining in Canada. Certainly the minister presented that and gave us a thorough briefing, but there are some important points that have to be viewed. That's the legal framework for collective bargaining in Canada, based on three very important and interrelated premises. If the Member for Edmonton Norwood would listen, maybe he would be the first to be instructed as to how the whole process works. [interjection] The first and most important premise is that trade unionism and collective bargaining are to be facilitated where workers are inclined to organize. Certainly that has never been challenged and is a fact. The second major premise upon which this country's labor relations legislation is based is to establish reciprocal rights and

responsibilities for unions and employees in their relations with each other and with the public. So the statute lays down a variety of ground rules which are to regulate the behavior of labor and management. These rules of the game entail a host of unfair labor practices which one or both sides are constrained from engaging in.

The third and most important basic premise is to protect the public and the public interests or, better still, the public interests in collective bargaining. This is what we are talking about here: protecting the public interest. This third area affects us most directly. It is also divided into three areas, the most important being that the public interest in collective bargaining has to consider work stoppages and how they affect the public sector and, more importantly, the ability of a government to establish agreements and to meet those commitments. On this basis, we are looking at the very important principle of Bill 44. One of the major concerns or objectives we want to focus upon is what the people of Alberta wanted when they elected our government — we have an extremely important obligation to these people — and that is our ability to meet the responsibility of agreements between public-sector unions and the government. Our integrity as a government rests on this very basic principle.

Let us consider one key principle of the Bill. As I said before, that is fiscal policy. We have a number of definitions or descriptions of fiscal policy, but a useful one we may want to look at is: fiscal policy is a way of controlling aggregate demand through management of the budget. Collective bargaining cannot interfere with the budget-making process, which must allow the general public to hold elected officials more clearly accountable for their performance. Secondly, since wage payments are a significant portion of public expenditures, the labor costs are the biggest single controllable item in most public-sector budgets.

The minister brought up a very important quote by Mr. Leonardis. I don't think I have to repeat it, but certainly he brought the reality of private companies and the problems they face when they try to compare salaries of their employees with those of the public sector. In this

particular case, we're talking about the firemen.

Are we really being that unfair by providing arbitrators this additional criterion of fiscal policy, which they must consider? I think not, Mr. Speaker. Arbitration is only the final step in the collective bargaining process. It need never reach that stage if both parties are acting in accord and negotiating realistically. However, when arbitrators have no guidelines or the guidelines are somewhat ambiguous, then they have to make decisions that sometimes are not acceptable. When the arbitrators are making decisions concerning these amounts of money, we the government have to face the reality that we have to pay whatever settlements are finally determined.

The best example of a lack of fiscal policy is evident in the province of Quebec, where chaos and civil disorder, verging on anarchy, reigned recently. Most members of the Assembly recognize the nature of the Quebec provincial government. Not only is it socialist and everything that that implies, but it is a separatist socialist government. By comparison, Mr. Speaker, our friends from the Official Opposition in the Assembly almost begin to look acceptable.

Mr. Speaker, in view of the time, I beg leave to adjourn debate.

MR. ACTING DEPUTY SPEAKER: Is it agreed that the debate be adjourned?

HON. MEMBERS: Agreed.

MR. YOUNG: Mr. Speaker, I'd like to advise that on Monday afternoon the House will continue with second reading of Bill 44. We will then proceed to other second readings on the Order Paper, with the exclusion of those introduced today and possibly Bill 37. Depending upon progress, the House may or may not get to some committee study on Monday evening.

[At 12:58 p.m., pursuant to Standing Order 5, the House adjourned to Monday at 2:30 p.m.]

