

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Friday, June 10, 1988 10:00 a.m.**
Date: 88/06/10

[The House met at 10 a.m.]

[Mr. Speaker in the Chair]

PRAYERS

MR. SPEAKER: Let us pray.

As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy.

As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country.

Amen.

head: **PRESENTING PETITIONS**

MR. MITCHELL: Mr. Speaker, I rise to present a petition on behalf of 1,300 residents of west Edmonton, largely from the constituency of Edmonton-Meadowlark. This petition requests the provincial government to ensure sufficient education capital funding that a junior high school can be built no later than 1989 in the area of west Edmonton.

head: **INTRODUCTION OF BILLS****Bill 53****Provincial Offences Procedure Act**

MR. STEWART: Mr. Speaker, I request leave to introduce a Bill, being the Provincial Offences Procedure Act.

The purpose of this Bill is to carry forward the basic elements of the Summary Convictions Act while establishing new procedure in penalty provisions for minor offences.

[Leave granted; Bill 53 read a first time]

MR. YOUNG: Mr. Speaker, I would move that Bill 53, the Provincial Offences Procedure Act, be placed on the Order Paper under Government Bills and Orders for second reading.

[Motion carried]

head: **TABLING RETURNS AND REPORTS**

MR. ELZINGA: Mr. Speaker, I'd like to file with the Legislature Library copies of our press release recognizing Farmers' Day today and recognizing the outstanding contribution that the farming population does make to our way of life in the province of Alberta.

MR. DINNING: Mr. Speaker, I wish to file one report with the Assembly today: the annual report of the Alberta Dental Association for the year ended June 30, 1987, and as well to table two reports, one being the annual report of the Provincial Mental Health Advisory Council and the other one being the Alberta

Public Health Advisory and Appeal Board, both for the year ended March 31, 1987.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. TAYLOR: Mr. Speaker, I'd like to introduce to you and through you to the members of the Legislature, 58 bright and shining students -- this early -- from the Notre Dame school, grade 5, in my constituency. They're accompanied by teachers Bruce Brown, Helen Sabourin, Miss Thompson, and K. Persson. They're in the public gallery. I'd ask them to stand and receive the customary greeting from the Legislature.

MS MJOLSNESS: Mr. Speaker, it's my pleasure this morning to introduce to you and to members of the Assembly, 25 enthusiastic grade 6 students from Athlone school in the constituency of Edmonton-Calder. They are accompanied by a very enthusiastic teacher, Mr. John Bell, and they are seated in the members' gallery. I would ask that they rise and receive the warm welcome of the Assembly.

MR. SCHUMACHER: Mr. Speaker, it is my pleasure this morning to introduce to you and through you, two grade 6 classes. The group comprises 46 from St Anthony's school in the constituency of Drumheller. They are normally bright and alert and energetic, although I don't know how they are after getting up in the wee hours of the morning to get here to be with us this morning. They are accompanied by teachers Stella Mraz and Gerry Hamilton and parents Donna Kalman, Dr. Jeffrey Chung, Karen Andrew, Gloria Eccleston and Bob Boyd. Also with them is Tim Harasym, their bus driver. I'd ask the members of the Assembly to accord them the usual warm welcome.

MR. SPEAKER: Member for Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Speaker. I rise to introduce to you and through you to the Legislature, four residents of my constituency who are here in support of the petition I just presented requesting funding for a junior high school in the west end of Edmonton. I would ask that they rise as I introduce them to the Legislature: Dianne Lasko, Lynn Mandel, Judy Koopmans, and Sandra Weissenberger. Could I please ask that the members of the Legislature join me in welcoming them to the Assembly.

head: **ORAL QUESTION PERIOD****Family Support Strategies**

MR. MARTIN: Mr. Speaker, to the Premier. Recently the Premier has enjoyed making comments about the value of mothers staying in the house, to use his phrase. The Premier must be aware that every parent cares deeply about their children, whether they work or not. I say to the Premier that talk is cheap and some of this talk is hard to take from a Premier who has done almost nothing to support parents in the home. My question . . .

AN HON. MEMBER: Question.

MR. MARTIN: You'll get the question, Minister of Energy. Just settle down.

My question to the Premier is this: what consideration has

the Premier given to considering addressing the economic survival of average families before he sets up another expensive bureaucracy?

MR. GETTY: Well, Mr. Speaker, as we discussed yesterday -- and I point out to the hon. members -- in the whole area of economic efforts this government has fought so hard to turn around the economy in Alberta. When we were faced with the impact on our agriculture and energy industries, we fought to make sure that we diversified the economy so that we broadened the base on which the growth that we're now experiencing is going to be built. We assisted the agriculture industry, and we still are. We helped the energy industry, and we still are. We have diversified. We've built the tourism industry, and we've built the forestry industry, and we're working in the area of building the technology and research industry in this province and strong assistance for the service industries and small businesses.

Mr. Speaker, all of this is starting now to have a new surge of growth and economic stability in this province. Just today we have the dramatic news of the largest number of people in the history of this province now employed in this province. We have lowered the taxes -- the lowest taxes in Canada. We have a stronger education system than anywhere in Canada. We have the strongest hospitals and medical care system anywhere in Canada. All of these things are helping our families and building the strength of this province for the future, and it's going to be built on the family unit.

MR. MARTIN: Mr. Speaker, listening to the Premier's answers, I thought I was in West Edmonton Mall and Fantasyland again.

But let's be a little more specific about the family rather than big oil and the things that you've done. Alberta government employment standards offer a totally inadequate package of parental leave. A mother can get up to 18 weeks' unpaid leave for a newborn; fathers get nothing at all. The result is that they often have to suffer the penalty of resigning their jobs or giving up careers to be at home with their children. A very specific question to this Premier. If he cares about families, would he agree at this point, then, to withdraw Bill 21 until he has developed a parental leave program which actually makes it possible for parents to spend time at home without sacrificing their jobs and their careers?

MR. GETTY: Mr. Speaker, one of the things the hon. member should realize is that the Bill is before the House right now. He has every opportunity to convince the House of the need to make that change. That's why we have legislation that goes through the series of moves that it does in the Legislature in our democratic process. All he has to do is convince the House. That's why the Bill is before the House now.

In terms of choices for families, there are all kinds of choices that parents make. But one they make is to have children. Once you make the choice to have children, which I certainly support, let's remember whose ultimate responsibility those children are. It's not the state's, as the socialists would tell you; it's the individuals' and the parents'.

MR. MARTIN: Mr. Speaker, the Premier goes on about the family. We're giving him specific suggestions here about how he can help the family, and he gives us that sort of rhetoric. Now, the Premier can't have it both ways. Either you want to be an advocate for families or you don't. I want to ask the Pre-

mier specifically then: rather than sloughing it off to what's happening, why is there no provision for fathers to have employment leave, and why does the government consider 18 weeks of unpaid leave to be a suitable maximum for mothers of newborn children? Will he change that, Mr. Speaker? That's the reality in this province.

MR. GETTY: Mr. Speaker, it's unusual, I think, when you have legislation before the House to try and make the case in the question period. I certainly am not going to pre-empt the discussion on the Bill, except to tell the hon. member to use his considerable skills to try and convince the House of his position.

MR. MARTIN: Mr. Speaker, we will do that without the help of the Premier; I know the votes in this House.

But let me go into another area, then, that's a very specific one. Mr. Speaker, we have a government which forces single mothers to place their children in day care on pain of losing social allowance benefits. This is because the department regards single moms as employable and forces institutional care, if you like, in the Premier's own words. Now I ask: isn't the Premier being hypocritical when he passes himself off as the champion of families in the face of policies like this?

MR. GETTY: Mr. Speaker, the government's support for single moms is the best in Canada, and it will be in the future. The single moms who talk to me say that they believe this government is helping them in every way we can. They have the initiative, and some of them will make the choice that they want to use the day care system. We're supporting this day care system in this province to a greater extent than any province in Canada. This is the only province in Canada that supplies more day care spaces than actually there is a demand, so that to the single moms we are looking out for their needs.

Now, we are also working with them to allow those who want to move into the labour force -- we're helping them with career training. We're helping them with imaginative programs to move into the work force, and this very day, when you have such a tremendous number of women in the work force in Alberta, the largest participation in Canada, it shows that the government's program of working with mothers, parents, is absolutely successful. We now have a dramatic situation in employment in this province, the result of the government's efforts in turning around this economy.

MR. SPEAKER: Westlock-Sturgeon, followed by Cypress-Redcliff.

MR. TAYLOR: Thank you, Mr. Speaker. To the Premier. While not questioning his very good intentions and realizing that the biggest strain on young families today is one of financial stress, would the Premier be counseling or ordering this new ministry to study the whole potential of guaranteed annual income or income support or negative income tax, whatever word he may want to use, in order that these people will have a stable income to pick and choose their choice of life that you mentioned in your talk?

MR. GETTY: Well, Mr. Speaker, I have asked the opposition for their initiatives, and if I understand the leader of the Liberal Party, he now is proposing the guaranteed annual income as their recommendation. Certainly we'll look at it. I think there's a whole range of things to look at. One of the things to look at

is that we have the highest level of employment in history and that we have the lowest taxes in Canada. If you're really working to help in an economic way, you would know that what is happening in this province is very, very positive in the area of providing economic growth and the financial stability of families.

MR. SPEAKER: Cypress-Redcliff.

MR. TAYLOR: Highest suicide rate.

MR. SPEAKER: Cypress-Redcliff, not Westlock-Sturgeon.

MR. HYLAND: Thank you, Mr. Speaker. A question to the Premier. In view of the comments made about the importance of family and the role the family plays, I wonder if the Premier would consider moving Motion 206 on page 16 of the Order Paper, relating to a portion of the federal funding in the new day care program, as it received wide support in this Assembly.

MR. GETTY: Mr. Speaker, it is an item that I view with considerable interest. It's been raised in the House yesterday; we've discussed it before. We'll be looking, as one of the initiatives that the government is following -- and the Minister of Social Services was touching on this yesterday as well -- at working with the federal government to see that we can flow those funds in the most effective way for Alberta. Because while Ottawa can come up with an overall program, I think it is this province and this Legislature that has to be able to have the input to make the program be adapted particularly to Alberta needs, and our needs are different than any other province. It's one of the reasons we have fought so hard for the right to opt out of programs, in order to make sure the program fits Alberta's needs. It's one of the strong reasons why we support the Meech Lake accord. So I assure the hon. Member for Cypress-Redcliff that we will be working to mold the federal initiatives into the needs of this province.

MR. SPEAKER: Thank you.

Second main question, Leader of the Opposition.

MR. MARTIN: Yes, Mr. Speaker. I'd like to designate my second question to the Member for Edmonton-Strathcona.

Stays of Prosecution Policy

MR. WRIGHT: My question is to the Acting Attorney General, Mr. Speaker. In three recent attempted private prosecutions -- Daishowa, the policemen charged with assault and torture, and now the policeman charged with rape -- stays have been entered by the Attorney General's department. In his statement in this House on May 19 it seems it is the policy of the Alberta government never to permit private prosecutions to be carried beyond the summons stage in private hands. My question is: since the right to prosecute, to the end if so desired, is open to any citizen under the law, on what basis does the Attorney General routinely usurp that right?

MR. ROSTAD: Mr. Speaker, it's always important for people to realize that they do have a right to bring forward any instance that they think they have suffered a wrong. Under the Department of the Attorney General Act there's a couple of instances that have been interpreted to mean that the Attorney General has

the overall responsibility for the prosecution of criminal offences. That policy decision has been made, and that does not block or prevent anybody from bringing forward any particular instance that they think they're wronged.

MR. SPEAKER: Supplementary question.

MR. WRIGHT: Yes. But what principle does the department proceed on for staying, other than either abuse of process or a frivolous prosecution? Aren't those the only two bases on which they can rightly interfere?

MR. ROSTAD: Mr. Speaker, that policy decision is made because of the interpretation of the Act. Also, it does not preclude anyone from bringing forward their private information. That information is then reviewed with the Attorney General's department, with the special prosecutions branch, and to ensure that not only the technicalities are done but that there are adequate investigations to ensure that there is enough evidence that would also help in the terms of the administration of the court procedures. It does not preclude anyone from bringing it forward, and I can assure you from the Attorney General's department that in each instance they're thoroughly investigated.

MR. SPEAKER: Second supplementary.

MR. WRIGHT: Yes, Mr. Speaker. That's all very well, but as in the cases mentioned, the prosecution in effect is of a department or authority under the wing of the government. What safeguards exist to resolve the obvious conflict of interest inherent in the Attorney General's exercise of his discretion to stay in such cases?

MR. ROSTAD: Mr. Speaker, I'm not so sure what instances are brought forward where there's a perceived conflict of interest. I can mention one where a prosecutor within the Attorney General's department was in fact charged. That was then put out to an agency relationship and thoroughly investigated, prosecuted, and the person found to be guilty. In the instance of the cases brought forward, the Daishowa case, which I believe was raised on the May 19 date the hon. member mentioned, Mr. Wylenko brought forward some evidence. At the time when it was investigated, it was found not to be sufficient to proceed. Mr. Wylenko then provided me personally with some of that evidence, which was passed to the Attorney General. The Attorney General's department is having that investigated. If there is sufficient evidence for the charge to proceed, the stay of the prosecution will be abated and proceeded with.

In the instance of some of the police investigations that have gone on within the city of Edmonton, the one that comes to fore the most, the Navarrete/Aqueros case, which was stayed on a private prosecution . . . There is going to be an inquiry held in that matter. If there is evidence from that inquiry, the information will be relayed and proceeded with.

MR. WRIGHT: But, Mr. Speaker, we come back to the basic question. Why not let the private prosecutor go to the end if he, she, or it is prepared to? Why not let justice be administered in accordance with the Act? Why the Big Brother?

MR. ROSTAD: Mr. Speaker, I don't agree with the hon. member that it is a Big Brother approach. The Act specifically gives the Attorney General that jurisdiction. The Attorney General

does not squelch or stay an unpredictable, or even a predictable or without evidence, a particular case. Each one is thoroughly investigated with assurances of there being no conflict of interest. If there are sufficient evidences brought forward, the case is then prosecuted. If not, it's not, and it has not clogged up the administration of justice but with the assurance that the private individual is not unduly handled.

MR. CHUMIR: Mr. Speaker, in light of the pattern that is being established and a concern with respect to the manner of administration of justice, I wonder whether the minister might now admit that there is a need to set up a system in these instances where an independent opinion can be obtained based on which those who wish to proceed with the private prosecution could do so with their own attorneys if the government is not prepared to have its own prosecutors proceed, as is the case in these instances and as is a problem, since . . .

MR. SPEAKER: Thank you. hon. member.

MR. ROSTAD: Mr. Speaker, as I've pointed out to the hon. Member for Edmonton-Strathcona, that is not the case. Where there is any colour of conflict, an agency relationship is established and a private law firm investigates and would bring forward the prosecution if there is sufficient evidence.

MR. SPEAKER: Thank you.
Main question, Westlock-Sturgeon.

Home Care Funding

MR. TAYLOR: Thank you, Mr. Speaker. My question today, too, is to the Premier. One of the most basic anchors of a good family life is the care and security of the grandparents, who often provide the wise counseling and also often some of the extra home labour to keep a home with children functioning as a unit through thick and thin. Yet we have seen this government through its niggardly funding of local health boards, which in turn finance home care for seniors, appear to be trying to force seniors into institutions like nursing homes and auxiliary hospitals. My question is: would the Premier agree that supportive and happy elderly living in the community are a backstop and a move towards family stability?

MR. GETTY: Yes, I would, Mr. Speaker, and I would also point out that the hon. member is completely wrong about the government's policies. The government has been working over some period of time; it's been debated in this Legislature all through the estimates that the government's move is to try and move people out of institutions into homes, into communities. That's part of the initiatives in the strengthening of the family. That's part of the initiatives that are in the Caring & Responsibility paper that's before the House, and it shows the fundamental difference between ourselves and the opposition, where we feel that it is moving them away from state-controlled institutions more and more into the community and the family.

MR. TAYLOR: Mr. Speaker, this defies the fact that there are more people in institutions in Alberta per capita than in any other political administration in North America. Even using page 28 of his budget here shows a measly 1.1 percent increase in home care programs.

Would the Premier, then, agree to meet with his minister of

community health to put the proper funding in there to keep the seniors in the community; for example, so that Calgary wouldn't be over \$100,000 a month short of being able to keep seniors in their homes?

MR. GETTY: Mr. Speaker, quite often the hon. member gives us statistics. With a sober second look you can find the statistics are pretty convoluted and pretty inaccurate, and so I'm not going to accept any statistics he provides the House; the record is so bad.

But I will say this: the Minister of Community and Occupational Health and I meet often, and we feel that that minister and that department -- which is, by the way, a new department in this government, one that is preoccupied with community health, with preventative health. It's a major initiative of this government, and we are working with the communities and we find there is a terrific acceptance with the communities and the local health units. The hon. minister was talking about this just the other day in the House, and he may want to supplement my comments. Because we find Albertans are responding very, very positively to the government's help in this whole area of building community strength.

MR. TAYLOR: Talk is very cheap, Mr. Speaker, and if you don't mind, I will file page 28 showing \$31.708 million funding into home care for the year.

But to the Premier then. Is the Premier aware, Mr. Speaker, that the government now spends \$392 a day for an active treatment hospital bed, \$113 a day for an auxiliary one, and less than \$10 a day for home care? So why is this government putting such a colossal pressure on our seniors, breaking up our family units, to put them into these sterilized aluminum and glass shelters that we built all over hell and half of Georgia?

MR. GETTY: Well, there's another example, I guess, Mr. Speaker, of inaccurate information. One of the things I would just say to the hon. member he should not prepare his questions in advance and then ignore the answers. It was the very thing that other members in his caucus were doing yesterday.

As I said, the government's move and initiatives now are that we are moving people out of institutions into the community. That has been going on all over Alberta. The Minister of Social Services was telling the House about those moves. It was the very members here who were saying, "Get them out into other places, into institutions." I heard the hon. leader of the Liberal Party demanding that more people go into an institution out somewhere by Sherwood Park. The minister was saying, "No, we're not putting them into institutions; we're trying to get them into the home and community environment," and the Minister of Community and Occupational Health as well. That's the initiative of this government. The hon. member's statistics just fly in the face of facts.

MR. TAYLOR: I mean, it would be humorous. Mr. Speaker, if it wasn't so pathetic. Does the Premier realize that a measly 10 percent increase in the home care budget, which would be a fantastic amount to the home care people, would be \$3.2 million? And that is less than the interest that the taxpayers pay on Mr. Pocklington's guarantee. That's less than the interest, \$3.2 million a year at 10 percent. Would he do that?

MR. GETTY: Well. Mr. Speaker, the hon. member can draw analogies, again in an inaccurate way, which he tries to do.

which is fine with me. I've been in opposition; I understand what you try to do over there. I must say the hon. member does it fairly poorly. Nevertheless, this government's home care program was the first in North America. This government's home care program is a model for all other provinces in Canada. They come and visit us to observe these programs, to talk to us. I've had them discussed at first ministers' meetings with other Premiers, and they say that that model, that breakthrough, is something they are wishing to copy. No, the people of Alberta through their taxes have done more for the assistance of senior citizens, and it's a tremendous commitment of taxes of the people of Alberta. They're proud to do it, because we want our pioneers, the people who built this province, to have the best programs in the world. That's what they're receiving.

MRS. MIROSH: Could the Minister of Community and Occupational Health indicate to this Assembly the amount of seniors and the proportion of home care that is being provided to the seniors with that steady growth, and is there some balance?

MR. DINNING: It is an excellent question, Mr. Speaker, which only a government member would choose to bring up, because it is good news. The home care program in this province has doubled over the last four and a half years. Today some 12,000 Albertans a month receive home care through the home care program, and about 25,000 people in total received home care last year. We have said that we believe we have a good program now. We have a program which provides a solid base for the future. That was outlined in a report prepared by my colleague the MLA for Calgary-Glenmore, in the paper *A New Vision for Long Term Care* for the future. I'm confident that as that paper is receiving some tremendous response from around this province as to the ideas in it, this government is going to respond to those positive reactions to the discussion paper and continue with that commitment and continue with the trend we have had in the past in doubling that program in the last four and a half years. Hopefully, we'll accelerate that trend.

MR. MARTIN: It's interesting how you can use figures going back four and a half years. But, Mr. Speaker, the reality was that there is a 1.1 percent increase, but since 1987 in fact there's been a cut. My question to the Premier. If he believes in all the things he's said, will he in fact, then, at least move now to restore the funding to the pre-1987 budget?

MR. GETTY: As I said earlier, the hon. leader of the Liberal Party falls into problems with trying to provide statistics, and now the leader of the NDP as well. They don't even take into account the dollars that are going into the home repair program. That is to provide people to upgrade their homes, allow them, seniors, to stay in their homes, up to \$3,000 per home. They have building into their homes the needs that seniors have in their homes. That's home care, Mr. Speaker, making that home a better place for them, a place where they can enjoy life in the community. Fuel subsidies, property tax rebate, the home care program itself: these are all programs in this province that help our seniors to have the best services in North America. We're going to keep it that way. We would look always for ways to improve it. I've asked the Minister of Community and Occupational Health to continue to find ways to help them and improve those services. But we're working from the basis of the best in North America, and we're proud of it.

Employment Statistics and Initiatives

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Career Development and Employment, and it's with regards to a review we've done of the annual reports of 1985-86, '86-87 of the department and noting in there a decline in the number of trainees in some of the employment programs. For example, the Alberta training program has gone in the one fiscal year to the next from 14,000 to 10,000; the Alberta wage subsidy program, from some 23,000 down to 10,000; the Alberta environment employment program, from just over 1,000 to 695; the employment skills program, from 702 to 400; the special placement work experience program, from 50 to 35, which is not really significant in itself. My question to the minister is: could the minister indicate the reasons for the decline and the impact that those programs are having in terms of youth employment or training employment in the year 1987-88?

MR. ORMAN: Mr. Speaker, as I recall from my discussion in this Assembly of my department's estimates, I did reflect to the hon. members that we did in planning our budget for '88-89 take into consideration the strengthening economy here in Alberta. At that time I believe I indicated that, firstly, we will be moving employment dollars for job creation into the training area and moving some training dollars around into other programs within the same vote, which is vote 2, to match the demand that we've experienced over the years.

I want to point out two things to the hon. member, Mr. Speaker. Firstly, our forecast for a strengthening economy I think is reflected in the employment statistics that came out today. As the hon. Premier indicated, we have a record number of Albertans working in the province this May, and we're very pleased about that. Our unemployment rate has dropped from 9.6 percent this time last year to 7.6 percent. That's a tremendous growth in the health and the state of this economy.

Mr. Speaker, with regard to the training programs the hon. Member for Little Bow brings out, we have instituted new training programs that we have moved dollars around from in the vote, so the industry-based training program will receive dollars from other training programs. I should also point out with regard to job creation... He brings out the environment program. That is now rolled into the Alberta business and community development program.

MR. R. SPEAKER: Mr. Speaker, supplementary to the minister. Could the minister indicate the employment rate in terms of the youth of Alberta? They have come from our universities and our high schools and are out on the job market. Have we been able to supply to them, through various means, adequate employment?

MR. ORMAN: Mr. Speaker, this time of year youth employment is foremost on my mind because, of course, we do our summer temporary employment programming for youth, and we watch it very closely to determine whether or not there are more dollars needed for that program. I should point out in response to the Member for Little Bow's question that youth employment in the province is the highest it's ever been in recorded history. We have almost 100,000 students now employed in the province this May. That is very significant, particularly this time of year when young people are moving from school into the labour market. I should also point out that that is down 6.7 percentage points from this time last year, unprecedented in the history of

this province.

MR. R. SPEAKER: Mr. Speaker, supplementary to the minister. In light of the current employment statistics that were noted, would the minister foresee, in terms of his current budget expenditures, a reduction in expenditures due to that fact or would there be a transfer of these dollars into other functions?

MR. ORMAN: Mr. Speaker, it is my preference that the private sector and the small businesses out there are responsible for job creation. I would be more than pleased if I could say that I have no dollars necessary for youth employment in this province, that in fact the private sector is creating those jobs. I should point out, in light of the fact that we have record employment for youth in this province and we have not increased our youth employment budget, that I think that is purely a reflection of the health of the economy and that the private sector is taking responsibility in doing their job for hiring youth during the busy summer months.

MR. PAYNE: A supplementary, Mr. Speaker. From the minister's analysis of the StatsCan labour force data, is he prepared to indicate to the House today whether he feels Alberta will continue to see employment gains over the next six months or so?

MR. ORMAN: Mr. Speaker, I have been loathe to predict and try and project employment rates for the coming months. It certainly has its hazards in this particular job. But I should point out to the member that even though the statistics are strong, show the strength of this economy, I do not believe it is time to sit back and put our feet up. and I know my colleagues don't believe that either. I had released today with the employment statistics a list of some 14 projects that either are under way or planned for the coming five years. Those projects will invest in excess of \$5 billion in this province. Our estimates are that that will create an additional 32,000 jobs in the province of Alberta in the coming five years. I should also point out, Mr. Speaker, that about 6,000 of those will be in Edmonton and about 4,000 will be in Calgary, and I think it's a reflection of our commitment to bringing down the unemployment rates throughout the province of Alberta.

MR. SPEAKER: Edmonton-Highlands, supplementary.

MS BARRETT: Yes, Mr. Speaker. There is hidden unemployment in Alberta, and it's particularly hidden when it comes to those who are over the age of 45, and especially women. Given the slack in his budget now that he's been able to reduce the number of positions that he's willing to sponsor for young people, is the minister prepared to announce a new initiative to help those people over 45 get back into the work force -- without offering training, retraining, and overtraining, but actually help them get jobs?

MR. ORMAN: Well, it is an ongoing concern of this government about the unemployment levels for individuals who are 45 years of age and older. I think of it more most recently, Mr. Speaker, as I just reached my 40th birthday and, obviously, pay more attention to those statistics. I should say that we fund non-profit organizations in Calgary, Edmonton, Lethbridge, and other major centres that we rely on to deliver programming and job search opportunities for people in excess of the age of 45.

But to the member's point, Mr. Speaker: last May 1987 the

unemployment rate for that category, 45 to 64, was 8.3 percent, and this May it is down to 6.3 percent, which is lower than our overall unemployment rate.

MR. SPEAKER: Red Deer-North, followed by Edmonton-Glengarry.

Family Support Strategies

(continued)

MR. DAY: Thank you, Mr. Speaker. My questions are to the Minister of Social Services. Recent studies that were reported in the *Journal of Research in Crime and Delinquency* of 11,000 urban residents of high-, medium-, and low-income groups criticize theories that attribute crime to poverty since when family structure is taken into account, "the effect of poverty on [crime] rates [according to the reports] becomes insignificant and slightly negative."

The reports says that:

The percentage of single-parent households with children between the ages of 12 and 20 is significantly associated with rates of violent crime and burglary

and that income is not the overwhelming factor. Could the minister please tell us if her managers and workers are aware of these statistics when they prepare their assessments and work with these families?

MRS. OSTERMAN: Well, Mr. Speaker, we try very hard to stay on top of the information and studies that are available. I think the hon. member is speaking about a University of Maryland study that was very extensive and seems to fly in the face of a lot of long-held views with respect to a number of these issues. I have asked my people to take a look at that.

MR. DAY: Supplementary, Mr. Speaker, to the minister. In light of the fact that children from single-parent families are statistically vulnerable to being lured into delinquency, what preventative counseling measures do her social workers use which encourage families that are together but under stress to in fact stay together and to help them to do that?

MRS. OSTERMAN: Mr. Speaker, that's a very broad question in terms of our deliberations with respect to what families come to our attention. Obviously, most of the families in this province would not become the subject of attention by the Department of Social Services, but certainly for those who do come to our attention, we make every effort to stress the importance of the family. As well, where children in particular are in difficulty, we are stressing leaving them in their homes and providing counseling to the entire family.

MR. DAY: Supplementary, Mr. Speaker. Can the minister tell us, in light of a Canadian Survey of 11,000 wife abuse incidents which showed that one in 18 separated women were assaulted but only one in 500 married women were assaulted: is anything being done to advise families under stress of the negative effects of disintegration?

MRS. OSTERMAN: Mr. Speaker, I think it's important to note that public discussions of this area certainly do a lot to hopefully make the public aware -- the public who might be involved in this sort of situation -- of the hazards and some of the more negative aspects of family breakdown. I think it's very difficult for one department to address the entire issue of family break-

down, but certainly it is our intention to publish as much information as possible, particularly through the reporting that's done out of the area of family violence prevention that comes out of Social Services.

MR. DAY: Final supplementary, Mr. Speaker. We're pleased to hear that social workers are working in the family and with the family on-site. Is the minister planning on expanding that particular type of approach?

MRS. OSTERMAN: Mr. Speaker, certainly it would be our emphasis, based on the reality of budget restraints and so on, to work on this area. Historically we've had a high emphasis on institutional care. I think that in almost every aspect of our society, whether it has been with respect to our education, and then eventual apprehension of native children, to the other children that we would say are in the broader spectrum of society -- we believe that the information available to us now indicates that this has not been the wisest choice of methods in dealing with kids. Obviously, the hon. member is speaking to the need of earlier intervention, how the Department of Social Services can become involved without usurping the authority of the family. I think that is a reasonable discussion to have in this Assembly and outside. Many people, as a result of the discussions inside the Assembly, particularly evolving from question period, are now involved in speaking to the issue.

MR. SPEAKER: Thank you.

MS LAING: Mr. Speaker, to the Minister of Social Services. I'm wondering if she is aware of the fact that 47 percent of single-parent families headed by women in fact live below the poverty line, that the majority of women that are assaulted that are not in an ongoing relationship are assaulted by a former partner, and that the assault prior to the breakup may have been the cause of the breakup. Would she take cognizance of these matters before she fell into the trap of blaming single parenting as the cause for problems with juveniles?

MRS. OSTERMAN: Mr. Speaker, I think there will always be some level or some amount of diversity in interpretation of statistics and so on. I'm not sure I would agree with the hon. member with respect to her interpretation, though I would certainly be happy to speak to that.

But the hon. member raised the aspect of the poverty line. I think all of us know that this is a moving line. It is not a line that discusses the amount that is required for food, clothing, and shelter; it is a line that speaks to averages in the country and the amount of disposable income. I would not agree with the hon. member if she is drawing the conclusion that those of us or others who have lived or are living below the so-called poverty line are in a position where somehow their lives are less worthy than those who happen to be more financially well off.

MR. SPEAKER: Thank you.
Edmonton-Gold Bar.

MRS. HEWES: Thanks, Mr. Speaker. My supplementary is to the Premier, on the same issue. Since the Premier has stated that he supports strengthening of the family unit, will the Premier then support a policy of this government that would keep and protect battered women and children in their own homes and which would result in the immediate removal of the abuser

rather than the reverse, which is now happening?

MR. GETTY: I thank the hon. member for the initiative. Certainly we will look at that, Mr. Speaker, to see if it can be accomplished. I think, just on the quick response, it seems to have some considerable benefits if it can be done legally and within most financial restraints. I appreciate the hon. member raising a positive matter. One of the things I've been disappointed about by the opposition when we've discussed the whole subject of strengthening the family is that so caught up have they been in opposing and being negative about things . . . They've tried to actually hit the initiative. This is very positive, and I appreciate it.

MR. SPEAKER: Member for Edmonton-Glengarry.

Rural Postal Service

MR. YOUNIE: Thank you very much, Mr. Speaker. My question is to the Premier. Members will know that the group Rural Dignity recently passed through Alberta collecting signatures from thousands of citizens rightly concerned that they could soon lose their local post office. Those Albertans were shocked to learn that when their petitions were delivered to the Prime Minister's Office in Ottawa this week, one of his aides told the bearers to stick them in their left ear. Even more shocking was yesterday's news that Canada Post plans to close or privatize every single one of Alberta's rural post offices over the next 10 years. Given that a group of volunteers was willing to travel across the country to express the views of rural Albertans in Ottawa, is the Premier, an elected official, now willing to do the same thing?

MR. GETTY: Mr. Speaker, it's interesting it would be raised now since it's been raised in the House at least four or five times already and has been responded to by the Minister of Federal and Intergovernmental Affairs, who has mentioned: first, obviously that's a federal responsibility; secondly, the Members of Parliament from this province should be approached to make sure they express their views; and the minister of intergovernmental affairs said that he would also carry that message.

MR. SPEAKER: The time for question period has expired. Might we have unanimous consent to complete this series of questions?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

SOME HON. MEMBERS: No.

MR. SPEAKER: The Chair hears a no.

ORDERS OF THE DAY

MR. SPEAKER: Might we have unanimous consent to revert briefly to the Introduction of Special Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? [interjections] Order, thank you. [interjections] Order, thank you.

AN HON. MEMBER: You'd better take control.

MR. SPEAKER: Order.

MS BARRETT: Well, there was a protocol involved before, Mr. Speaker, and they keep breaking it.

MR. SPEAKER: Thank you, hon. member.

MR. TAYLOR: We just want to play post office, Mr. Speaker.

MR. SPEAKER: If you want to play post office, perhaps you could kiss and make up.

The Chair recognizes Red Deer-North, followed by the Minister of Agriculture.

head: **INTRODUCTION OF SPECIAL GUESTS**
(*reversion*)

MR. DAY: Thank you, Mr. Speaker. Speaking for my colleague from Red Deer-South, it's my pleasure to introduce to you today a group of fine students from G.W. Smith school. They're in grade 6. There are 46 of them. They're here with their teachers Robert Reed and Maryl Russell and parents Chris Hume, Derek Hoskin, Marg Hoffman, Debbie Arnold, Leona Schroeder, and Pat Freedman. They were driven safely here by their bus driver Elvin Janzen. I'd ask them to stand and receive the warm welcome of this Assembly. I believe they're in the public gallery.

MR. ELZINGA: It's my pleasure, sir, to introduce to you and to Members of the Legislative Assembly, 70 members of Our Lady of Perpetual Help school from grade 6. They are here with their teachers Mrs. Retallack, Mrs. Hawkins, Mr. Ziebart, and a parent Mrs. MacGillivray. They're in the members' gallery. I look forward to meeting with them after, and I would ask if they would rise and receive the warm welcome of this Legislative Assembly.

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

Bill 22
Labour Relations Code

[Adjourned debate on subamendment to motion for second reading, June 7: Mr. Young]

MR. SPEAKER: The Member for Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Speaker. I rise and I want to get into the debate on Bill 22. I think this Bill is perhaps the most outrageous piece of legislation that's been presented in this House for some time. It's outrageous in the fact that it contravenes the Charter of Rights and Freedoms of this country. I was amazed that the minister would bring that type of legislation into this House after the rather extensive and expensive excursions that were made throughout the world to study labour legislation. I wondered where it is that the minister was able to determine that this legislation is somewhere prevalent in another country in this world. I then attempted to follow his tour, and I noticed he didn't go to places like South Africa; he didn't go to Chile. Yet the countries that he did visit do not have those kinds

of statutes in their books relative to labour; in fact, many of them are really quite the opposite. So it really concerns me that somewhere, somehow, the minister was persuaded that the provision of section 81, for example, is appropriate for this province, as a result of his experience of touring the world to determine labour legislation that would be applicable to this province.

I'm also going to make some assumptions, Mr. Speaker, that the minister might well be reacting to a situation that developed in this city a couple of years ago, the now famous 66th Street strike, where certainly the efforts of both sides were vividly demonstrated on the streets. Again, that one incident somehow to me does not make the rationale for the minister to proceed with this type of legislation, particularly when I believe that it is in violation of the Charter of Rights and Freedoms of the people of this country and this province.

Now, the amendment before us states:

... this Assembly declare it will not give a second reading to this Bill until such time as it is assured that, in the opinion of the Alberta Court of Appeal, none of the Bill's provisions contravene the Charter,

the Charter, of course, being the Charter of Rights and Freedoms.

The minister did, I understand, make some comments that he was contemplating changes, but he has not done that. The minister in question period some time ago did attempt to cite Supreme Court decisions that would justify a provision of this particular Bill, and he cited the case of the Retail, Wholesale, and Department Store Workers Local 580 versus Dolphin Delivery. At that time the minister quoted, and I will read into the record, the decision of the Supreme Court. It said:

It is necessary in the general social interest that picketing be regulated and sometimes limited. It is reasonable to restrain picketing so that a conflict will not escalate beyond the actual parties.

That may well suggest, as the minister has interpreted it, that indeed there cannot be supportive picketing as is being spelled out in this Bill, but I think the proper interpretation of that particular decision of the courts is really quite different. It does not suggest that people who are either on strike or on a lockout cannot persuade the population of that particular area to join them on a picket line. Nor does this ruling, in our interpretation and in the interpretation of studied, learned people, the legal profession, suggest there cannot be encouragement of boycott of a certain company the strike or lockout is at.

I think what that particular decision meant was that it was limiting on secondary picketing of a third party, which is really quite different from how the minister has interpreted it. Let me give you an example of what that really means. If, for example, I stood out in front of a particular store that was selling a particular product against which a strike was in place and encouraged the customers coming into that store to buy products against which picketing was taking place, then that is considered to be prohibitive under the Constitution, and it is the laws under which the decision of the Supreme Court was made. It's basically referring to the secondary picketing of third parties rather than the suggestion that somehow if a local union's on strike or is locked out, they cannot persuade people to join them on the picket line.

But even beyond that, Mr. Speaker, the real significance of this Bill is that it is on a long-term basis going to make criminals of men, women, and children, because I don't know how it is the minister intends to prevent people joining someone on the picket line. I suspect he's going to use the police, a gestapo type

of policing, which in itself, I suppose, might be acceptable to him but I'm sure will not be accepted by the general population. I believe the Charter of Rights gives people the right to association, the freedom of association and of expression. The minister has gone beyond that point and suggested simply he will make a Bill, prohibit people from joining people on the picket line, and that is going to resolve labour disputes in this province somehow. Nothing could be further from the truth, Mr. Speaker. There's no way that even outlawing strikes has prevented people from going on strike. How are you going to prevent people who are simply innocent citizens who want to participate or want to express their thoughts of a particular situation somehow not going to a picket line to assist those who they believe are doing the right thing?

[Mr. Deputy Speaker in the Chair]

How is the minister to this legislation proposing to stop boycotts? I haven't bought California grapes for years and years. I probably as a habit now will not continue to do that. I will not buy Gainers products again, as many other people do not. I'm not sure how it is that this legislation is going to prevent me or, because a particular union has encouraged people not to buy a particular product, I will be charged for participating in a boycott.

Mr. Speaker, this Bill, as I said from the outset, is an outrage. It infringes on my rights. It infringes on the rights of every Albertan to the guaranteed rights and freedoms we have under the Charter in this country. Quite simply, I believe the government has introduced some of the most regressive legislation that prohibits rights and freedoms, has refused to recognize that there are provisions in this country that allow for the rights and freedoms of people to associate and to partake in activities that are legal. It seems to me, Mr. Speaker, that the minister is reacting -- and I hope that's not the case, but certainly one has to assume that seems to be the case -- to an individual rather than to the concerns of the citizens of this province. When an individual, as the owner of Gainers, can have the influence they had with this government during the strike and it seems to have carried over into proposed legislation, then, Mr. Speaker, I think we are in a sorry state of affairs when one person can dictate to government the type of legislation that is going to be imposed on the workers and the citizens of this country.

I now come back again to the issue of boycotts. Surely as a citizen of this province, if I choose to be convinced by a group of people that a certain employer is not a fair employer, that the employees suggest that to assist them in dealing with this unfair employer I should not purchase his goods, products, or services, then I believe I should be able to make that decision, and those that have asked me or persuaded me to do that for some reason should not be held responsible for that. After all, a strike is basically an economic struggle. It's an economic struggle between two parties who, because they have a collective agreement, do not agree on the conclusion or how that agreement might be reached. Consequently, it's economic pressures on both sides of the table. And I think only if each party is permitted to use all the ammunition in its arsenal to win its economic side, then that's the process through which collective bargaining works, and it has worked well over the years. This kind of intervention into that process I fear is simply going to compound what started on 66th Street. I think it appears like the minister is going to extend it to almost every dispute in this province. That again, as I say, is going to make criminals of many people who

for one reason or another choose to partake in a strike action or in a boycott. And that, Mr. Speaker, in my opinion is a total violation of my rights and the rights of the people and citizens of this province.

It is for those reasons that I support this amendment that this Bill should not be given second reading "until such time as it is assured that, in the opinion of the Alberta Court of Appeal, none of the Bill's provisions contravene the Charter."

MR. DEPUTY SPEAKER: Ready for the question?

Hon. Member for Calgary-Mountain View, on the subamendment.

MR. HAWKESWORTH: Thank you, Mr. Speaker. I'm pleased to be able to rise this morning in support of the subamendment on the floor of the Legislature. The Alberta Court of Appeal, as we know, plays a very important role in many ways in the interpretation of law, either through actions initiated through the court system or as a possibility open to the government in referring a matter to this court for its opinion and direction to the government on various pieces of legislation. And so it is that in particular this Charter of Rights and Freedoms which we now have as part of the Constitution of the country has such overriding importance now, and is having more and more in the cases the Alberta Court of Appeal is hearing, that it would make sense to me that this Bill ought to be referred by the government to the Alberta court. I have a number of reasons for encouraging or advocating the government to do that. It's obvious, Mr. Speaker, that this Charter of Rights and Freedoms in particular, as it's being interpreted by the courts in both our province and federally, is having and is going to have a profound influence and change on the character of our society. In particular, I think it's going to have a profound effect on how we view ourselves as citizens and what we as citizens see as our expectations of how we ought to be treated by government and in various pieces of legislation which government enacts from time to time.

As we are all aware in this Legislature, in this Assembly, there is a recent case before the Alberta Court of Appeal in respect to the Criminal Code. In that decision it's obvious, Mr. Speaker, that the court itself places a high priority on the Charter's provisions for freedom of thought, belief, opinion, and expression, much more so than we expected in the past. So as a result of that particular decision, I think people are rethinking how important freedom of speech and freedom of belief and opinion are. These decisions are also challenging our views of ourselves. Things that we might have been content to accept in the past are not things we'll be so content to accept in the future as a result of these rulings. These decisions, Mr. Speaker, in interpreting the Charter of Rights I believe introduce some new concepts of fairness and what constitutes justice within our society. It places, I think, a much higher emphasis on the individual freedoms which we as individuals in society enjoy. I don't know to what extent, however, decisions of the courts will in the future determine our collective rights or rights of collective groups to whom we belong in society. But certainly for those individuals both in Alberta and throughout the country, I think the direction of the courts in interpreting the Charter of Rights and Freedoms certainly is plain and putting a great deal of emphasis on the fundamental freedoms found within the Charter.

Now, that, Mr. Speaker, is the context. As it's quite clear in this Charter of Rights and Freedoms, the application of this Charter under section 32 applies

to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

That means, Mr. Speaker, that Bill 22 in front of us quite clearly has to come under the mandate or the umbrella provided by the Charter of Rights and Freedoms. Only in those instances where the minister or the government specifically declares that that Act is going to operate

notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter,

only if that "notwithstanding" clause is invoked would any Bill presented to the Legislature be exempt.

Well, Mr. Speaker, there has been no request or no declaration I have been able to find in any form that Bill 22 is going to fall under that "notwithstanding" section, section 33 of the Charter of Rights and Freedoms. Therefore, in viewing these provisions, all members of the Assembly have to be guided in our deliberations by what is contained in that Charter of Rights and Freedoms and view this and evaluate it in that context.

Mr. Speaker, given that some of the sections already pointed out appear, certainly on a superficial or a preliminary basis, to violate some of those fundamental freedoms, it would seem only prudent to me for the minister or the government to refer this Bill to the Court of Appeal for their determination and give guidance to the Legislature and to the government on what areas are, in the opinion of the court, within the jurisdiction of the Charter of Rights and Freedoms and which ones violate those provisions. As has been pointed out, there are some particular provisions within this Act that are causing a great deal of concern to members of the Official Opposition because of the Charter of Rights and Freedoms.

Now, the minister has given some indication that he intends to clarify the intent of the government, which doesn't in any way assure me, Mr. Speaker, that the changes would be substantive within section 81. But even in the case that the minister is contemplating some major changes, it would seem prudent to me that this is a section rife with all kinds of opportunities for people to pursue the issue through the courts -- that it would be prudent for the minister not only to refer this section but any proposed amendments he might be considering to the Court of Appeal for their determination in terms of the Charter of Rights and Freedoms.

We've talked of this section of the Act, section 81, in terms of the right to freedom of peaceful assembly and freedom of association, Mr. Speaker. But it seems to me there are a lot of people in this province whose actions in the past have been motivated by their religious beliefs who also could potentially fall under the provisions of section 81 regarding support picketing or the encouragement of a boycott against an employer in a labour dispute. This is one that I think we would be remiss if we overlooked, because as we know from experience, just recently in the last two years, particularly regarding the strike at Gainers company here in Edmonton, there were a lot of people who became involved in that strike in support of the workers at that strike, motivated as a result of the religious teachings of the church to which they belonged. Many of them were Catholic. Many of them were motivated and felt that the teachings of the Catholic church, particularly the encyclical letter of Pope John Paul II on human work, in essence told them that to express their Christian faith they needed to show solidarity and support for those workers on that picket line.

As Pope John Paul pointed out in that encyclical, Human work is the key, probably the essential key, to the whole social question . . . Human beings are the subjects of

work. Human work has an ethical value of its own.

As a result of their reflections on these teachings and the gospel, many of these people went out to support their fellow Christians, many of whom were members of parishes in that area of the city. In reflection on that, it was certainly an important expression of their religious faith for them to show their support for the labour unions and the workers who were on that picket line. So every morning a group of them assembled. They honoured the injunction that was placed on them by the courts not to assemble right at the gates of the plant, but outside, away from the zone established by the courts, they had a morning prayer vigil with workers at the strike as well as people from around the city who were there to show their support.

A number of people commented at the time that it was that sort of action that helped give the people on the picket line the view that they were not alone. It had a way of reducing the tension that existed at that time. It had a way of reducing the fear that the people who were part of that work stoppage were experiencing at the time. One of the people who was doing a radio commentary at the time, a psychologist, was quoted on CBC radio as saying:

A palpable wave of relief spread through the crowd when a Franciscan Father indicated that trade unions enjoy the support of the Catholic church. Not only did this parish open its doors and provide shade, coffee, and juice for the kids, but an institution, a big one, had not abandoned the workers in their strike. The strikers spoke among themselves about it. I felt the reduction in their fear.

Well, Mr. Speaker, for those people who were out there in support of the workers at the picket line, it was for that very purpose that they were there: to try and help ease the sense of confrontation that was there. It was for them a tangible and real support of their religious faith to be in support of that strike. I think it did have, and other people acknowledged it had, a very tangible effect in helping keep the tensions, as much as could be in the circumstances, to a minimum.

So, Mr. Speaker, what this Bill does in section 81 is say that people, as I interpret it -- and this is why I think it's so important to refer to the Alberta Court of Appeal. It would seem to me that in those circumstances in the future, if Bill 22 is adopted, individuals who want to show that sort of intention as a way of helping people get through a difficult situation in as peaceful a manner as they can could, in effect end up being charged under this section as breaking the law. It seems to me that if we're going to be telling people that to provide that kind of support as a way of expressing their freedom of religion they would violate one of the laws of this province, I don't think that is the intent of the minister. I certainly hope it's not the intent. But I think that would have the practical effect in the future. So it's not just under the freedom of association or the freedom of peaceable assembly that we should be asking the court to review these provisions; I think it also is important to review the provision regarding the freedom of conscience and religion as well.

Now, Mr. Speaker, I say it's important that we do this because the expectations of the public -- not just organized labour or individuals in organized labour -- the expectations of the public generally have changed as a result of the Charter of Rights and Freedoms being incorporated into the Constitution of this country. So now people, when they see that others have their rights violated or threatened under an Act -- they themselves may not be a part of an organized labour group, but they would feel sympathetic if others' rights are violated even though they may not feel that they personally have had their rights violated. So there's an element in the broad public opinion that we have

to be conscious of as legislators in adopting various pieces of legislation: that we do now to the best of our ability conform our legislation so that it doesn't violate these fundamental rights in our country, not just to protect the rights of minorities but also to be cognizant of the expectations of the public.

I think this is going to alter . . . Maybe we're now only dimly aware of the long-term implications of this Charter of Rights and Freedoms, Mr. Speaker, but I can see it coming that the expectations of the public out there are being raised, and we must be very careful as legislators not to violate it. For example, in the area of equality rights. I've mentioned the fundamental rights which are the first few provisions within the Charter, but as well, equality rights are outlined in section 15 of the Charter. In this section it states:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination.

The section then goes on to make it particularly certain that those of our community or of our province who might be of a different

race, national or ethnic origin, colour, religion, sex, age or mental or physical disability

do not lose their rights under this section, that they're specifically protected by this section.

But, Mr. Speaker, what concerns me most at this point is the first half of that section, the right of every individual to equal protection and equal benefit of the law without discrimination. Now, as I see section 81 -- again, I'm not a lawyer; this is just a layman reading this section -- I see that a right is provided to certain individuals. That is that

During a strike or lockout . . . at the striking or locked-out employees' place of employment [individuals can] peacefully persuade or endeavour to persuade anyone not to

(a) enter

et cetera. However, it goes on to say that other people are denied that right. So it seems to me, just in looking at this section, that there's a question in my mind that some individuals are being discriminated against. Some people have a right and other people do not have a right to be part of that action to peacefully persuade.

Once you set up in legislation benefits and protection to some groups and then specifically deny it to others, it seems to me you're looking at being questioned very much under the equality rights provision of the Charter of Rights and Freedoms. That's why I say to the minister: you know, on the surface it may seem quite simple, and maybe 15 or 20 years ago it might have been, to say that some individuals have certain rights and another group closely allied to it doesn't have those rights. But we're in a new environment in this country now since the implementation of the Charter of Rights and Freedoms. It would seem to me quite important that we get some judgment from the Court of Appeal about whether this is, in the context of the Charter of Rights and Freedoms, a suitable, correct legal discrimination or whether, in fact, it does violate the equality rights section of the Charter.

Mr. Speaker, there are other areas of the Bill -- and I only point to these as examples. I don't intend to say this is in any way a clause-by-clause study. It's simply to say there are a number of areas of the Act that I think merit and warrant this kind of referral and, as the subamendment says, to ensure that "the Bill's provisions," So I'm just picking a few here to illustrate the point that there are a number of areas under the Charter in which this Bill could require the interpretation of the court. For example, the definition of "employee" specifically does not

include . . . Well, it refers to fire fighters, and it also does not include members of various professions in the province. It also in doing so, at least in the past has hindered some people from exercising their rights to join a union of their choice. This came up, I take it when an attempt was made to organize some taxi drivers. It was interpreted that this particular sort of definition excluded them, that . . .

MR. DEPUTY SPEAKER: Order please. Excuse me, hon. member. As the hon. member well knows, the reason for a reasoned amendment is to argue a principle that's not within the Bill before the House. The hon. member is now dealing with something that, in fact, is [inaudible] the Bill. We must deal with principles that hon. members at second reading under reasoned amendments would like to see in the Bill. Would the hon. member please -- based on the decision already reached by the Chair that members may, in discussing the subamendment, refer to one section of the Bill, which has been done by the hon. member on several occasions: section 81 -- come back specifically to the subamendment before the House?

MR. HAWKESWORTH: Thank you, Mr. Speaker. I appreciate your comment. What I'd like to do is point to a number of provisions within the Act that I think would merit, in particular, the attention of the court. When we talk about employees, the way that is structured, it means that some individuals benefit from protection under this Act and some people are excluded from the benefit of this Act. As I was pointing out earlier, the equality rights section, section 15, states that that should not be discriminatory.

So I'm just asking the question in my mind as to whether these discriminations contained in the definition violate section 15 of the Charter of Rights and Freedoms, or do they not. It would seem to me something that the Court of Appeal should be asked to make the ruling on. Because the only other alternative would be for some individual out there in society, in the province, to challenge that through the courts, which ends up being very expensive, and if an individual is from, for example, the profession of taxi drivers, they may not have the resources to launch that kind of appeal. So again I say it seems prudent for us as legislators seeking just legislation in the Assembly to refer this matter to the Court of Appeal.

There is another area regarding dependent contractors. Many of them are tradespeople who, for some purposes, are in business for themselves but, in reality, depend on main contractors or primary employers for their livelihood. They're also disallowed from joining a trade union by this provision: again, just another example, Mr. Speaker, of how within one group of employees some are discriminated against and some are discriminated for; some have benefits under this Act and others are denied it. So it seems to me another reason why Bill 22 ought to be referred to the Court of Appeal.

For example, in the definition of "strike," it includes:

- (i) a cessation of work,
- (ii) a refusal to work, or
- (iii) a refusal to continue to work,

and it carries on.

Now, there are penalties also laid out in this Act for illegal strikes, and some of those have been pointed out in particular section 113, that unions that participate in an illegal strike can have their certification revoked. That's a very, very serious action for the Lieutenant Governor . . .

MR. DEPUTY SPEAKER: Order, hon. member. The Chair is reluctant to continually interrupt an hon. member's arguments in favour of the question before the House, but there has been a ruling of the Chair made previously that the Chair must stand by. And when hon. members are arguing a subamendment to a reasoned amendment -- the statement has been made many times -- it must deal with matters that are not within the Bill under discussion. Now, the Chair has ruled previously that hon. members may, in arguing a subamendment, refer to one section of the Bill. That decision was made some time ago, and the Chair stands by it.

The hon. Member for Calgary-Mountain View now has referred to section 113 of the Bill. That is not satisfactory to the Chair in view of the fact that the hon. member has already discussed section 81 of the Bill. Would the hon. member please come back, then, to the subamendment?

MR. WRIGHT: On a point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: Point of order, Edmonton-Strathcona.

MR. WRIGHT: I forget . . . I haven't looked up the Standing Order -- I'm sure you know it -- asking for the reasons for a ruling, and I'd be very much obliged if you would give me the reasons for only allowing reference to one section, perhaps just explicitly, when in a debate like this it's certainly relevant to refer to a number of possible constitutional difficulties.

MR. DEPUTY SPEAKER: Thank you, hon. member.
A point of order, Edmonton-Kingsway?

MR. McEACHERN: Yes. If I remember, you said something about it being a sort of custom or a sort of approach, and I would also be interested in your answer to the Member for Edmonton-Strathcona's question.

But a slightly different thought occurred to me. It seems to me we're discussing the principle of the Bill here. Some of the points within that Bill do illustrate the main principles of the Bill, and so it's pretty hard not to refer to several sections of the Bill in the context of the principles of the Bill. I don't think the member was getting, you know, too detailed, in terms of the kind of thing we'll get into at committee reading -- that he's talking about the principle those points illustrate. So I think that's really crucial to the arguments he's making.

MR. DEPUTY SPEAKER: On the point of order, Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. It'll be the only opportunity I have to address this subamendment, and I don't want to be also at the same time ruled out of order for basically repeating arguments that have previously been made. So in my remarks I've attempted to touch on section 81 of the Bill, but so as not to be caught in a double jeopardy in which I also then am ruled out of order for repeating arguments made by others, I've attempted to illustrate my reasons by going to other sections of the Charter of Rights and Freedoms to bring to bear on my argument. I've also attempted to go to some of the other provisions within Bill 22 as a way of illustrating my concern. And I did that quite deliberately, Mr. Speaker, in the hopes that hon. members would not find a focusing or a concentration on section 81, which other members have already addressed, as

being out of order.

So I believe you can appreciate the kind of double jeopardy I find myself in, if having started with illustrations from section 81, then I'm compelled to simply focus all my remarks in the one occasion I have to address the subamendment to section 81. It was not in any way an intention to ignore the direction given by the Chair, I just was, in fact, doing my best to follow previous direction on other rulings not to be repetitious of arguments others have made on the Bill.

MR. RUSSELL: Mr. Speaker . . .

MR. DEPUTY SPEAKER: The Deputy Premier.

MR. RUSSELL: Yes, Mr. Speaker. Speaking to the point of order and the ruling, I certainly support it. I'm looking at *Beauchesne*, section 745(2), and if the opposition is engaged in a filibuster in this Bill, at least we expect them to abide by the rules.

MR. DEPUTY SPEAKER: Members of the Assembly, on the point of order, the Chair was not ruling under Standing Order 23 but, in fact, on the decision made by the Chair several days ago. The Chair would advise hon. members to consult *Hansard* as to the ruling of the Speaker on that date. The point of order is not sustained.

Hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you very much, Mr. Speaker. Perhaps what I should have done in my remarks was begin by going firstly to section 7 of the Charter of Rights and Freedoms. Again, this is an important section, given that the "notwithstanding" clause specifically refers to the sections between 7 and 15, and I just should read section 7 for the record:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Well, this is an important one to this extent do workers on a jobsite have the right to walk off the jobsite in protest of safety conditions, or do they have the right to refuse to work if they feel that in doing so that was the only way they might be able to compel their employer to agree to improving the occupational health and safety of those employees at that worksite? And this is important, Mr. Speaker, given that the definition of "strike" may bring those employees under an illegal strike section of the Act and may, in the end, result in the possibility that the Lieutenant Governor in Council, as a result of an illegal strike, direct the Labour Relations Board to revoke the certification of that trade union.

It raises in my mind, by sort of going through the process of these definitions and looking at them in particular with the question of whether workers have the right to walk off the job -- even illegally walk off the job as defined by the Labour Relations Code as a way of protesting, specifically, safety conditions on the worksite -- does their

right to life, liberty and security of the person and the right not to be deprived thereof

under the Charter of Rights give them the kind of legal umbrella and support to do that, notwithstanding that in so doing they run the risk of losing their union certification under Bill 22? It's an important question, Mr. Speaker. As I say, I'm not a lawyer who's had experience in this area of the law, either personally or professionally, but it just seems to me there is a potential con-

flict at work here, given the kind of definition we find in the Act.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Glengarry.

MR. YOUNIE: Thank you very much, Mr. Speaker. As you've just instructed, I will attempt to discuss the confines of the sub-amendment as put forward by the Member for Edmonton-Highlands, and I will follow the Speaker's instruction that I should discuss principles that are not in the Bill. However, I would point out that almost every clause in the Bill is illustrative of some principle that is lacking in the Bill and the party that introduced it. So I find it hard to believe I can do a thorough job of discussing the subamendment only referring to one section of the Bill when they're all perfectly adequate for illustrating the point that the Bill lacks principles of every sort.

That notwithstanding, I think we have to look at the basic flaw in the Bill: what kind of Bill -- what is wrong with a Bill that an opposition party would want sent to the Alberta Court of Appeal to be reviewed to see if it, in fact does conform with the Charter of Rights of our country? One should suppose that a government that believed in the Charter and a government that was founded on ethics, on respect for freedom, and on a belief in people's rights would not have to be faced with an opposition bringing in a subamendment like this, and it should be an embarrassment to them that they're being held up to such scorn for having brought in a Bill that requires that.

As far as I can see, the Bill in fact is a direct attack on those very freedoms and rights that the Charter was designed to protect. We see a government bringing in a Bill that, in effect, is trying to do an end run around the Charter of Rights, to take away from people freedoms that were hard won and that are worth protecting. Again, you have to wonder what kind of government sets out to trample on people's rights. This is the kind of Bill that I think would not raise eyebrows in Chile or South Africa -- and apparently not in the Tory party of Canada -- but in most clear-thinking and freedom-loving Albertans it does a lot more than raise eyebrows: it raises temperatures and raises tempers, and if it is passed in its present state, we are going to see strike after strike that end in the kind of violence we saw in northeast Edmonton not all that long ago. This Bill as it stands now, without the benefit of a review and then some revisions resulting from a Court of Appeal review, is a guarantee, is almost designed to be a blueprint to bring about violence on the picket line, to raise people's anger to the point where they just say, "This is enough; I won't put up with any more." Even under our old laws we had that, but now we have it that much worse.

One member, the Member for Edmonton-Beverly, I believe, asked: how would you enforce some of the clauses of this Bill? Well, if one looks at history, enforcement of those kinds of attacks on people's freedom leads to storm troopers with machine guns who can adequately enforce that kind of theft of people's freedoms. George Orwell wrote very clearly of the kind of police force it takes to monitor people closely enough that you can deprive them that completely of basic freedoms; he called them the "Thought Police." And certainly when you're going to argue that people don't have the right to take part in a consumer boycott or to advocate a consumer boycott, you're going to have to have more than a regular police force. You're going to have some kind of thought police that can keep careful track of what

people say to each other in their private conversations, what people think about in their daily lives, so you can enforce such a horrendous thought.

I can remember, during the Gainers strike, in a grocery store watching a young lady of about 20 shopping. She reached in and grabbed some bulk wieners, noticed the little sign above that said they were Gainers, and she reacted like she'd picked up something hot or diseased and said: "Ugh! Gainers! I'm not buying that, not from that kind of producer." To which I said: "I don't blame you. In fact, the scabs working there are so unskilled at what they're doing that I hear most of the hams are green anyway."

Now, I'm wondering, and I would certainly like the benefit of the Court of Appeal reviewing this law to see that if, in fact, I did that in a future strike of a similar nature, I wouldn't be breaking the laws of the province. Because I'm very concerned that what I was doing was advocating a consumer boycott. I was advocating that a producer who used those kinds of labour tactics did not deserve anyone's financial support in buying his product and, in fact, probably would not be . . .

MR. DEPUTY SPEAKER: Order please. A point of order. Redwater-Andrew.

MR. ZARUSKY: Mr. Speaker, I've been listening to this all week, and I think Albertans are getting pretty upset about this, especially in the Redwater-Andrew constituency and Vegreville, Athabasca-Lac La Biche, Westlock-Sturgeon. The member keeps bringing back producers through the Gainers strike. Now, what he's doing is accusing producers that produce the product Gainers is not a producer of the meat or the wieners, so I suggest that he get back on subject and not accuse the farmers of Alberta of having anything to do with the Gainers strike.

MR. DEPUTY SPEAKER: Thank you, hon. . . . [interjections] Order. Order please. The business of the House is the business of the members of the House, although it impacts on all people of Alberta. The point of order, however, is not really a point of order.

The Chair would urge the hon. Member for Edmonton-Glengarry to come back to the subamendment before the Assembly.

MR. YOUNIE: Well, Mr. Speaker. I'm not surprised that some backbenchers wouldn't see the . . .

MR. DEPUTY SPEAKER: Order please. Come back to the subject before the House.

MR. YOUNIE: What I was saying, and the subject, is the sub-amendment which would force this Bill to go to review, because I want to find out if things I've done in the past and would do in the future, because I believe them to be ethically right and morally right, would be legally wrong under this kind of Bill, because I believe it's the kind of Bill that tells me that what is ethically right would end up being legally wrong. I believe it's reprehensible that a government would want to pass laws against people following their conscience and their ethics.

I'm also surprised to find out that in talking about Peter Pocklington I was discussing a farmer. I know he's an exploiter of workers; I didn't know that he was also a farmer. But I guess it's hard to predict with Peter. He's into a bit of everything.

I think it's very important to consider the implications for the

future of not having this Bill reviewed beforehand by the Court of Appeal. It will be reviewed right to the Supreme Court of Canada after the fact. But it would be reviewed there after the fact, after ordinary Albertans ended up in jail, following their consciences and refusing to obey an immoral law. I don't think that is a position we want to put the people of Alberta in. Consequently, I think it's a must.

I've not only heard members opposite say it's unfair to be wasting the time of the Assembly trying to change this Bill, because it should be obvious to us all that a 61-member government horde is going to jam it through no matter what the opposition says and no matter how sensible it is -- so why don't we quit wasting time? The Liberals could run out and break the law as soon as it's passed and cop a few headlines, and meanwhile the rest could get an early start on our vacations. Well, if that's the attitude towards freedom and towards debating the value of that freedom and towards using all the options open to us, including the Court of Appeal, to make sure we're protecting those freedoms -- if that's the attitude the members opposite want to take to the voters, then I say maybe that's what we should do this summer and let the voters pass judgment on this horrible and disgusting Bill.

MR. DEPUTY SPEAKER: Order please. Would the hon. member come back to reasons why the House should adopt the position of the subamendment, not the reasons why other hon. members don't want it. Please deal with the subamendment before the House.

MR. YOUNIE: I was suggesting, as just one more reason of many, that the government could adopt this subamendment and save themselves a trouncing at the polls at some future point for having run roughshod over the rights of average Albertans. I was sort of giving up on logic and intelligence to convince them. I was trying to use the typical Tory "what's in it for me" attitude and saying: maybe re-election if you approve this Bill, adopt some of the amendments of the opposition, and make it something that, if not good, is at least not an international embarrassment to this Legislature. Because without that review, without taking it to the Court of Appeal, what we're going to end up having rammed through by a massive majority in this Legislature is something that will be a lasting cause of trouble, a lasting cause of picket line violence, a lasting cause of labour unrest, and a lasting cause of international embarrassment for the repressive and Chile-like labour laws this government seems intent on enacting.

So I would hope that the members opposite are going to see common sense, going to change their minds, going to support some of these subamendments and get about trying to improve this law.

Thank you.

MR. DEPUTY SPEAKER: Hon Member for Edmonton-Avonmore.

MS LAING: Mr. Speaker, thank you.

MR. DEPUTY SPEAKER: Order please.

MS LAING: Pardon?

MR. DEPUTY SPEAKER: Hon. Member for Red Deer-North. The Chair apologizes to the hon. Member for

Edmonton-Avonmore.

MR. DAY: Thank you, Mr. Speaker. Speaking very briefly to the subamendment -- because addressing it with any more than the briefest of comments would only give some kind of suggestion as to its credibility -- I'd like to suggest here that what the Member for Edmonton-Highlands is suggesting and what her colleagues are so weakly defending is that we set a precedent here, that we take every piece of legislation and bring it to the Court of Appeal. They are suggesting that we begin a precedent here: that the Bills which they term to be "disgusting" by their points of view we would bring to the Court of Appeal. Now, even the limited math which is available to their economic critic on the other side would suggest that even starting that process would be one of the most nightmarish bureaucratic entanglements, involving judicial review, dollars, money, ad infinitum. What they're asking is a process and a precedent unheard of in the parliamentary system, by which we take the subamendment and bring it to . . .

MR. YOUNIE: On a point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: Order please. Point of order, Edmonton-Glengarry.

MR. YOUNIE: Yes. I was wondering if the hon. member could table the list of Bills we've asked for this for that would create the procedure he's describing.

MR. DAY: Thanks, Mr. Speaker. Obviously, once again no point of order at all, just a ridiculous attempt to try and bolster a very puny point, because I have never once suggested there is a list of Bills they want subjected to the appeal. I'm saying with this subamendment what they are asking is that we begin an insane precedent of taking legislation -- not subjecting it first to the public debate for which we're elected but bringing it to a Court of Appeal. The members opposite are so terrified of this good legislation that they will not allow it to come into committee for clause-by-clause debate. They're terrified of it. They insist on wasting taxpayers' money by coming out with ridiculous subamendments to try and stall the legislative process.

This subamendment here, Mr. Speaker, asks us to be involved in something which bypasses the democratic process . . .

MR. McEACHERN: A point of order.

MR. DEPUTY SPEAKER: Point of order, Edmonton-Kingsway.

MR. McEACHERN: The member is now imputing motives to us as to why we are doing what we are doing instead of sticking to the subamendment, which is to debate the advice about sending it to the Court of Appeal.

MR. DAY: Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: On the point of order, Red Deer-North?

MR. DAY: No, Mr. Speaker. I'll let you rule on the point of order.

MR. DEPUTY SPEAKER: Well, the Chair wouldn't be of the

view that there's the imputation of motives. It may be a dispute of facts, and perhaps that's in the eye of the beholder. However, the Chair is quite prepared to pursue the Blues to find out indeed what the words were that were uttered.

Red Deer-North.

MR. DAY: Thank you, Mr. Speaker, for a very clear-sighted ruling on the point which was not a point.

Again not imputing any motives, Mr. Speaker, I said this motion bridged on insanity. There is no motive to insanity: it's just insanity. So that was the term I used.

Now, before I close debate on this and we vote on the subamendment, I'd like to bring attention -- it's interesting, we talk about subjecting this to the Alberta Court of Appeal, not letting it go through the democratic process of being tested and debated point by point but needless delay. I've already commented on what precedent this would set if we went for this subamendment.

The other thing that's interesting, Mr. Speaker, is here they're asking on the one hand for a very detailed legal process, and on the other hand they stand and say that if we don't go their route on this subamendment there will be violence. Mr. Speaker, I never hear them say . . .

MR. McEACHERN: I object. That's nonsense.

MR. DAY: You can object when it's your turn to speak, because you obviously don't have a point of order.

Mr. Speaker, we never hear them say they condemn violence on the picket line. We never hear them say they are opposed. We never hear them counsel the radical elements of the union movement, and I say that carefully . . .

MR. DEPUTY SPEAKER: Order please, hon. member. The hon. member is straying from the subamendment before the House.

MR. DAY: Thank you, Mr. Speaker, for that correction. I got a little carried away. It was easy to do, given the extreme inconsistency of their approach to the subamendment.

Mr. Speaker, again I ask that we subject the Bill to the democratic process and not engage in time-wasting subamendments, especially of this type, which would be the most ridiculous of bureaucratic legal entanglements, without first -- without first, Mr. Speaker -- allowing the democratic process to take place.

Thank you.

MR. DEPUTY SPEAKER: Hon. Member for Edmonton-Avonmore.

MS LAING: Thank you, Mr. Speaker. In response to the last speaker, I would read into the record section 27(1) of the Judicature Act, which is:

The Lieutenant Governor in Council may refer to the Court of Appeal for hearing or consideration any matter [she] thinks fit to refer, and the Court of Appeal shall thereupon hear or consider the matter.

Certainly there is a reason for such legislation being in place, and that the hon. member argues against such a move indicates that he has something less than total respect for the laws as they are in place in this province.

Mr. Speaker, I speak to this amendment to ask for the opinion of the Alberta Court of Appeal . . .

MR. DEPUTY SPEAKER: Subamendment, hon. member.

MS LAING: Sony. . . . subamendment as to the opinion of the Alberta Court of Appeal as to the constitutionality of this particular Bill; that is, that the court would evaluate if the provisions of the Bill contravene the Charter of Rights. Mr. Speaker, to me it appears that this Bill contravenes the Charter of Rights and Freedoms, section 2:

Everyone has the following fundamental freedoms: . . .

(b) freedom of . . . expression, including freedom of . . . media of communication;

(c) freedom of peaceful assembly; and

(d) freedom of association.

These are hard won freedoms, and they have often been defended. Certainly the members opposite have often said that we must defend the freedoms that have been so hard won and so often defended and speak of other areas where people do not have freedoms such as are articulated in our Charter of Rights and Freedoms. Yet we have here a piece of legislation that appears to many to contravene the very foundation of our society, the very freedoms that are the cornerstone of our society, and the very foundation of how we live together in this society and work together and solve problems in this society. There is much, I believe, in this Bill that violates the freedom of expression, the freedom of peaceful assembly, and the freedom of association. It would appear to me the hon. member has said freedom of violence. There is nothing that has been said that we would support violence. It is freedom of peaceful assembly. We cannot support violence.

MR. DAY: You won't condemn it, though.

MS LAING: I just did. Open your ears and take . . .

MR. DEPUTY SPEAKER: Order, order please, hon. members. Let's advance the arguments that members wish to advance in order to get the House to adopt their positions. This calling back and forth is really, perhaps, not going to have the results of anything being adopted.

Hon. Member for Edmonton-Avonmore.

MS LAING: Sorry. It would appear to me that under section 113, the government can arbitrarily violate this fundamental freedom by being able to arbitrarily

revoke the certification of a trade union that . . . participates in an [illegal] strike.

Such a move would effectively eliminate the unions' ability to communicate via the media or to assemble and protest in an orderly and peaceful way. It therefore violates the very spirit and intent of the Charter of Rights and Freedoms and denies fundamental rights to whole groups of people.

Surely this government recognizes that in a free and a democratic society -- one that we have been called on and members of our society have been called on to defend -- people have a right to peaceful assembly and disobedience, that the penalties imposed for such civil disobedience will be consonant with the threat that is given to the public safety, and that that will be determined by the courts, not the Legislative Assembly. We take away the very right of this kind of opposition to things as they are now. It would seem to me that in our society we know that change comes about through protest, civil disobedience, a challenging of the status quo. That is how all change has come about. Women did not receive the vote until they marched in the streets. The war in Vietnam was not stopped until people

marched in the streets. This kind of assembly is a fundamental right in a democratic society, and we have heard the members opposite often complain . . .

MR. DAY: Point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: Point of order, Red Deer-North.

MR. DAY: Mr. Speaker, I'm sorry to continue to trouble you with these, but section 23(b) of Standing Orders is very clear on this. This member is wandering all over the map and not talking at all about the Court of Appeal and subjecting this to the Court of Appeal.

MR. DEPUTY SPEAKER: Thank you, hon. member.

Edmonton-Strathcona, on the point of order raised by Red Deer-North.

MR. WRIGHT: Yes. It may be that the subamendment is a narrow one, Mr. Speaker, but that doesn't mean that the minds of members must be necessarily narrow too. Obviously, if one can predict that the Bill in principle will cause violence, that is a very good reason for using the provisions of the Judicature Act for a reference to the court, which is the very business of this subamendment.

MR. DEPUTY SPEAKER: That's the purpose of the subamendment before the House, and the Chair would dearly wish at some time to put that question to the hon. members. The point of order is not sustained.

Hon. Member for Edmonton-Avonmore, would you please proceed with the subamendment.

MS LAING: Thank you, Mr. Speaker.

On the face of it, this law which this subamendment would propose to correct takes away from a significant number of people their very fundamental right to protest and to take action for change and to bring about change in what are held to be by a significant number of people as unfair laws. The Charter of Rights and Freedoms was given to us to prevent the silencing of those who disagree with current government practice and laws. To me the provisions of this Bill violate the Charter of Rights and Freedoms, and therefore I must support the subamendment that this Assembly not recognize second reading until it has assured us that in the opinion of the Alberta Court of Appeal this does not violate the Charter of Rights. We must be assured before we go on with this Bill that none of our freedoms, as guaranteed under the Charter of Rights and Freedoms, are in jeopardy, that it does not contravene a fundamental part of our constitution: the Charter of Rights and Freedoms.

[Mr. Speaker in the Chair]

Mr. Speaker, the courts of this land are in place to determine if the citizens of a province have broken its laws and can deal with civil disobedience. Surely it is fundamentally wrong and a violation of the Charter to outlaw freedom of communication, freedom of assembly, and freedom of association. The Charter of Rights and Freedoms stands first and it is the standard against which subsequent legislation must be measured. Many of us question whether this Bill can stand such a test. Therefore, we have brought forward this amendment to gain the court's decisions as to whether or not this Bill is in violation of the

Charter of Rights.

Mr. Speaker, section 113 embodies a philosophy and understanding of freedom that is at odds with the understanding of freedom held by most Canadians. The very method of decertification flies in the face of right to due process and takes away from workers in a particular union those rights and their right to question and challenge the elimination of their rights. So it takes away their rights and then it takes away their rights to challenge the removal of their rights.

A union is not an abstract entity. It is made up of groups of people who work for the union itself on behalf of another larger group of people. This Bill violates the rights of both these groups of people, citizens of this country protected under the Charter of Rights and Freedoms. These people as union managers and as union members have been guaranteed the right to assemble, to communicate in a collective way with the strength of their many voices. But each of them by this Bill has had his or her fundamental rights of association, assembly, and communication violated.

Of course, Mr. Speaker, I may be wrong. Therefore, I support this amendment. I would ask that the Assembly support this amendment and take this Bill to the courts. Let's not go through the process of passing this Bill and then in its application have it challenged in the courts. Let's save all that time, energy, money, and bad will and take it to the courts first. It is much better that the courts come to evaluate this Bill before it passes through the Legislative Assembly.

MR. SPEAKER: The Chair would just mention that in the last number of references the previous speaker said "to the amendment," but we assume "to the subamendment."

Edmonton-Strathcona.

MR. WRIGHT: Yes, on the subamendment, Mr. Speaker. The point of the subamendment of course, is to help the process, not to hinder it at all. The point of the subamendment is to make sure that all the provisions of the Bill are legal in the constitutional sense, not offensive to the Charter of Rights and Freedoms. That, it seems to us, is an attempt to help the process, not to hinder it.

I do not think it is right for other hon. members in connection with our discussion of the subamendment, Mr. Speaker, to characterize it as a filibuster when, in fact, we are passionately concerned -- I hope that's not overstating our feeling on it -- that the provisions of the Bill which I shall advert to in a moment which are questionable should in fact be tested before they are passed into law. That is the very purpose of the section of the Judicature Act that we rely on. If the provisions that are questionable in this Bill are so numerous and pervasive as to make the whole Bill in principle questionable, which is very much our position, then I do not see that we can rationally refuse our assent to the subamendment and postpone second reading of the Bill until the opinion of the court is sought nor, in connection with the subamendment, can we for a moment accede to the fact that it is ridiculous, a ridiculous idea, or is subverting the process. Far from it. If these provisions that are so questionable are so essential, then we will just have to wait for them. But our position would be that these provisions are not essential. That is just as well, because they are certainly questionable and in some cases undoubtedly contrary to the Charter of Rights and Freedoms.

So if we want to get on with having proper labour legislation, Mr. Speaker, we cannot do better than to remove the offen-

sive provisions in the Bill and then pass it in the ordinary way. You'd certainly have support from this side of the House in that connection. But as it stands, the most businesslike way of dealing with these very pervasive and fundamentally flawed provisions is to do as is suggested in the subamendment.

Mr. Speaker, this is not just some wild or fanciful idea of ours. These are genuine and deeply seated objections that have been made to certain very obvious, when you look at them and consider them, flaws in the Bill by those legally trained, I think, people, but nonetheless skilled in labour relations, who have examined the provisions. And it's not just the more obvious provisions of the Charter of Rights and Freedoms that we are talking about, such as freedom of peaceful assembly, freedom of association, freedom of opinion and expression, but also even freedom not to be discriminated against, freedom to

life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

And even under section 9 of the Charter

Everyone has the right not to be arbitrarily detained or imprisoned.

Even that section is one which may be offended against in the Bill, and this is not fanciful at all.

There are provisions in this Bill that must engage the attention of any person at all interested in the Charter of Rights and Freedoms. In that connection, Mr. Speaker, may I say this: it's been suggested that this is a novel idea, having Bills referred to the Court of Appeal before they are enacted. There is a certain amount of novelty in it, but that's because the Charter of Rights and Freedoms is new, especially section 15, the equality provision, which didn't come into force until two years ago. But the rest of it only came into force in 1982, and the full effects are only just now coining into realization. Consequently, we may expect there will be more of this in the future. It may be messy compared to just pushing something through, but it is the messiness that's instinct in the democratic process.

Mr. Speaker, there are provisions in this Bill, for example, which give a right to a person to object to being a member of a union on the grounds of religious freedom, a right which, with respect, I support. But at the same time, this person who wants to work is entitled to continue to receive the benefits that union membership will bring him or her without having to pay any dues. That is discriminatory. It discriminates in favour of the religious person, which is fair enough. But equally it discriminates against all those who do pay the union dues that get the religious person his or her benefits, which he or she continues to enjoy. Obviously, the Rand formula, which I'm sure we are probably, most of us, familiar with, is the fair and just compromise. This Bill does away with that, and surely that is something that should be tested.

Mr. Speaker, we've all heard about the really outrageous provisions -- I mean, there's no other word for it -- that prevent one joining a picket line, which prevent one organizing a consumer boycott unless you're directly related with the industrial dispute. And it is probable, I surmise, that at some point that will be cleared up in the Bill. I mean, it's so outrageous that I would do the minister the courtesy of supposing that there was a certain amount of oversight in the framing of that section, so I won't refer further to it. Others have done. But if that goes through, then there will be violence, and we will be the authors of it. That is a prediction; it's a sad prediction, but that will be the case. So we certainly should have that referred to the Court of Appeal under the Act if there is some insane idea that it

should go through unamended.

Mr. Speaker, there are other provisions that, for example, allow the Labour Relations Board to make very widespread directives concerning strikes, lockouts, and picketing, and make them binding not only upon employees within the bargaining unit but on any "other person to whom it is directed," and apply them, in fact, not only to the dispute that gives rise to the directive but to

any future strike or lockout that occurs for the same or substantially the same reason.

There are no procedural safeguards for the other person to whom it's directed in the way of service of the directive. In fact, this is almost unbelievable, Mr. Speaker, but there is a provision that

service of a directive . . . be deemed to be service of the judgment or order of the Court . . . when that directive . . . is filed with the Court.

So all that has to be done is the directive be filed with the court, and it is deemed to be serviced on all those to whom it is directed. Then the person to whom it is directed may unwittingly break the provisions and render himself or herself or, I suppose corporate bodies, themselves liable to a citation for contempt without even knowing of the provision. That's in there.

You know, we aren't just dog-paddling here or blowing water. These are real, real difficulties. I hope that they will be addressed in due course when we study the matter in detail, but at the present time, Mr. Speaker, unless there is a declaration in the course of second reading that these clauses are going to be altered -- all of them that I refer to anyway, as far as I'm concerned -- then we should not proceed with second reading until at least we get a clearance from the Court of Appeal under the provisions of the Judicature Act, Mr. Speaker, as to the legality of them. It is agreed that that will entail postponement, but where the breaches, on the face of them, are so fundamental, one is entitled to say, I'm afraid, that the enactment of such provision will have to be postponed if one is to avoid chaos.

Mr. Speaker, that's not the end of it. There are other provisions in this Bill that propose to put an end to disputes in a fairly automatic way after they have lasted for two years without resolution. It is clearly an attempt to crush long-standing disputes. They will only benefit the employer. It is an inducement on the part of the parties, but more particularly the employer, to protract disputes beyond the two years and thereby rid themselves of the pesky nuisance of having union representation. That surely cannot stand with the right of association guaranteed in the Charter of Rights.

There are other provisions that enable the provincial cabinet to direct the Labour Relations Board to revoke certification of certain unions, and that is without any due process at all. It is confined to certain unions only, which again is discriminatory under the equality provision. These are all provisions which you may think are so questionable that a reference to the court under the Judicature Act is the only rational way of approaching the problem. So, Mr. Speaker, I put it to members not just to consider this as any other Bill but to realize that it is a Bill that strikes at some very fundamental rights that we have and . . .

MRS. CRIPPS: Called fairness.

MR. WRIGHT: Called fairness, yes. Thank you. The hon. member says, "Called fairness." Exactly. That should be the touchstone of labour legislation, indeed of all legislation, and I have no doubt that hon. members on the other side think that

this is full of fairness, this Bill. I'm asking you to take another look, particularly at the provisions I have mentioned. It's generally conceded that the provisions that deal with picketing and boycotts are totally unfair, so I won't dwell on those. But there are many other provisions, and there are so many, Mr. Speaker, that it becomes the reasonable thing to do either to abandon them or, if you won't do that, to refer the matter on a reference under the Judicature Act to the Court of Appeal.

Thank you, Mr. Speaker.

MR. SPEAKER: The Minister of Labour.

DR. REID: Mr. Speaker, before we end this week of filibuster -- and I'll use the word advisedly -- I think I should respond to some of the nonsense that we have listened to on Tuesday evening and this morning. The New Democratic opposition have not limited themselves exactly to the narrow subamendment. I will attempt to stay closer to the subject than they have, but in referring to some of the things that have been said, I will undoubtedly, because they have already done so, wander from the narrow subamendment.

Mr. Speaker, we've had some examples of hyperbole that have really been extreme. We have had talk of South Africa, of Chile; not, interestingly enough, of Poland, Afghanistan, Hungary, Czechoslovakia; Messrs. Khrushchev, Malenkov, and Brezhnev. We've had statements that this is based on a principle of: to heck with the Constitution and the Charter. We've had talk of marches in the streets. We've had talk of the Vietnam war, tin pot despots, making women and children criminals, fundamental rights being taken away. And I'm only giving some quotes from what has been said by members of the New Democrat opposition. They are suggesting that the only way Albertans are going to be saved from that incredible mixture of situations is by a referral to the appeal court.

One has to look at the specific provisions that they have addressed. Perhaps they shouldn't have, but they have addressed two sections. I have reviewed the *Hansard* for Tuesday evening; I sat here and listened to it, and I've been here this morning almost all of the time. First of all, section 81, to do with picketing: they are suggesting that everybody is going to be made criminals by these provisions. I would have thought that the Member for Edmonton-Strathcona, who after all does have a background in the law, would understand the fundamental principles of a democratic parliamentary system as developed in England and as accepted in the whole history of Canada long before anything was written down in the Charter of Rights and Freedoms that we have basic, intrinsic freedoms, rights, and responsibilities in the parliamentary system.

The provisions that are given in section 81 are essentially to give immunity, while exercising some of those freedoms and rights, from the normal opening of civil suit by anybody who may feel they've been financially injured. That immunity is of necessity given to certain people at certain places of employment...

MR. SPEAKER: Order in the House, please.

DR. REID: ... or at a certain place of employment -- it may just be one -- to do certain things. And it mentions the word "peacefully," which is also included incidentally in the new written part of the Constitution. But it then limits that immunity. I stated in my introductory remarks that it has been interpreted that that limit of the immunity given in the first part of

the section has spread too far and can be interpreted as infringing upon the basic freedoms and rights that I already mentioned. It's ludicrous to think that any government, in particular this government, which introduced the Alberta Bill of Rights and individual rights protection, would do such a thing. I gave the assurance in my introductory remarks that this would not be the case. So on that basis, the whole of the last three sittings of the Legislature that have been devoted to this particular subamendment have essentially been wasted.

On the other hand...

MS BARRETT: Well, table your intentions.

MR. SPEAKER: [Inaudible] may not be tabled at second reading.

DR. REID: Mr. Speaker, the hon. Member for Edmonton-Highlands is asking me to do what I already explained, on a point of order, I cannot do. I cannot introduce the amendment as a fact at second reading debate. We've been through that.

MS BARRETT: Point of order, Mr. Speaker.

MR. SPEAKER: Point of Order.

MS BARRETT: Yes. The point of order is that it is within the power of the minister to do as he did with respect to other parts of this Bill two nights ago, which is to table his intentions, the specific points that he believes he is going to pursue in committee. He has that ability.

DR. REID: Mr. Speaker, on the point of order, what I did on Tuesday evening was introduce some proposed amendments, and I indicated that they could be regarded as an addendum to Bill 22 as it was introduced on April 15. They were not introduced as finite amendments. In this particular case, in view of remarks that have been made about not trusting me, there is little point in introducing a similar item in this House.

MR. SPEAKER: Thank you. That concludes the point of order. Now we'll get on with the remarks of the Minister of Labour with respect to the subamendment.

DR. REID: Mr. Speaker, the other section to which specific reference has been made by members of the New Democrat opposition and to which I want to respond at this time has to do with section 113, which they say intrudes upon freedom of association. Section 113 is a specific for unions or employers where the function of that employer and those employees is in certain essential services or where there has been a state of emergency that has warranted ordering employees in some other function to go back to work and they have refused to do so; in both cases, in other words, where the law has been actively broken by members of the union and the union is involved in that process or where the employer has locked out and has refused to open the gates or has locked out in a situation where lockouts are prohibited. In those situations only, I emphasize, can the union as an entity be decertified. That does not in any way prevent the employees from immediately organizing another union and exercising their freedom of association.

So on the basis of these flimsy arguments that have been made, which are true to the subamendment that is being discussed, the New Democrat opposition is suggesting that the

whole Bill -- because that's what the subamendment says -- should be referred to the court system. Mr. Speaker, the members of this provincial parliament have been elected by the people of Alberta. The judges of the Court of Appeal are not even appointed by representatives of this parliament but rather the Parliament in Ottawa. They are not appointed by this government; they are appointed by the government in Ottawa. As such, one perhaps could relate them to the Senate in Ottawa. Now, the powers of the Senate in Ottawa, which is at least a part of the parliamentary process, do not go as far as might be suggested by the remarks that have been made by many members of the Official Opposition.

Can one really imagine the prospects for our system of parliamentary democracy if the Legislature, the parliament of the province, could be required to preclear legislation with an unelected body appointed 2,000 miles away? On that basis, to say that it has to be prereviewed by such a body is the negation of the parliamentary process. There are processes where an individual or an entity feels that the legislation is unjust or improper, and on those bases an appeal can be made to the courts, and that's the due parliamentary process.

In view of the remarks that I have made briefly, I think the whole process of the debate that we had on Tuesday evening last and this morning has been ridiculous in the extreme. I'm quite willing to go and talk to Albertans about it.

Thank you.

MR. MARTIN: To this minister. What's ridiculous in the extreme is a minister of the Crown that spent \$500,000 and came back with the Bill. That's what people find ridiculous in the extreme, Mr. Speaker.

MR. SPEAKER: Hon. Leader of the Opposition, we're caught into the wording of the subamendment, and it's on this Bill, not the subamendment on the one we were debating last night.

MR. MARTIN: Mr. Speaker, on a point of order.

MR. SPEAKER: All right, what's the point of order?

MR. MARTIN: I was referring back to precisely the words this minister used, and he was not out of order. I was making the point, and I will be coming to the subamendment, Mr. Speaker. I was quoting that member's words, and if he wasn't out of order, surely I'm not out of order.

MR. SPEAKER: Most of the discussion was with respect to the subamendment. Having been given the admonition, perhaps the hon. member will now indeed show us how it does go on in the subamendment.

MR. MARTIN: Yes, Mr. Speaker, I certainly will do that. I find it offensive, to say the least that this minister would stand up and say that we're not doing our job here by bringing in this particular subamendment because we're making him sit here. Too bad. We're fighting for average people in this province on this subamendment.

Now, Mr. Speaker, the result is that when we brought in these amendments -- and I raised this before in question period about the Court of Appeal, so this shouldn't come as news. The Premier of the province stood over there and said: make your case. He wouldn't answer questions. He said: make your case when the debate comes up. He said that precisely about this

subamendment. That's precisely what we're doing here, and if the minister doesn't like it that we're doing our job over here, too bad. We have a number of amendments that this minister will see. We think this Bill should be turfed out, but if not, we'll be bringing in amendments and doing our job.

Now, specifically, Mr. Speaker, we've talked about section 81, and that's one of the suggestions I made: that we think that this is unconstitutional. But the minister has the gall to say: "Well, I'm going to do something about it at some period of time. Why don't you just trust me?" Well, the minister is well aware that if he wants, he could table those amendments, and we could take a look at them and see if we agree with those amendments. With all due respect to this minister, I don't trust this government to change section 81. I think they knew precisely what they were doing with section 81 till they found out that they may be in trouble with the Constitution. Because this is such a wide-ranging Bill, there may be other sections that could create problems for us. So it's not only section 81. We think this is such a bad Bill that affects certainly a couple of areas in terms of our Constitution. I mentioned this before: freedom of association and certainly the whole idea of freedom of expression in section 81.

Now, I do not understand why the government is being so ham-handed, because there are constitutional requirements. The minister says that this wouldn't be parliamentary democracy, that if you check out your legislation to make sure it's constitutional ahead of time, this somehow isn't parliamentary democracy. What nonsense. What difference does it make? Is it better, Mr. Speaker, to bring in a lot of bad Acts that are against the Constitution so that we have to go to the trouble and the time and the effort and the expense later on to change it? Does that make it a better parliamentary democracy? That's the most ludicrous, silly argument I've heard for a long time. The minister may not like the fact that there is a Charter of Rights that his legislation could be put up against at some particular point in time. He may not like that, but I would remind this minister that this government -- and he was a minister of it at the time -- did sign the Charter of Rights. That's a reality that we have to live in.

Now, all we're suggesting is a very simple matter. The whole world isn't going to come to an end if what I consider an unjust, unfair law is taken and reverted to the courts to take a look at at least the constitutional matters. I don't think that average people are going to give two hoots. They'd probably be relieved. We'd be doing people a service. We'd know that if the minister stands up and says, "Well, yes, this is constitutional," then he would have the backing of the courts to do that. It seems to us that that makes good common sense, because I expect if this Bill goes through, not only section 81 but other sections, we're going to spend a fair amount of time in the courts on this particular Bill. If it is proved unconstitutional, it's going to cost the taxpayers a lot more money in the future. So I think this just makes absolute common sense.

Now, Mr. Speaker, one of the things that's always concerned me -- and I hope this isn't the case -- is that maybe they're not worried about the Constitution. Maybe they're not worried because there is the catch in the Constitution in section 33, the "notwithstanding" provision. This is one of the fundamental flaws, I would say, of our Constitution. We know that this government could pass any law, and then they could invoke the provision of the Charter's infamous section 33. Now, this is the section of the Charter that allows the provincial Legislature to expressly declare . . . that the Act or a provision thereof shall

operate notwithstanding a provision included in section 2 . . . What this means, in other words, is that by passing a motion to the effect that section 81 or any other section of Bill 22 will operate in Alberta in spite of section 2 of the Charter, the government could deny Albertans fundamental freedoms enjoyed by all other Canadians. Maybe that's why they're not worried.

Now, Mr. Speaker, this minister says: "Well, it's ludicrous. We'd never take people's freedoms away. Heck, we're a Tory government that believes, you know, in average people, and we want them all to have their freedoms." Well, this is the government that brought in Bill 41, Bill 44, Bill 110, that clearly took away freedom of association. Just ask the nurses if they've taken away their freedoms. So the point that I want to make -- I mean, we will have other amendments -- to this minister and this government is that so much of this Bill is flawed that we think it's going to end up in the courts. Why not save all of us a lot of time and expense and see just how much of it is constitutional? The minister shouldn't be afraid of that, Mr. Speaker, if he really and truly believes that this is a good, fair Act and that it doesn't violate any of the Charter. What are they afraid of?

So this minister, whether he likes it or not -- he said that all of us were paid to be here, and they were elected. Yes, you were elected to govern, but with that election to govern was to also represent all people fairly. We were elected also, just as much as this minister was. I'll match my majority in my riding with his, Mr. Speaker. We were also elected to watch this government. I'll tell you, there are more and more people who want this government watched, and this is what we're supposed to do, and this is what we're here to do in the Legislature, Mr. Speaker.

HON. MEMBERS: Question.

MR. SPEAKER: There's a call for the question.

All those in favour of the subamendment, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: In the opinion of the Chair the subamendment fails.

Division.

[Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett	Laing	Mjolsness
Ewasiuk	Martin	Taylor
Gibeault	McEachern	Wright
Hawkesworth	Mitchell	Younie
Hewes		

Against the motion:

Ady	Elzinga	Payne
Alger	Getty	Reid
Betkowski	Heron	Rostad
Bogle	Hyland	Russell
Bradley	Jonson	Schumacher
Brassard	Kowalski	Shrake
Campbell	McClellan	Stewart
Cherry	Mirosh	Trynchy
Clegg	Moore, R.	Webber
Cripps	Musgrove	West
Day	Nelson	Young
Drobot	Osterman	Zarusky
Elliot		

Totals	Ayes - 13	Noes - 37
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[Motion on subamendment lost]

MR. SPEAKER: Edmonton-Beverly, on the amendment.

MR. EWASIUK: Thank you, Mr. Speaker. I rise now again to speak on the amendment put forward by the hon. Leader of Her Majesty's Loyal Opposition that

this Assembly decline to give second reading to Bill 22, the Labour Relations Code, because the House believes the Bill should be consonant in all its particulars with the provisions of the Canadian Charter of Rights and Freedoms.

Mr. Speaker, this Bill, instead of invoking the basic commitment to collective bargaining and the protection of the rights of workers really does quite the opposite. It infringes . . . [interjections]

Mr. Speaker, in light of the hour of the day I will move to adjourn debate.

MR. SPEAKER: On the motion of the member to adjourn debate, those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries.

MR. YOUNG: Mr. Speaker, I would indicate that on Monday next it will be the intention to deal with Bills at second reading.

[At 12:58 p.m. the House adjourned to Monday at 2:30 p.m.]