

**LEGISLATIVE ASSEMBLY OF ALBERTA**

Title: **Monday, June 20, 1988 2:30 p.m.**  
Date: 88/06/20

[The House met at 2:30 p.m.]

[Mr. Speaker in the Chair]

**PRAYERS**

MR. SPEAKER: Let us pray.

O Lord, grant us a daily awareness of the precious gift of life which You have given us.

As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and our country.

Amen.

**head: NOTICES OF MOTIONS**

MR. YOUNG: Mr. Speaker, I wish to advise that under Orders of the Day I will be asking for unanimous consent to move Motion 19, now appearing on page 4 of Votes and Proceedings for June 17.

**head: TABLING RETURNS AND REPORTS**

MR. STRONG: Mr. Speaker, I rise to file copies of the 86 amendments to Bills 21 and 22 presented for consideration during committee study of these Bills. These amendments are presented in an honest attempt to improve what otherwise are unfair, unjust, and antiworker pieces of legislation. The New Democrat Official Opposition takes very seriously its responsibilities not just to criticize but to propose . . .

MR. SPEAKER: With due respect hon. member, filing is not a time for speech-making. Thank you.

Minister of Technology, Research and Telecommunications.

MR. YOUNG: Mr. Speaker, I wish to table a reply to Order for a Return 156, which was moved by Mr. Taylor.

**head: INTRODUCTION OF SPECIAL GUESTS**

MR. ROSTAD: Mr. Speaker, it gives me great pleasure to introduce to you and through you to the members of the Assembly, 54 delightful grade 8 students from the Charlie Killam school in Camrose, in Camrose constituency. They are seated in the members' and public galleries. They are escorted by two teachers Debra Johnston and Connie Halverson. I'd ask for them to rise in both galleries and receive the traditional welcome of the Assembly.

MS BARRETT: Mr. Speaker, it's a pleasure for me to introduce to you and members of the Assembly today, two visitors who have come over from England during the last two weeks. As a matter of fact, they are leaving our province on Wednesday. They are Mr. James Taylor from Liverpool and his sister Mrs. Clover from Worcester. They are visiting their relative -- son and nephew, in either instance -- Mr. Ian Taylor from the riding of Edmonton-Highlands. I'd ask that they rise and

receive the warm welcome of the Assembly.

**head: ORAL QUESTION PERIOD****Regulation of Financial Services Industry**

MR. MARTIN: Mr. Speaker, to the Premier. It is clear to almost everyone that one of the problems which magnified the losses faced by investors in the Principal Group is the lack of access to valid financial information and other essential information about the companies. I think it's clear now that thousands of investors are more than a little shocked, to put it mildly, at the size of their losses. Now, my question to the Premier is this: what policy considerations led the government to reject amendments to the Investment Contracts Act which would require investment companies to issue complete financial statements to their clients?

MR. GETTY: Mr. Speaker, this would be a matter handled by the Provincial Treasurer, and I ask him to respond.

MR. JOHNSTON: Mr. Speaker, of course, the opposition is simply following on a lag basis the questions asked before the Code commission in terms of the submissions made there. As you well know, we have already said that while the Code commission is under way and while investigation is taking place -- a full inquiry into what has happened -- it would, in fact, be inappropriate for us to provide additional explanation. I can say that the current process is such that the government will be on the stand very soon. There are some 20 or so people going to be called, but I'd imagine that that question will be put to one of my colleagues who has agreed to testify.

MR. MARTIN: Well, Mr. Speaker, we're trying to deal with government policy about an Act that is still here, you know, put on by this government. My question is to the Treasurer then. I want to know and people want to know, because we want to look at this in the future. What considerations led the government to reject specific proposals for amendments to provide financial information to investors? That's all we're asking here, Mr. Speaker.

MR. JOHNSTON: Mr. Speaker, of course, this has been the way in which the opposition's handled this issue over the past, I guess since the fall of 1987. They selectively find an issue that they may get some short-term political credit from, realize that it's out of context with the overall hearings, and try to pre-empt the conclusions of Mr. Code. To me that is inappropriate, since in fact this particular question goes back to 1975, and I don't think anyone is here who may be able to answer why that took place. But we'll try as far as possible in terms of the inquiry itself to provide a full explanation as to what happened.

MR. SPEAKER: Thank you.

Supplementary on this sub judice issue.

MR. MARTIN: Yes, Mr. Speaker. This is not sub judice. It has to do with an Act that's still there right now; to this day this Investment Contracts Act is there. Nothing has been done.

My question is then: does this Treasurer or the Premier take the view that no comments can be made on any public policy matters related to the future of the financial services industry unless called to testify at the Code inquiry? Is that what this

Treasurer is saying?

MR. JOHNSTON: Well, Mr. Speaker, that's another kind of red herring you see there. Because there's an absence of policy that is socialist on this issue, they are trying to take a red herring and drag the Code inquiry across a broader discussion with respect to financial institutions. We from time to time over the past three months have answered questions with respect to the concept of financial institutions -- how we're going to handle it -- and we're very forward in the way in which we're dealing with this changing situation. But it is in fact inappropriate, Mr. Speaker -- and you have already ruled on this, going back to the fall of 1987 -- while the Code inquiry is under way and while testimony is being taken in front of Mr. Code and because the government is committed to the fullest possible inquiry, for us to answer those questions which may taint or condition the testimony of others and may influence Mr. Code's conclusion. That is inappropriate, and that is in front of the court right now.

MR. MARTIN: Well, Mr. Speaker, I would remind the Treasurer not to be defensive. But the Investment Contracts Act is still in play right now, and even now, today, there is nothing that would say that people have to have full requirement of the finances of that company. That's still true. My question, then, following from that. I'd like to see him hide behind the Code inquiry on this one. Why does the government, then, still continue to believe that investment companies should be able to sell financial paper to innocent investors without providing those investors with the means of determining the value of that financial paper? That's still the case today.

MR. JOHNSTON: Well, Mr. Speaker, if the Member for Edmonton-Norwood is suggesting that new contracts would be sold by various private-sector institutions under the Alberta contract legislation, I can assure you that will not happen. There is one very secure company still selling contracts in this province. Obviously, it would be inappropriate for us to change the law while the Code inquiry is under way. We look forward to the recommendations of Mr. Code as to how we can pursue and proceed with the changes of the contract arrangements in this province. Obviously, contingent upon his advice, we will recommend to our caucus various policies and legislative changes. That's the way the process works. Everyone in Alberta knows that, and everybody's waiting for the outcome of the inquiry, which is fully going to explore the underpinnings of the problems behind this very difficult situation for us. It is irresponsible to suggest that you could change legislation before, in fact, you have the full report from Mr. Code.

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

MRS. HEWES: Thanks, Mr. Speaker. There's another group of investors that are still going begging because of government inaction that might be very helpful. Has the Treasurer made any decisions regarding the dilemma of the Battleford Mortgage investors who desperately need help in pursuing their situation?

MR. JOHNSTON: Well, Mr. Speaker, I'm not too sure what that question means. The Battleford situation's been before the Court of Appeal. At least I think it's the Court of Appeal. It's been heard; it's been investigated; really, it's followed the process itself; and I don't think the question's applicable to the gov-

ernment of Alberta.

MR. SPEAKER: Thank you.

Second main question. Leader of the Opposition. That last supplementary really didn't flow from the first line of questions.

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

### Debate of Bills 21 and 22

MS BARRETT: Mr. Speaker, I guess it's the contention of the New Democrat caucus that the spring 1988 session of the Alberta Legislature has proven, if nothing else, at least one thing: that if the government can't win an argument or a debate on the basis of reason, they invoke closure. That's their answer.

Mr. Speaker, we've been able to show, I believe, that Bill 22 has some sections which are unconstitutional and Bill 21 is just basically unfair. Today my colleague the Member for St. Albert has tabled the amendments we intend to pursue in committee reading of these two Bills. I wonder if the Government House Leader will announce just now, today, when it is his government intends to table or pursue or present the amendments they themselves have said will fix the unconstitutionality of Bill 22.

MR. YOUNG: Mr. Speaker, for the interests of all members of the Assembly I should imagine that those amendments will be tabled in the House certainly before committee study commences and possibly even as early as later today. I'm not sure whether it will be today or tomorrow.

MS BARRETT: The opposition doesn't mind doing the government's work for it, Mr. Speaker.

Mr. Speaker, we've asked the Premier and not been able to get a satisfactory answer, so I ask the Government House Leader then. Now that he's been able to see, broadly at least, the spectrum of amendments that the opposition intends to propose, will he now assure the Assembly that his government will give due and timely consideration to each and every one of those amendments in committee reading?

MR. YOUNIE: Well, Mr. Speaker, the question is being asked of me as Government House Leader, but as all hon. members of the Assembly know, it is up to the Assembly itself in Committee of the Whole to determine the duration of study, the nature of study, how many people speak, et cetera. That is not a function of any individual member but rather of the whole House.

MS BARRETT: Mr. Speaker, I'd like to point out that that's a pretty fluffy answer, given that we certainly didn't want closure on those two Bills in second reading.

So I'd ask the House leader, then, why it is that he's got this wait-and-see attitude. Has his government got a hidden agenda on time limitations under committee reading of those Bills?

MR. YOUNG: Well, Mr. Speaker, I never have a hidden agenda and neither does the government. All hon. members know that it's the government's responsibility to get the government's business done in the interests of the public. It's the role of the opposition to criticize or to advance alternatives. We'll conduct ourselves accordingly.

MS BARRETT: Mr. Speaker, I'm going to interpret that as a

sign of goodwill. A rare occasion from the government, but I'm going to interpret it that way and ask the Government House Leader this then: is he prepared to allow each and every one of the amendments that we are proposing and that we have now tabled to proceed as a single amendment -- each one of them as a single amendment -- for consideration. Will he agree to do that, Mr. Speaker?

MR. YOUNG: Well, Mr. Speaker, the question as put is really a decision to be made by the mover of the amendment and also by the Chairman of the Committee of the Whole. It's certainly not up to the Government House Leader to make that determination.

While I'm on my feet, and given the preamble to this exercise of questions, I would point out that although the hon. member spoke of closure, what she neglected to mention, Mr. Speaker, was that prior to closure being applied, there had in fact been extensive debate in the order of almost 20 hours, which is longer than the British Parliament took at second reading to study the Bill which moved the British nation into the European Economic Community, and that was a much more profound decision. If one could add up all of the debate on second reading, it would be more voluminous than this.

MR. SPEAKER: Thank you.

Edmonton-Gold Bar. [interjections] Thank you.

MRS. HEWES: Mr. Speaker, perhaps they'd had some advance warning and opportunities to discuss it well in advance.

In the same regard and back to the original question, we've been circulated with a rather major amendment paper on the construction industry. I'd like to ask my supplementary to the Premier: whether or not the contents of that paper circulated to us have been discussed with the industry and with the contractors and unions involved before bringing it in as a suggested paper for an amendment.

MR. GETTY: Well, Mr. Speaker, that's the responsibility of the Minister of Labour. He's not here, but I can tell the hon. member that while the general principles would be discussed, we would not provide a Bill, actually, in advance to people other than to the Legislature. Having tabled it in the House, though, then it would be used on the basis of discussions, and there have been many discussions with both organized labour and management. I might say, as I said in the House earlier last week, that there are very many members of organized labour who have contacted me to say that they like this Bill and the construction bargaining amendment.

AN HON. MEMBER: Who?

MR. GETTY: The ironworkers, the boilermakers, the Building Trades Council. These people are responsible. They reject some of the comments that are being made, and they say this looks like a solution of a level playing field for labour legislation and also for the prevention of as many strikes as there have been. They like this legislation.

MR. SPEAKER: Thank you.

#### **Placement of Native Foster Children**

MRS. HEWES: Mr. Speaker, on Monday of last week the Al-

berta Association of Social Workers made a position paper public entitled Placement of Children with Native Heritage. In this paper the association outlined a series of recommendations which can be turned into a very useful set of guidelines for the handling and management of native children when they're being placed in a foster home environment. After my own consideration of the association's recommendations, I'm inclined to believe that they've come up with a practical policy which could fill a void that appears to exist in the system in regard to a very, very sensitive situation. I'd like to ask some questions of the Minister of Social Services. Would the minister inform the members of the Legislature of the government's response to the AASW's recommendations? That's the Alberta Association of Social Workers, Mr. Speaker.

MRS. OSTERMAN: Mr. Speaker, I've had the opportunity to review the suggestions made by the organization and would say that for the most part I would concur with a number of their recommendations. I believe that would obviously flow from the fact that a good percentage of the people who belong to that organization work for the Department of Social Services and would have had a hand in drafting a number of the initiatives that we have already undertaken.

MRS. HEWES: Supplementary, Mr. Speaker. Does the minister intend to meet with the association to discuss these recommendations and how they could be drafted into a policy for Alberta?

MRS. OSTERMAN: Mr. Speaker, we do have a policy, and it would only be in the areas that I believe the suggestions might be quite different from what is already in place that I would intend to have discussions with them. But I think that it is important for the hon. member to know that for the most part in principle we are already following the type of process that has been recommended.

MRS. HEWES: Mr. Speaker, then has the minister discussed the recommendations with native groups and reserve leaders to gauge their response?

MRS. OSTERMAN: Mr. Speaker, there have been very wide-ranging discussions going for -- I guess it would be well over a year. Part of the discussions stemmed from the role of the Children's Guardian and the whole process with respect to permanency planning for children, because obviously we're not just talking about native children here, although native children are certainly a high percentage of the youngsters who are wards of the province of Alberta. So those discussions have included all groups right through the staff of the department who are the front-line workers working with children, to the foster parents, the professionals who work at the Faculty of Social Welfare, and a number of people who are related to the native community in their role as workers in the native community and working with the guardian's office.

MRS. HEWES: Mr. Speaker, we know there have been some changes suggested to the guardian's office and how that operates, and I think that some of them are very important changes as well. But Albertans are very concerned about this, what with the recent court cases. There are so many variables. Will the minister now assure us that as a result of this document and discussions with native groups and with social workers, we

will have developed a clear, definite statement of policy for repatriation of native children for Alberta?

MRS. OSTERMAN: Well, in the hon. member's preface to the question I think she really very clearly -- although she may not have realized the clarity of her statement when she said "variables." I think we do have to make a definitive statement about our policy in respect to what interests are to come first and foremost, and it is the interests of the individual children. Those children are as individual in terms of traits as you will find every single human being, and to wrap them up in a single bloc would just be impossible. Mr. Speaker, I think it's important to have a good process in place whereby we leave no stone unturned in unearthing information in respect of a given child so that a good judgment can be made.

MS MJOLSNESS: Mr. Speaker, to the minister: will the minister consider placing some native representation on the appeal board?

MRS. OSTERMAN: Mr. Speaker, there is already a native person on the child welfare appeal panel.

MR. SPEAKER: Thank you.

#### **Medical Services in Rural Areas**

DR. BUCK: Mr. Speaker, my question is to the minister of hospitals and medicare, and this has to do with the perennial problem of a shortage of doctors in small rural hospitals. Is the minister in a position to indicate how critical the situation is as far as medical doctors' staffing some of the small rural hospitals in our province?

MR. M. MOORE: Mr. Speaker, my information is that the situation has improved somewhat from what it was a few years ago, due in part to there being more physicians practising in the two major cities and the other regional centres than was previously the case. It is a little more difficult for new physicians to start up a practice in the urban areas; hence, some of them are moving more readily to the rural areas. In addition to that, our program of providing additional payments for services provided in smaller, more remote areas is starting to work quite well as well. Finally, our incentives that were just announced last December that pay 100 percent of the cost of malpractice insurance above the standard \$950 a year, which is about the rate for a general practitioner that program is also, I think, proving to attract some physicians to move into rural areas. I should add as well that programs such as the Northern Alberta Development Council has been putting on, actively soliciting and attracting physicians to rural northern points in particular, have been quite successful as well.

DR. BUCK: Mr. Speaker, what consultation has the minister or the department had with the rural hospital boards to try and come up with some type of a co-ordinated approach to service these small hospitals?

MR. M. MOORE: Well, we have on an individual basis very regular discussions with rural hospital boards. Often it involves some request for us to take action on behalf of a board to get a doctor approved by the College of Physicians and Surgeons who comes from outside the country so that they can practise in the

rural community. There are other regular discussions held by our department staff with the Alberta Hospital Association about that problem as well.

In addition to that, you'll recall that one of the discussions we had with the Alberta Medical Association last year during the negotiations on their fee schedule involved the possibility of limiting billing numbers so that new doctors who wanted a billing number would have to practise in an area that's underserved. We agreed to not do that during this current fiscal year, and the Alberta Medical Association agreed that they would work hard to try to find ways to increase the number of practitioners in rural Alberta. I don't know to what extent their work has resulted in any concrete proposals yet. We haven't heard from them, but we do expect to hear from the AMA shortly with regard to the efforts they're making to get practitioners to go to underserved areas.

DR. BUCK: Mr. Speaker, can the minister indicate how many small rural hospitals in the province at this time do not have medical doctors servicing them?

MR. M. MOORE: Mr. Speaker, I'm afraid I can't. I could get that information. The last time I had that information there was only one hospital in Alberta that did not have a doctor practising at it, and I believe there was one other where a doctor was visiting on an occasional basis. But I'd be pleased to get that information as of today.

DR. BUCK: Mr. Speaker, to the minister on the government's commission on health care that's going around the province at this time. Is there any direction from the department to try and find out if we can put a system in place to try and encourage doctors to not only settle but to stay in these smaller communities?

MR. M. MOORE: Mr. Speaker, the only direction given to the Premier's royal commission on health care was the direction that was given via the terms of reference, which are very broad, and I have no doubt that the commission will be asked by a number of rural communities during their tours to pass judgment or make some recommendations with regard to that matter.

REV. ROBERTS: Mr. Speaker, what further financial consideration has the minister given to increasing the amount paid under the fee schedule for physicians to practise in rural Alberta to provide a greater incentive financially for them to move there?

MR. M. MOORE: Mr. Speaker, we have a committee that involves members of the Alberta Medical Association and our department staff and, I believe, the College of Physicians and Surgeons, which meets annually to review the incentive program that provides additional payments for physicians. I should add that it's not a straight program in terms of extra dollars in every smaller community; it's based on a point system. It depends whether or not they have other practitioners working with them, whether they're single-doctor establishments, and how many miles they are distant from other hospital facilities -- that sort of thing.

But annually a committee looks at that structure and makes recommendations, and that will occur again this year. We're amenable to introducing any changes to that program that will encourage more practitioners into the smaller communities. I

think it's been effective for the ones that are out there, certainly in keeping them there once they see the program in operation. The difficulty is that there are probably several hundred doctors in Alberta and elsewhere in the country who don't know about the benefits of the program, and perhaps we could do a better job of advertising.

MR. MITCHELL: Mr. Speaker, I wonder whether the minister could indicate what steps he is taking to attract nurses and other nonphysician medical staff to rural hospitals?

MR. M. MOORE: Mr. Speaker, we haven't taken any direct initiatives to attract other health care professionals, aside from doctors. The rural hospitals themselves are usually involved in various kinds of schemes to attract other health care professionals, oftentimes by providing residence accommodation or subsidies for accommodation.

On balance, I don't believe there is any greater or more difficult problem than attracting other health care professionals -- nursing and registered nursing assistants, laboratory technologists, and so on -- to rural Alberta than there is to urban Alberta. There doesn't seem to be any great shortage in the rural areas, although that changes from time to time as well.

MRS. MIROSH: Mr. Speaker, to the minister. Is anything being done to examine training of nurse practitioners to take over some of the physicians' procedures and carry on in the rural hospitals?

MR. M. MOORE: Well, Mr. Speaker, when I was meeting with the Association of Registered Nurses in Calgary earlier this year, I suggested that if all of the health care professionals, from doctors down through nurses, registered nursing assistants, and others, would give a little bit of their work to the group next to them, we could probably do with fewer doctors in Alberta. That's perfectly true, but it does take a willingness on behalf of all health care professionals to share some of the work they've been doing with others, who oftentimes, they believe, are not as well trained. I think there is an attitude that prevails in Alberta now for that to happen, and I'm hopeful that we'll be led by the Alberta Medical Association and by the Association of Registered Nurses.

### Telephone Rate Rebates and Reductions

MR. MUSGROVE: Mr. Speaker, my questions are to the Minister of Technology, Research and Telecommunications, in regard to the press release this morning regarding rebates and reductions on long-distance telephone calls. I wonder if the minister could advise the Assembly if the reduction and rebates on long-distance calls will cause an increase on local telephone rates.

MR. YOUNG: Mr. Speaker, no, there will not be an increase in basic service cost due to the reduction in long-distance telephone rates.

MR. MUSGROVE: Supplementary, Mr. Speaker. Due to the fact that this is a one-time credit, what happens to the people who have moved out of Alberta since this decision was made?

MR. YOUNG: Mr. Speaker, perhaps I should just explain that the one-time credit is for the rebate, which will range between

\$60 million and \$90 million dollars of excess revenue, which will flow back to subscribers as a credit note. To answer the specific question, if approved by the Public Utilities Board as requested by Alberta Government Telephones, only current subscribers at the point of time at which the rebate will be made will be eligible. They will be eligible based upon a prorating of the payments they have made over a period of time in the past. I'd want to make a clear distinction between the rebate of excess revenues, which is one time only, and the reduction in long-distance calling rates within the province, which amounts to 20 percent, which will be a continuing reduction. It is a reduction, when approved by the Public Utilities Board, that will go on.

MR. MUSGROVE: Further supplementary, Mr. Speaker. It appears that sometime since 1986 there has been recognized that there has been something in the way of an overcharge on long-distance telephone calls. I was wondering why this wasn't changed sometime previous.

MR. YOUNG: Mr. Speaker, the reason for the rebate at this time and for the excess revenue to have accumulated over a period of two and a half years is the process by which the Public Utilities Board controls the telephone rates. The process provides that the Public Utilities Board does a complete examination of the return on investment which will be allowed to Alberta Government Telephones. That process commenced in the latter part of the year 1986, and because of the many intervenors and other interested parties who participated and the complexity of the hearing, the results were not known until February of 1988. Following the decision that there have in fact been excess revenues earned, then Alberta Government Telephones has to go back to the Public Utilities Board to ask for the form in which the rebate will occur and also to indicate their proposal for rate reductions to remove excess revenues in the future. That's the reason.

MR. MUSGROVE: Further supplementary, Mr. Speaker. With these reductions in operating with AGT, is this going to have any impact on their financial performance in the future?

MR. YOUNG: Mr. Speaker, the ability of Alberta Government Telephones to provide this kind of a rate reduction as proposed is due to, first of all, an upturn in the Alberta economy which was greater than had been anticipated; secondly, due to the adoption of new technology within the system which is more economic; and, finally, to productivity gains within the company itself. In conclusion, it is anticipated that the company will generate sufficient revenues for its operations into the future.

MR. SPEAKER: Thank you.

Edmonton-Mill Woods.

MR. GIBEAULT: Mr. Speaker, supplementary to the minister. Given his announcement today which so clearly identifies the benefits of public ownership of our provincial telephone company, would the minister be prepared to acknowledge today that such benefits as he announced, which will be welcomed by all Albertans, clearly point out that it would be absolutely ludicrous to consider selling off such a valuable utility?

MR. YOUNG: Mr. Speaker, the hon. Member for Edmonton-Mill Woods has overlooked the fact that the Canadian radio and television commission last year ordered Bell Canada, which is

privately owned, to rebate a certain amount of excess revenue to its subscribers. The fact is that Alberta Government Telephones is a very sound corporation, and it is believed by some that in a private-sector domain it could be much more vigorous in terms of the diversification of our economy than it currently is in a government ownership mode.

MR. SPEAKER: Edmonton-Kingsway.

### **Financial Institutions' Service Charges**

MR. McEACHERN: Thank you, Mr. Speaker. My questions are to the Treasurer. On Monday, June 6, the federal all-party finance committee released its report on bank service charges, suggesting (a) the elimination of some bank charges, (b) a limit on other charges, and (c) notification periods for fee increases. The committee also suggested that provincial regulators should harmonize their legislation for trust companies and other provincial financial institutions with the committee's recommendations for the banks. Does the Treasurer agree that it is time that Alberta consumers of financial services were given this modest protection by government regulation?

MR. JOHNSTON: Presumably, Mr. Speaker, the modest protection that the member is talking to is within our jurisdiction, presumably in the trust company or Treasury Branch legislation. I can say that generally speaking it is a matter of record that financial institutions in Alberta within the provincial jurisdiction, certainly the trust companies and Treasury Branches and credit unions, operate at a very reasonable service charge to consumers, and really we have not heard much from the consumers of those institutions about unusual, unnecessary, or expensive charges. I should say that in the case of the Treasury Branches in particular, it is a matter of record that they have amongst the lowest charges of any financial institution in Canada.

MR. SPEAKER: Supplementary.

MR. McEACHERN: Thank you, Mr. Speaker. Within the last two weeks here in Alberta, Royal Trust charged two British visitors -- in fact, they were the two who were introduced today by the Member for Edmonton-Highlands -- \$2 for cashing a \$20 Canadian traveler's cheque. Apart from the fact that this is a shoddy way to treat visitors or anyone else, how can the government claim that it's trying to promote the tourist industry, with that kind of reception?

MR. JOHNSTON: Mr. Speaker, that's clearly the point. There are provincially chartered trust companies, and there are federally chartered trust companies. What I have tried to indicate to the member without being too direct is that the differentiation between the two companies must be fully understood. Obviously, if it's a federally regulated trust company, it is under the federal jurisdictions, and the company that he mentioned is, in fact, a federally regulated trust company.

MR. McEACHERN: Mr. Speaker, for customers with a balance of less than \$200 in our banks -- and there's no reason to assume that trust companies are much different -- fees average about \$100 per year. For those with a minimum balance of \$1,000 the fees average only \$40 a year. Why is it that the poorest people always pay the most? When will the Treasurer do something about it?

MR. JOHNSTON: Mr. Speaker, there's no question that all of us, probably on an apolitical basis, have from time to time been aggrieved by the actions of banks. I can say that I'm among one of those who have from time to time said, "What are all these dam charges for?" And I think we've all had to experience that. Needless to say, that's exactly why the federal parliamentary process was put in place to review it. They have made some recommendations. There's now an ongoing debate between the financial institutions themselves -- in particular the big banks -- and they are attempting to find some way to mediate the process, without, I'm sure, the federal government having to legislate.

Now, here in Alberta, as I've indicated, those institutions under our regulatory forces have in fact bided very well, I think, on a reasonable basis, the kinds of charges that have been expressed, the kinds of concerns that have been expressed. But I do think that the banks themselves, with respect to the costs and the charges that have been expressed by the member across the way -- that really is in the wrong jurisdiction, because, of course, the banks are federally legislated and controlled as well.

MR. SPEAKER: Thank you.

Final.

MR. McEACHERN: Well, the Treasurer is on record as being against any such regulations in Alberta for even provincially regulated industries.

MR. SPEAKER: Question.

MR. McEACHERN: To the Premier, Mr. Speaker. When will this government start protecting consumers of Alberta and stop relying on dubious assumptions about corporate competition and corporate education? How many Principal fiascos will it take?

MR. GETTY: Well, Mr. Speaker, this government always has concern for the consumers of this province, and that's basically why the consumers of this province are provided with the largest measure of take-home pay and why the consumers in this province have responded so strongly, in that they have continued to make expenditures second only to one other province in terms of retail spending. As far as their consuming habits with the government-run Treasury Branches, they support the Treasury Branches very strongly. They're very pleased that the Treasury Branches have taken up the slack, as the large banks, dominant as they are in Ontario and Quebec, have tended during the tough time to withdraw into those areas. They're very pleased with the way the Treasury Branches have been operating.

MR. JOHNSTON: Mr. Speaker, since the hon. member's preamble to the question to the Premier attributed to me certain positions, I should have an opportunity to clarify or at least provide to the House what I consider to be appropriate actions. First of all, I think the general response to the parliamentary committee is one of, "Well, let's see if we can't find some way to make the system operate more effectively rather than to legislate every nickel and dime charge that goes through a bank's charge against a service." That's generally the responsible way in which the banking system is operating. But what I did say, Mr. Speaker, in the context . . . I know the member is simply quoting the *Edmonton Journal*. He didn't have an opportunity to even read the parliamentary study, I'm sure. In any event, what I said was that since I hadn't read the study on the day it

was released, it would be my preference, wherever possible, to have market forces decide how, in fact, these marginal service charges should be effected, because legislation would be fraught with difficulty in that as soon as you legislated, the banks would find some way around it. It has to be based on a reasonable compromise, and that's the way reasonable people solve things.

MR. MITCHELL: Mr. Speaker, my supplementary is to the Minister of Economic Development and Trade. Small businesspeople frequently bear the burden of inordinate banking charges as an inevitable part of doing business day to day. Has the Minister of Economic Development and Trade taken the time or directed his public servants to analyze the impact of bank service charges on small businesses, and has he considered steps which might ameliorate that impact?

MR. SHABEN: Mr. Speaker, we have not undertaken a study as suggested by the hon. member, but we are reviewing the matter as the report of the Commons committee evolves, with my colleague the Provincial Treasurer.

MR. SPEAKER: Thank you.  
Calgary-Buffalo.

#### Environmental Initiatives

MR. CHUMIR: Thank you, Mr. Speaker. I'll start with the Minister of the Environment on this one, if I might. The National Task Force on the Environment and the Economy, of which the minister was a member, reported on September 24, 1987. One of its key recommendations was that a round table on the economy and the environment, consisting of representatives of government, business, labour, aboriginal groups, and others, be in place and operational by September 1 of this year. It's two and a half months from now. Now, I hear of task forces on the Beverage Container Act and environmental enforcement, but nothing like this ongoing round table which was endorsed by the signature of the minister. I'm wondering when, if at all, we're going to see such a round table in place in this province.

MR. KOWALSKI: Mr. Speaker, we have a number of round tables already existing in the province of Alberta. The Member for Calgary-Buffalo correctly illustrated several of those examples in place, and of course there are more. It was on Thursday and Friday of last week that I met with the other gentlemen -- and women, by the way -- who serve on the National Task Force on the Environment and the Economy. We had some deliberations in Halifax, Nova Scotia. It's our intent in the province of Alberta to continue our process with the type of round table that we currently have in existence in this province.

MR. CHUMIR: Well, those aren't the round tables you recommended, and that's why I made the distinction. To the Premier, on this issue. The report recommended that the first ministers take a leading role in discussing environmental and economic integration at first ministers' conferences. Since I note that of the 15 pages of communiqué from the recent Western Premiers' Conference there's not one mention of environment, I wonder whether or not the Premier might undertake to raise this particular issue at the next national First Ministers' Conference and the next Western Premiers' Conference.

MR. GETTY: Well, Mr. Speaker, the hon. member knows, and I've said this before in the House, that often there are matters discussed in any meeting of Premiers that don't find their way to the various communiqués. I can assure him that environmental matters were discussed and discussed in great detail at the meeting of the western Premiers and at first ministers' meetings and at Premiers' meetings. This is an important subject, and we do discuss them often and in great detail.

MR. CHUMIR: When they don't make the communiqué, it usually means zero priority. To the Minister of the Environment. One of the key recommendations is that we have a conservation strategy in place in 1992 in this province. I'm wondering whether the minister can give us an undertaking that that will in fact happen -- provided, of course, this government is still in office at that time.

MR. KOWALSKI: First of all, I'd like to correct something that the hon. member raised just a few minutes ago. He said something to the effect that that isn't the kind of round table that the Minister of the Environment had given his signature to. I can assure you, Mr. Speaker, that if anyone knows what the Minister of the Environment was talking or writing about it probably would be the Minister of the Environment with much more great deal of clarity than the Member for Calgary-Buffalo. For the member to say that I affixed my signature to something that I wrote and that that isn't what I said is absolutely, completely nonsensical and quite foolish.

Further, while I'm on my feet, I'd also like to respond as a bit of additional information to that provided to the Assembly by the Premier. On Friday at noon the members of the national task force fired off a letter to the Prime Minister of Canada asking the Prime Minister to raise the matter of the National Task Force on the Environment and the Economy in the context of the Brundtland commission, the recommendations made by the United Nations, by Canada, in October of 1987, and for our Prime Minister to raise that matter at this week's international summit being held in Toronto, Canada. So, Mr. Speaker, there are definite initiatives with respect to that matter.

MR. CHUMIR: I don't know whether we can believe the report or the minister, but here it is. Now, to the minister again. In light of the fact that the Environment Council of Alberta is doing important work to advance that national conservation strategy and other important environmental initiatives, I wonder whether the minister will undertake to have an open competition for the now vacant position of chief executive officer of the Environment Council of Alberta, to be done by an all-party committee of this Legislature, as is so effectively done with respect to the Ombudsman.

MR. KOWALSKI: Mr. Speaker, the chairman of the Environment Council of Alberta does not report to the Legislative Assembly in the province of Alberta. The Minister of the Environment is responsible for the activities of the Environment Council of Alberta, and it's part of my review to in fact work towards a competition that would see the fulfilling of the position in question. I would point out as well that it's really strange that the last question that the member raised -- he answered the question that he raised just previous to that himself.

MR. SPEAKER: Thank you.  
Edmonton-Glengarry.

MR. YOUNIE: Thank you. In reference to the Environment Council the minister has said that he plans to take a much more active role in future in that body. I would ask for his assurance that whatever active role he takes will not be aimed at reducing the independence and the willingness of that body to disagree with the minister on important matters.

MR. KOWALSKI: Gee, Mr. Speaker, within a few days from now it'll be my privilege to table in this Legislative Assembly the most recent annual report of the Environment Council of Alberta, in which there's some really great quotations in there about their love for this Minister of the Environment, so it's hardly a question . . . [interjections]

MR. SPEAKER: Order. Order please, hon. member.

Time for question period has expired. Might we have unanimous consent to complete this series of questions?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Thank you.  
Supplementary, Clover Bar.

MR. KOWALSKI: Just to complete the answer that I was providing to the Member for Edmonton-Glengarry, I'm sure he will read with a great deal of appreciation some very interesting quotations from various individuals in that annual report, in fact complimenting the government and the Minister of the Environment for working very, very much hand in hand with the Environment Council of Alberta. Of course, it is the position of this government that we appreciate the activities and role of the Environment Council of Alberta, as we do appreciate the involvement of 2.35 million citizens in this province towards the protection and enhancement of our environment.

DR. BUCK: Mr. Speaker, to the minister. I'm one of the few members on this side of the House who thinks the minister genuinely is concerned for the protection of the environment. Now, at the same time that I say that, I'd like to ask the minister is he seriously considering making the Environment Council of Alberta revert to where it was before the government changed it when this government took power, to give it autonomy and give it independence so it can make recommendations independent of the government, so the minister can use that advice?

MR. KOWALSKI: Well, Mr. Speaker, I want to make it very clear that the report of the Environment Council of Alberta that will be tabled in this Assembly in a matter of days was written by the Environment Council of Alberta without any interference, without any editing, without any involvement of this minister. So it is a most independent report, and that is the manner in which I have dealt with the Environment Council of Alberta since I've been the Minister of the Environment, since May of 1986. I look forward to and I welcome the submissions made by the Environment Council of Alberta to the government of Alberta. I would also like to clarify for the Member for Clover Bar that it has been the position of this government since the spring of 1987 that we're concerned for matters beyond simply the protection of the environment. We are concerned, as well, about the enhancement or the improvement of the environment in this province. That is a new mission statement.

MR. SPEAKER: Thank you. The time for question period has expired.

MR. SPEAKER: On Friday last there was a difference of opinion between the Minister of Agriculture and the Member for Vegreville. The Chair mentioned at the time that the Chair would report back to the House today. The Chair received some additional documentation in the course of the last number of hours and since one of the members is not present will not therefore deal with the matter before the House. Nevertheless, the matter will be resolved by the Chair, inviting both the Minister of Agriculture and the Member for Vegreville to come join me in my office tomorrow so that we might not unnecessarily take up the time of the House on this matter.

The Chair recognizes that there is a motion. Government House Leader.

MR. YOUNG: Mr. Speaker, as discussed between the Government House Leader and the leaders of the opposition parties, I would like to formalize that discussion by requesting unanimous consent to move Motion 19 which stands today in Votes and Proceedings of June 17 on page 4.

MR. SPEAKER: Request for unanimous consent: is there agreement?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.  
Government House Leader.

MR. YOUNG: Mr. Speaker, I would move, then, Motion 19 standing in my name:

Be it resolved that Standing Order 17.1 of the Standing Orders of the Legislative Assembly of Alberta be now rescinded.

[Motion carried]

## ORDERS OF THE DAY

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

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.  
Minister of Community and Occupational Health.

## head: INTRODUCTION OF SPECIAL GUESTS (reversion)

MR. DINNING: Mr. Speaker, this being the third annual Occupational Health and Safety Week in Alberta, I was delighted to be able to participate in events in Calgary and Red Deer this morning to kick off the theme, "Safe at Home! Safe at Work!" In particular, I was in Red Deer with my two colleagues from the Red Deer caucus to announce the Safe Community project, which is a bold, creative, and exciting campaign that will involve the whole city, the entire community, in a safety-driven program.



To that end, Mr. Speaker, I'm delighted to introduce six individuals in the members' gallery today who have helped us get the Safe Community project off to a tremendously positive start. First of all, Mr. Stan Lawlor is the mayor of North Bay, Ontario, the site of Canada's first Safe Community project, and now recognized as one of Canada's safest cities. He's with us today. As well, Mr. Russ Ramsay is the executive vice-president and general manager of the Industrial Accident Prevention Association of Ontario and formerly a Minister of Labour in the province of Ontario and has been a very active booster of the safe community concept. As well, we're joined by Alderman Tony Connelly of Red Deer, who is the chairman of the Safe Community project, and by Mr. Neil Garvin, who is the city's project co-ordinator. As well, Mr. Art Trace is the provincial president of the Canadian Society of Safety Engineering, that is one of the key sponsors of this week's activities. Lastly, but certainly not in any way in that order, is Mrs. Maureen Shaw, who serves as the chairman of our Occupational Health and Safety Council. She has been an ardent booster of this project, but more importantly she performs a tremendous service and makes a very valuable contribution to occupational health and safety in Alberta. I'd ask all of them to rise one more time and receive the warm greetings of members of the Assembly.

MR. SPEAKER: Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. It was some several weeks ago when I had the pleasure of touring St. Alphonsus school in the Renfrew district of Calgary-Mountain View. While I was there, I discussed the possibility with some of the teachers of bringing their students on a tour of the Legislature while we were sitting, and I am pleased today to say that as a result of that discussion we now have 44 keen and enthusiastic grade 7 students from the St. Alphonsus school, and they're here today with their teachers Ron Barchuk, Harold Greene, Anna Lorenz, and Wendy Jager. They're sitting in the public gallery, and I would like to ask them if they'd rise and be recognized in the traditional warm fashion of the Legislative Assembly.

[On motion, the Assembly resolved itself into Committee of the Whole]

head: **GOVERNMENT BILLS AND ORDERS**  
(Committee of the Whole)

[Mr. Gogo in the Chair]

MR. CHAIRMAN: Committee of the Whole, please come to order.

**Bill 21**  
**Employment Standards Code**

MR. CHAIRMAN: The government has called bill 21, Employment Standards Code. An amendment has been moved by the sponsor, the government. Are there any comments, questions or further amendments?

Hon. Member for St. Albert, on the amendment.

MR. STRONG: Mr. Chairman, I was wondering if it would be in order to make some comments in regard to the bill before moving the amendments that I placed and tabled in the Legisla-

ture just prior to question period today. Is that in order?

MR. CHAIRMAN: Hon. member, we're dealing with an amendment, and we must deal with that first before we consider additional amendments. [interjections]

Order please. Edmonton-Strathcona.

MR. WRIGHT: Mr. Chairman, I thought it was adjourned with my speaking, with me on my feet and just about to make a sub-amendment. Was I not? On 21?

MR. CHAIRMAN: Well, the Chair wouldn't argue with that, hon. member, if the hon. member had the floor. However, you know . . .

MR. WRIGHT: Well, I thought I had originally. Don't you continue on from last time?

MR. CHAIRMAN: Well, there's no requirement for that, hon. member.

MR. WRIGHT: Oh, I see.

MR. CHAIRMAN: It's not like a second stage when you adjourn debate. The Chair will hear the hon. Member for St. Albert . . .

MR. WRIGHT: Fine. Thank you.

MR. CHAIRMAN: . . . and recognize Edmonton-Strathcona when St. Albert sits down.

MR. MARTIN: Are you on your amendment?

MR. WRIGHT: Yes.

MR. MARTIN: Okay . . . [inaudible]

MR. CHAIRMAN: Hon. Member for Edmonton-Strathcona.

MR. WRIGHT: Yes. The government amendment following section 2. Mr. Chairman, deals with the possibility, which is a good one, of delegation of some of the duties imposed by the Legislature on the minister, and this is obviously a practical consideration. But speaking from the practitioner's point of view, from the practical point of view of the person affected by this, it is often the case that you want to know that the person who is purporting to exercise the duty of the minister is, in fact, authorized to do so in accordance with the Act. Therefore it seems to me to be reasonable to make sure that the authorization is in writing -- the section does not require that at present -- and also that the person affected is entitled to get a certified copy of the amendment so he, she, or it will know that the person they are dealing with is, in fact, authorized under the Act. So I propose just a small amendment to that effect.

MR. CHAIRMAN: If the Chair could see the subamendment, the hon. member can commence speaking on it until the Chair rules on its acceptability.

MR. WRIGHT: Mr. Chairman, I did it in the course of the sitting last time in writing and now typed. That has been accepted by the Parliamentary Counsel.

MR. CHAIRMAN: The subamendment's acceptable. Member for Edmonton-Strathcona.

MR. WRIGHT: Mr. Chairman, I've really made my point on this. Just to reiterate, it is good practice that if the powers of a minister are to be delegated, (A) that should be done in writing so there's no doubt as to what powers have been delegated and when, and (B) if you are dealing with that person other than the minister, of course it's practical that you are able to see the extent of the delegation and just what has been delegated, and you're entitled to see that as soon as you come to dealing with the person, if you wish. So that's simply an amendment that deals with that point.

MR. CHAIRMAN: Hon. member, the sponsor of the Bill, the hon. Minister of Labour, is not here. We will debate this subamendment now.

Hon. Government House Leader, any comment before proceeding?

MR. YOUNG: Mr. Chairman, no. I'm just trying to understand and make sure I understand clearly the purport of the two elements of the amendment because there's an A and a B section to it. When I do that, I can try to fill in for the Minister of Labour.

MR. CHAIRMAN: The subamendment's coming around. Any comments, questions on the subamendment? The Chair's prepared to wait a moment for the Government House Leader and then put the question.

Hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Yes. Just to make it clear in order to allow people to collect their thoughts and be absolutely certain of what it is in front of us, the government amendment to Bill 21 under proposed section 2.1(1) refers to

the Minister or the Director is given a power or duty under [the Employment Standards] Act [where] he may authorize . . .

What the hon. Member for Edmonton-Strathcona is proposing to clarify that is that it should read "he may authorize in writing" so it's clear. In fact probably in every single instance in practical terms where this section might be employed, they would likely be authorized in writing in any event. But just to make it clear in the legislation, it ought to say that it is in writing and, further, that once a person is authorized under this Act, he should be able to produce a certified copy of that authorization if it's ever required by anyone. So it's just a way of saying that if the Act is giving certain powers to the minister or the director and allowing those powers to be delegated to another individual, it would be not only good practice but good legislation to ensure that that delegation takes place in writing and that the person who then has that ministerial or director's power should be able to provide that or prove that if ever they should be requested to it.

So I hope that helps to clarify what I understand this subamendment to be, Mr. Chairman. It's both good practice -- I'm sure it's presently the case, in any event -- and also good legislation to ensure that when powers are delegated, it be done in a proper way and in writing. I think it is a constructive amendment, and I hope in the interim now the members have had the chance to review it and understand how it might operate in the context of the amendment.

MR. YOUNG: Mr. Vhairman, what I would prefer to do rather than, frankly, reject the proposal out of hand is to have a few moments to seek some legal advice apart from that which is being offered by the hon. Member for Edmonton-Strathcona. Perhaps to facilitate the procedure within the committee while we contemplate this subamendment, we could adjourn the debate on the subamendment on the condition that we can come back to it. That gets rather sticky, I appreciate, but it's the only way to . . .

This is really a legal question we're speaking to, as I understand it. Now, it may also have some other implications which I don't understand, and I don't wish out of hand to reject the hon. member's suggestion. Is it possible to get agreement within the committee to adjourn and then, when we are in a position to deal with it, to adjourn whatever other debate we're on and come back to this and clean it up?

MR. WRIGHT: Yes. In fact, we proposed a motion that it should, as I understand it. I move that the subamendment be laid on the Table to be removed at the discretion of the minister before we go out of committee, Mr. Chairman.

MR. CHAIRMAN: Hon. members, the Chair could authorize a suspension only if we had unanimous consent of the Chamber. Even then, you know, a question has been proposed, and the role of the Chair is to reach a conclusion on the question posed at the end of debate. Now, if hon. members are not prepared to debate, it would almost seem the Chair should put the question. However, based on the response of the hon. Government House Leader, it would appear that an answer may be imminent within the next period of time. What the Chair would do if the suggestion is accepted by unanimous consent of hon. members: the committee would go back to debate of the amendment before the committee, unless we suspend the committee for some period of time.

First of all, let me put the question, hon. members. At the suggestion of the Government House Leader that debate be adjourned on the subamendment moved by Edmonton-Strathcona, are you in agreement?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? That being agreed, then we should proceed on the basis of debate on the amendment before Bill 21.

MR. YOUNG: Mr. Chairman, this really does get sticky now. I'm wondering if we could treat this slightly differently: that we'll undertake to come back, and while this is shown here as a subamendment there's no reason it couldn't be just "sub" crossed out and an amendment to the amended Bill if the government amendments were adopted. That still doesn't preclude just treating this as an amendment at that point, and we would give an undertaking to come back and reopen the debate on it.

MR. WRIGHT: Mr. Chairman, actually if we voted the amendment, in the absence of an agreement to reopen it it would preclude that. But if we have that agreement that's fine too. The alternative is that we carry on with C and D of the Bill, but your alternative is fine too.

MR. CHAIRMAN: Hon. members being in agreement with the proposal by the Government House Leader?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Agreed. Then the understanding is that we'll proceed on discussion of the amendment before us, with other parts of the amendment not affected by the proposed subamendment by the hon. Member for Edmonton-Strathcona.

If the hon. members aren't going to debate, the Chair's going to put the question. Are you ready for the question on the government amendment?

[Motion on amendment carried.]

MR. CHAIRMAN: Bill 21 as amended. Are you ready for the question?

Hon. Member for St. Albert.

MR. STRONG: Yes, I'm in a bit of a quandary, Mr. Chairman. What I wanted to do was make some comments on Bill 21.

I believe the basic underpinnings for Bill 21 were brought forth in the minister's final report of the Labour Legislation Review Committee, where in B(i) on page 85, under General Policies Supported by Participants, what the minister's committee suggested was this:

Albertans support continued maintenance of comprehensive employment standards which ensure fairness and protection for all employed Albertans.

It goes on further, Mr. Chairman, to say that

Standards are expected to be contemporary, easily understood, and structured so that employers and employees are both aware of the rights and obligations which accompany the employment relationship.

Yet when we read through Bill 21, Mr. Chairman, the new Employment Standards Code, what we find is that rather than having standards that are contemporary and easily understood, we see regulations can be established in almost every section of the Bill we have before us. Now, it's pretty difficult for Albertans to understand exactly what is in Bill 21, the Employment Standards Code, when they always have to refer to regulations. In many areas of the legislation we have before us, rights are given and then taken away, or could be taken away, by regulations as they apply to the various sections of this Bill.

Standards, Mr. Chairman, that Albertans supported for fairness and equity. We've been through that previously, and what we find is not a whole bunch of fairness and a whole bunch of justice within the proposed legislation that we have before us.

I believe, Mr. Chairman, if we go down further on the general policies supported by the participants, if you look at B(iii), it says:

Albertans support the principle that ongoing or direct government involvement in the employee-employer relationship must be minimized.

Again, what we find in the legislation is that government involvement is not minimized. As a matter of fact it's enhanced, enhanced in many ways, where the government does interfere in the employer/employee relationship in many different ways, including ways where it can be interfered with under the regulations that are not contained in the legislation we see before us. That, I feel, is incorrect.

They go on further to say in the final review of the Labour Legislation Review Committee, Mr. Chairman, that

Employees and employers are best able to determine the nature of their relationship in the context of the market environment of the particular enterprise. The flexibility and adaptability needed to cope with changing market conditions can only be sustained at the level of the firm.

Mr. Chairman, that has absolutely nothing to do with labour relations. I believe that if we go back to the first quote I made in the general policies that are supported by the participants, what Albertans wanted was standards and legislation that are in plain, simple English people can understand, and people could pick the rule book up and make a determination as to what rights they had in that employer/employee relationship.

Again, if we look on further, one of the major concerns that was brought up by Albertans at public hearings dealing with recommendations to the legislation we have before us was the availability of prorated benefits for regular part-time employees. Unfortunately, the legislation we have before us does not deal with the institution of benefits for regular part-time employees. And if the minister were here -- oh, he is -- I'd put that question to him, just why the legislation we have before us did not deal with the particular concern that was raised by a goodly number of Albertans during the public hearings, and that was prorated benefits for regular part-time employees.

We go on further again in the report. If we look at recommendation 16 under part E of the Employment Standards on page 94, it indicates there that the code, referring to the Employment Standards Code.

address the question of wage priority through the concept that wages and benefits are due to the employee on a daily basis and that wages and benefits be considered a deemed trust provision. Unfortunately, again what we find before us in the legislation is that while the definition of wages is dealt with, it does not go far enough to protect those other benefits the employee is entitled to in the employee/employer relationship that should be there. It is part of the wage package and should be recognized in legislation as being part of that wage package those employees are entitled to should receivership happen, nonpayment of the remuneration that employees expect of their employers or whatever deal was made between the employer and the employee, where he or she would be entitled to those benefits in any receivership, bankruptcy, or fraudulent practice by an employer.

If we go on further. Mr. Chairman, in recommendation 17 of the final report of the Labour Legislation Review Committee, we find that the recommendation states:

That the minimum wage rate be reviewed on a regular basis and adjusted when necessary.

Well, Mr. Chairman, it was my view that if the minister was going to develop employment standards legislation applicable to all Albertans that do not enjoy the protection of collective agreements, this minister and this government would have developed within their legislation a mechanism that would allow for the review an increase in that minimum wage on a yearly basis. Unfortunately, that provision is not in the Employment Standards Code, Bill 21, that we have in front of us. That should be clearly laid out in the legislation, where Albertans do not have to wait another seven to eight years before they see an increase in the minimum wage in the province of Alberta. All of us here are aware that Alberta, for quite some time now, has had and still does have the lowest minimum wage in Canada. That won't be changed until September 1 of this year.

If we go on further in that same report, we see under recommendation 19:

That hours of work, overtime, breaks, time-off, paid vacations and the general holiday pay provisions be regularly reviewed to determine if the existing regulations are suitable.

Unfortunately, Mr. Chairman, we see that there hasn't been any change really in the hours of work; Alberta still has a 44-hour straight time workweek. When we examine other jurisdictions

in Canada, we find that British Columbia, our neighbour to the west, has a 40-hour workweek. We see our neighbour to the east, Saskatchewan, has a 40-hour workweek. We see Manitoba has a 40-hour workweek. Basically, if we examine legislation in other jurisdictions, we find that in western Canada those other jurisdictions do indeed have 40-hour workweeks. Why is Alberta lacking in its legislation? Included in that, we also find that the Yukon has a 40-hour workweek and the federal government has established a 40-hour workweek. This certainly is not bringing Alberta's labour legislation to the forefront or into the 21st century.

We examine overtime. We find that Alberta does certainly pay overtime under the existing legislation after 44 hours per week, a six-day workweek, Mr. Chairman: five eight-hour days Monday to Friday, four hours on Saturday. I thought the six-day workweek would have gone out in the particular legislation we have before us, but we find that hasn't happened either. If we look at the overtime we still have provisions in our legislation for, even though the minister says it's not a condition of employment that overtime agreements be signed, we know as members of this Legislative Assembly that overtime agreements in many instances are a condition of employment, or if those prospective employees do not sign those overtime agreements, unfortunately they do not get hired.

If we look at the breaks the minister has put in, the rest break he has put into his legislation, what we find is that certainly the minister had established a rest break in his legislation of half an hour after five hours of employment, but again, unfortunately, when we examine the legislation, we find that if the employer thinks the employee doesn't warrant that half an hour break after that five hours or during that five-hour shift, it's not mandatory for that employer to provide that half-hour break.

If we look at time off, Mr. Chairman, certainly time off when an employee works on a general holiday, a recognized holiday, they should be entitled to something, yet the legislation is not clear as to exactly what the employee does get and how many days off that employee gets in lieu of working that general holiday or that recognized holiday under the statutes.

We go on to say in recommendation 22:

That the Code set out the rules for regular part-time work, and in particular, the provision of applicable pro-rated benefits.

Those aren't there.

Again, when we examine all the minister's legislation, what we find is that legislation fails totally to measure up to the guarantees that were offered by this government, offered by this minister, when it came to taking Alberta's labour legislation into the 21st century and creating some fairness and justice and, indeed, a fine balance, a level playing field, a balancing of the scales of justice in labour legislation in the province of Alberta. That is unfortunate. In researching the legislation we have before us, we find that this legislation will cover approximately 900,000 working Albertans in the the province of Alberta. Again, that is a very difficult number to finalize as a realistic, positive number because of the number of areas in the legislation where there are exclusions and, in addition, where regulations can be made for lesser rates or lesser conditions than are mandated in the employment standards legislation we have before us.

Mr. Chairman, I could go on. I won't go on. What I'd like to do is move all the amendments I put into the Employment Standards Code. They are numbered 1 to 28. In recommendation 17 -- there are a number of seventeens, but I would like to deal with them as we go through the legislation the minister and

this government have proposed that's in front of us. I would propose to deal with those in moving all these amendments seriatim as we go through the Bill stage by stage by stage, if that's agreeable with the Chair.

MR. CHAIRMAN: Are you saying, hon. member, that it's your preference to deal with these as one amendment?

MR. WRIGHT: Seriatim.

MR. CHAIRMAN: In other words, the aggregate. Yeah. So we'll deal with amendment 1 first. It's going to be a long time.

Hon. members, Bill 21 as amended is now before us. We have an amendment proposed by the hon. Member for St Albert, known as number 1. Now, the Chair understands that they were distributed earlier to all hon. members. Could the Chair have an indication of hon. members in possession of the amendment marked with the digit 1 in brackets, the amendment to Bill 21 moved by the hon. Member for St Albert. Everybody in possession?

Speaking to the amendment, then, hon. Member for St Albert.

MR. STRONG: Mr. Chairman, the reason I asked that all of them be moved is that it will save the committee some time rather than have me jumping up on each amendment to move it when we're going through it. What I understand back from you is that all those amendments have been moved and we will deal with them one at a time as we go through. Correct?

MR. CHAIRMAN: Hon. member, there are 28 such amendments being moved. It's not significant to the Chair as to how they are done, as long as hon. members understand we'll vote for them one by one and debate will be restricted to each amendment.

Hon. Member for St Albert.

MR. STRONG: Mr. Chairman, speaking to the first amendment that was proposed, what we find is a new definition of a dependent contractor. There are other jurisdictions that have definitions of dependent contractors. For the minister's information, we can look at British Columbia's legislation, Ontario's legislation, Manitoba's legislation, Saskatchewan's legislation, and the legislation we have federally in Canada, where all of those jurisdictions deal with a definition of what a dependent contractor is and how it fits into the scheme of things in labour relations.

A dependent contractor, Mr. Chairman, is basically a small businessman who is not in reality a small businessman that could be perceived as a contractor. They are employees that traditionally and historically rent out their services and pieces of equipment to much larger contractors to conduct work for them but in essence, are still part of that employer/employee relationship because they get all their instructions basically from the contractor or individual they are working for.

We also move down to the definition of an employee, where the definition of that employee has been broadened out to supplement the definition as well in conjunction with the dependent contractor, to allow for things like cab drivers to get status as employees. If the minister would look at a particular case in conjunction with the Yellow Cab decision or the A1 taxi decision, what he will find is that those employees were denied certain rights and privileges under legislation by not the Labour Relations Board here in the province of Alberta but the courts

because of not only the definition of wages but also the definition of an employee. Now, the minister and the Department of Labour certainly are aware of the decision that was made in the courts with respect to this amendment, and as these Bills -- Bills 21 and 22 -- mirror each other in many ways, the change in the amendment is dealt with basically in Bill 21 as well as it would be dealt with in Bill 22. That is why we have the amendment before us that we feel that dependent contractors certainly should be recognized in the employment standards legislation as well as having the definition of an employee changed to reflect the true benefits employees are entitled to as well as some of those wages and other things they are entitled to.

With that, Mr. Chairman, I'll sit down and listen to what the minister might have to say.

MR. CHAIRMAN: Hon. Member for Edmonton-Strathcona on the amendment.

MR. WRIGHT: Yes. This is a very sensible amendment, Mr. Chairman. A number of dependent persons -- taxi drivers is perhaps the best example, because we had a case about 10 years ago in Edmonton that dealt with exactly this point. They are classed as independent contractors because they bring to the taxi company their own vehicle. Mind you, they themselves in turn often hire drivers, but it's their own vehicle and they buy their own gasoline, pay for their own servicing, and so on. But they are at the beck and call of the company; the company lays down the rules of operation; they are in every respect like an employee -- they have to conform to certain hours because of deal and so on -- but they're not called employees. They cannot form a union. It's unfair.

There was a parallel thing, I recall, in England years ago. They called them "lumpers" or "on the lump," meaning they were paid on a lump sum, but this went to ridiculous extremes. So you could be a labourer and you were paid a lump sum if you did the particular job, and they were deemed to be independent contractors. Well, they were no more independent than your employee in your business is. They were doing a specific job and they were paid for it.

So this amendment is simply to get round what has proved in practice with perhaps unscrupulous employers -- but if your competition is doing it and it cheapens the input costs, then scrupulous employees are driven to do it too. So it's not simply the refuge of the rascal. It's just something that we in the Assembly should be making rules for to ensure decent work conditions without rancour for ordinary working folk.

So the amendment is a sensible one, Mr. Chairman.

MR. CHAIRMAN: The hon. Member for Calgary-North West.

DR. CASSIN: Yes, Mr. Chairman. I would like to speak against the amendment because it's so broad. There's always circumstances where people perhaps take advantage of a situation, but this, in fact, would eliminate the whole idea of a subcontractor, and there are any number of situations where we have subcontractors, whether that be on the construction site or whether it's the individual you contract to come in and do the cleaning once or twice a week or a month. There are any number of people that have contractual agreements, and I have to ask myself: who is really asking for this? Certainly those people who are involved in the contracting as individuals or small groups seem to be functioning, and I have not had anyone ask for this specific recommendation. Certainly as an employer

when you are subcontracting out that is on a bid process, and once an individual has agreed to provide a service, yes, as the payer you ask for certain conditions as one would of their accountant or their lawyer or someone else they would contract out to. So I have some difficulties with the amendment as written because it's so broad in scope.

MR. CHAIRMAN: Are you ready for the question?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: The hon. Minister of Labour.

DR. REID: Mr. Chairman, I'd like to make some comments about this, in view of remarks that were made by the hon. Member for Edmonton-Strathcona.

We have to look at what will be the end results of this type of amendment. It is true that there may be some difficulties with the subcontractor type of relationship, but in many cases very large businesses that have built up started with that precise procedure. For those of us who are not born with a golden spoon in our mouths, it may indeed be one of the few avenues for building up equity and ownership of equipment. It has worked successfully in the construction industry in some areas, in the woodlands operations in the forests of Alberta, where people have started off as a very much dependent subcontractor to a forest company and have ended up owning hundreds of thousands of dollars worth of forestry equipment, draglines, road-building equipment, and that sort of thing. It does appear in some cases to have potential for abuse, but the dependent contractor, be he cab driver or working in the woodlands, can frequently develop equity and go on to develop their own business in an entrepreneurial fashion through the dependent contractor mechanism.

What brought me to my feet was the intervention by the Member for Edmonton-Strathcona in relation to the situation in Great Britain and especially England. It brought to mind what we heard about the construction industry in Britain where, indeed, major construction companies have now developed a system with their employees of subcontracting to the extent that the major companies are pleased with it, the individual subcontractors are pleased with it, and indeed, if the system is changed, it will be changed by the government of Great Britain because of the loss of tax revenues that come from this precise system. In other words, the building up of entrepreneurial skills of separate corporations of self-employment that come from the use of the dependent contractor mechanism, I think, outweigh by a considerable margin the potential abuses that can occur in some cases.

MR. CHAIRMAN: Hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Chairman. In listening to the minister, a thought occurred to me, and it's this. Very often the government gives out fairly large contracts, or big corporations give out very large contracts. So they then often subcontract that work out to a large number of smaller firms. I think the relationship between those subcontracting firms and the bigger contractor that has hired them is that of an employer/employee relationship. Perhaps it wouldn't be such a crucial question then if, at least in government contracts, we were prepared to break down bigger contracts into smaller contracts and let small subcontractors, or people that generally play the role of

small subcontractors, bid on those smaller chunks that they can handle themselves, and then they would be entrepreneurs. Then, in a sense at least, they would be contracting directly and would not have another level of entrepreneurship, if you like, between them and the original person who is paying for the road or the new building or whatever it might be.

So certainly I think this is an important question, particularly in Tory Alberta where the contracts tend to be let out to big contractors who then do all the subcontracting to a lot of small subcontractors who have very little power or influence in sort of fighting back when they are badly treated. In fact, we see that kind of thing with the gravel contracts where truckers end up working for nothing, more or less, and I'm sure that it happens in other places as well.

MR. CHAIRMAN: The hon. Member for St. Albert.

MR. STRONG: Thank you, Mr. Chairman. What we've seen is the minister and another hon. member rise, where the hon. member opposite said the definition of a dependent contractor was too broad. He also asked who's asking for the legislation. It was my view that the labour legislation we have before us was supposed to apply to all Albertans, that these minimum standards -- and we're talking about minimum standards -- were going to apply to all working Albertans.

Unfortunately, Mr. Chairman, the minister in his review process by absence didn't deal with the question of the dependent contractor. Now, the minister addressed that question and that definition to some extent where he talked about building up an equity in a business where a small road-building contractor who had, maybe, a backhoe would build up a bigger business and perhaps add some more machinery to his business or perhaps not. Unfortunately, Mr. Chairman, what we find is that many of these dependent contractors have a bobcat, a backhoe, a dump truck, that there is a true employer/employee relationship between those dependent contractors and that employer. That should be recognized in the legislation we have before us, not just to say that somebody can go out and buy a shovel and call himself or herself a subcontractor because they purchased a shovel.

Now, there has to be -- and other major jurisdictions in Canada have recognized -- some form of dependent contractor definition. It's almost mandated, certainly if this minister and this government are going to bring legislation in the province of Alberta into the 21st century, that they deal with the issue of dependent contractor in the definitions as well as change the definition of "employee" in the legislation we have before us in the Assembly.

The minister also indicated that perhaps because of some of the creative accounting some of these small businesses do, governments are losing tremendous amounts of tax dollars through tax dodges. Mr. Chairman, that should be addressed and partially addressed here in the province of Alberta.

Again, Mr. Chairman, the minister did not comment in regards to the changed definition of "employee" that broadens that definition out somewhat, and perhaps the minister could comment on that.

MR. CHAIRMAN: Are you ready for the question?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: The question on the amendment -- hon.

Member for St. Albert.

MR. STRONG: Mr. Chairman, what I had asked -- and I guess the minister doesn't necessarily have to jump to his feet and respond -- is that the minister comment on what he sees or where the problem is in the changed definition of "employee." Now, if the minister could comment I'd appreciate it. I would take it that if he doesn't get to his feet he is not prepared to comment.

DR. REID: Mr. Chairman, the matter is simply one of cross-reference by other entities. We have the income tax rules and regulations and the ability to build up equity. One has to be self-employed in order to do that, and that would not be possible if they were defined as an employee under the labour laws of the province.

MR. CHAIRMAN: Are you ready for the question on the amendment as proposed by St. Albert? Hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Yes. I just heard that answer, and it doesn't really make any sense. You're telling me that somebody who is a subcontractor and they're under a particular circumstance and would by our definition then be considered an employee, would not have the right on the next contract if the situation changed and he could build up some equity and become an entrepreneur and bid directly on a contract and be his own boss? Why would that stop him? I mean, once the situation is there, once he is a subcontractor, if he is treated like an employee, it would have no effect on the next time he bid on something if he chose to, or on his right or ability to get capital or whatever else. It doesn't make any sense.

[Motion on amendment lost]

MR. CHAIRMAN: Amendment 2. Hon. Member for St. Albert

MR. STRONG: Thank you, Mr. Chairman. The amendment we have placed before the committee is an amendment that would add two general holidays to the eight holidays the minister proposed in his legislation, those being Boxing Day and recognizing the first Monday in August as a civic holiday.

Again, Mr. Chairman, what we find is that our neighbours on each side of us, British Columbia and Saskatchewan, both have nine general holidays. We find that the Northwest Territories has nine general holidays, the Yukon has nine general holidays, and the federal government has nine general holidays. Now, again it seems odd to me that if we were moving into the 21st century in labour legislation in the province of Alberta, we as government certainly the Conservative government and this minister, would have made allowance to add to those general holidays they have listed in Bill 21. Unfortunately, again what we see is that the minister neglected to examine that or perhaps did examine it but just neglected to place in his legislation an additional two holidays to bring Alberta's labour legislation, indeed, into the 21st century. Now, again I don't think this is asking too much for Albertans, specifically when we look at the neighbouring provinces and the Northwest Territories that we have bordering our provincial boundaries. Certainly I don't think that's too much. Why was it not addressed in the minister's legislation that he placed before the Assembly in Bill 21, the Employment Standards Code?

I would hope the minister would support the amendment we have placed before this committee and at least do something for working Albertans, Mr. Chairman.

MR. CHAIRMAN: Ready for the question?

Hon. Member for Edmonton-Kingsway on amendment 2.

MR. McEACHERN: Thank you. I just want to say that when he introduced this legislation the minister talked a lot about how this legislation was supposed to be so progressive: it was going to take us into the 21st century, et cetera, et cetera. Now, if we're going to be that progressive, then perhaps it's time we led the way for once in some positive way to help working Albertans. So I highly recommend that he consider Boxing Day, which by custom is a sort of day off that everybody gets. So put it into the statutes. Let everybody know that you intend that will be a day off for all working people, whether they have a big union backing them up or whether they are just one little person working at minimum wage or whatever, that they have the right to that day.

Of course, it is common that municipalities have some say in the days off that people get, so the first Monday of August, it seems to me, is a reasonable other day to include. If this kind of thing were in the Bill, then the minister could truly claim that he is leading the way to the 21st century. The way it is now, he's being dragged into the 21st century.

DR. REID: Mr. Chairman, indeed consideration was given to this item. First of all, the Member for Edmonton-Kingsway has just mentioned the ability of municipalities in Alberta to declare a holiday with pay. It is usually, but not always, the first Monday of August, and it is felt that the flexibility that has been used in the past by municipalities should be left. As far as other days off are concerned, I think the hon. members should give consideration to the fact that after five years there is now a requirement for three weeks' vacation with pay, and that applies to all employees.

MR. CHAIRMAN: Hon. Member for Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Chairman. I wanted to make a few comments to this particular amendment primarily because while the unionized workers have a collective agreement and almost in every instance their numbers of statutory holidays are substantially what are being proposed here today, our main concern has to be with those that are unorganized or, in some cases, people who have been exempt from this legislation, which I think is a problem in itself. But I think it's important to concern ourselves about the 70 percent of workers in this province who are not organized, who do not have the benefit of a collective agreement, and who, in fact, rely on this legislation to provide them with the leisure time and holidays that their neighbours might have.

It is therefore, I think, important that this amendment be taken seriously and the addition of the two statutory holidays be added to this Employment Standards Code to ensure that those who are not organized do have at least the benefit of having the statutory holidays that most organized people have, who, through their grievance with the employers have had agreed that they're fair and proper holidays to have. So I would think the government should consider those things and, in fact, consider the implementation of both these vacation holidays.

MR. CHAIRMAN: Hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Chairman. The first Monday in August has come to be quite a tradition in Alberta especially, at least the ones I'm familiar with in Calgary and, I gather, here in Edmonton as well. It's an opportunity for communities from our multicultural society, our multicultural province, to get together and celebrate that particular day, and it's sometimes referred to as Heritage Day. I don't know about the hon. minister, but I know it's a treat for me to be able to go down to Prince's Island Park on that day and enjoy and take part in the festivities. In fact Mr. Chairman, on those brochures the organizers of these events put out as part of a program for those particular days, I'll wager that we'll find this coming year that the Minister of Labour and the Premier and some of the cabinet members here in Edmonton and the government members in Calgary will probably have their pictures in these programs, and say what a wonderful thing this Heritage Day is and isn't it wonderful that all the people of Alberta can get together and celebrate their multicultural heritage, to be able to express that in our multicultural province.

Well, Mr. Chairman, it's one thing as a Member of the Legislature to be able to take advantage of that particular day, to participate in it, and to extend greetings to the organizers of events on that day. It's another thing, Mr. Chairman, to deny that opportunity to take that as a general holiday under the Employment Standards Act.

I'd just remind hon. members that this government is great about that particular day when it comes to advertising themselves and putting their names forward, but when it comes to actually ensuring that people in this province can enjoy that day, it's an entirely different matter. Here it is, right here on our agenda this afternoon: an opportunity for them to extend this as a general holiday within the meaning of the Employment Standards Act. And, as I gather, they're probably going to vote it down. Well, what a recognition of our heritage in this province, Mr. Chairman, now that we have the opportunity to enshrine it in the kind of way it should be in legislation. The opportunity is here in front of the Legislature to do that. I really do hope that if members vote this down, at least they will be consistent and not take advantage of it, not put their names and pictures in flyers and programs and brochures when this day is celebrated by people in our province. That, I submit, Mr. Chairman, would be a consistent approach, at any rate, to this particular question on the agenda this afternoon.

MR. CHAIRMAN: Hon. Member for St. Albert.

MR. STRONG: Thank you, Mr. Chairman. I think this government should be ashamed to just dismiss this out of hand. You know, it's fine for the Minister of Labour to stand up and say that he and his committee, or whoever, gave some consideration to expanding the general holidays that we have in the employment standards legislation we have before us. And it's fine for the minister to say that, well, municipalities can declare it; we want to be flexible and we'll let the municipalities do our job, but we won't do the job for Albertans. Now why is that, Mr. Chairman? Why won't this government accept their responsibility and meet their commitment to the people of the province of Alberta, 70 percent of whom are covered by this barest form of labour legislation, employment standards legislation. It's fine for the minister to stand up and say, well, they're covered in other areas; we gave them three weeks' holidays. Big deal.

That has nothing to do with the amendment we have before us - nothing to do with that amendment -- and has got nothing to do with what we're talking about. We're talking about adding to the general holidays that we have listed in the Employment Standards Code.

The minister said that these people don't enjoy the benefit of a collective agreement. Certainly they do not. But certainly when you look at most collective agreements in the province of Alberta, they take into account the August civic holiday and, Mr. Chairman, who doesn't recognize Boxing Day as a holiday? You know, that just blows me away. I just can't understand for the life of me why this minister and this government won't give serious consideration to the amendment we have before us. It is a valid one, a good one, something that Albertans should enjoy if, indeed, this government had any intention of taking labour legislation into the 21st century in the province of Alberta.

Mr. Chairman, this minister could have spent a few 37 cents, one or two 37-cent stamps, rather than tour around the world to understand that other jurisdictions do have nine statutory holidays. Three of them border Alberta's borders, and for this minister and this government and these backbenchers to just out of hand dismiss adding one to the two general holidays that we have added, I think they should be ashamed of themselves, truly ashamed of themselves, Mr. Chairman.

MR. CHAIRMAN: Ready for the question on amendment 2? All those in favour of amendment 2 to Bill 21 proposed by hon. Member for St. Albert, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: The amendment fails.

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

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett	Martin	Sigurdson
Ewasiuk	McEachern	Strong
Gibeault	Mjolsness	Wright
Hawkesworth	Pashak	Younie
Laing	Roberts	

Against the motion:

Adair	Elzinga	Osterman
Ady	Fischer	Payne
Alger	Fjordbotten	Pengelly
Anderson	Getty	Reid
Betkowski	Hewes	Rostad
Bogle	Horsman	Russell
Bradley	Hyland	Schumacher
Brassard	Johnston	Shaben
Cassin	Kowalski	Shrake
Cherry	McClellan	Sparrow
Chumir	McCoy	Stewart
Clegg	Mirosh	Trynchy
Cripps	Moore, R.	Webber

Day	Musgreave	Weiss
Dinning	Musgrove	Young
Drobot	Nelson	Zarusky
Elliott	Oldring	

Totals: Ayes - 14 Noes - 50

[Motion on amendment lost]

MR. CHAIRMAN: Hon. Government House Leader, on a matter we discussed earlier with regard to a proposed subamendment.

MR. YOUNG: Thank you, Mr. Chairman. On the proposal of the hon. Member for Edmonton-Strathcona, which had to do with the amendment following section 2 of the government amendment as it originally appeared, the subamendment, on behalf of the minister I've done some checking with legal counsel and would report as follows. This delegation capacity does not delegate to investigative officers. That is done elsewhere in the Bill, and that is clearly done by statute elsewhere. So it doesn't clothe those kinds of officers who have the most contact with the public with anything that they wouldn't otherwise have; it just doesn't apply to them.

Secondly, the hon. member is quite right that the normal procedure - and I recall it from my days personally as minister - was to delegate in writing, and of course it's a matter of evidence. If challenged, there has to be evidence produced, and that is the normal practice today in the department. The reluctance, however, arises because this Act is a slight shift from the wording in the previous statute. There is more detail being put in the name of the director for delegation, and there's real concern that on relatively inconsequential but nevertheless administrative matters, if the director for some reason fails to delegate a specific, there may be obviously a nullity out of the action that's taken or avoided. There's concern to put it in for that reason. But I would assure the hon. member that it is recognized in the department that if there ever is a challenge, they have to have it in writing, and that is the practice. For that reason, I won't be supporting the amendment, but the point is well raised in the sense that the hon. member has done.

MR. WRIGHT: Mr. Chairman, I can see some semblance of reason, although I really don't agree with it, on the necessity of producing a certified copy. Why I don't agree with it is because - you say it rarely happens. Well, that isn't a reason for not doing it on the occasions it does happen, because the sort of powers you're talking about are not investigative ones.

But it seems to me that by his reply, with the greatest respect, Mr. Chairman, the hon. House leader has reinforced the reason for having it in writing at the time, because it forces the minister or those doing the drafting to clarify exactly what it is they are delegating. Because that is the trouble when there is a challenge. It's so vague very often, and it's not sufficient to say, "Well, we meant to do this but forgot to do it," because that may embarrass the government in a particular case. But in other cases the delegate himself or herself may not be quite clear what has been delegated. And if the answer is, "Well, this is in general what's been delegated, but it doesn't have to be in writing, so we can add verbal bits and pieces," it gets very messy. So I would invite the government at least to go along with point A and reject point B.



MR. CHAIRMAN: Moved by the hon. Member for St Albert, amendment 3 to Bill 21. Hon. Member for St Albert.

MR. STRONG: I thought we were going to deal with the amendment for . . .

MR. CHAIRMAN: Order please. Is it the wish of the hon. Member for St. Albert to move this as an amendment?

MR. WRIGHT: I understood that it was held out, and we can just vote on it at any time that's convenient to the Chairman, this particular one. If you'll call it at some time convenient, we'll deal with it.

MR. YOUNG: Mr. Chairman, I think I would agree with the hon. Member for Edmonton-Strathcona that the effect -- at least our intention was that this would be held back, and although the government amendments were voted, this would have to be construed as an amendment now, I think. I think in giving acceptance, the committee agreed that that's how we would handle it so I guess it has been deemed to be now in the form of an amendment moved by the hon. Member for Edmonton-Strathcona. The government will not be supporting it although -- well, we've had the discussion about it. So I think if the vote would be called on it we could dispense with it.

MR. CHAIRMAN: Normally it would be the ruling of the Chair that it would be inserted after number 4, because it deals with section 2 of the Act. However, inasmuch as we've now discussed it the Chair is prepared to entertain it as an amendment moved by the hon. Member for Edmonton-Strathcona, and we'll deal with it now.

Hon. member.

MR. WRIGHT: I so move, Mr. Chairman, and would ask that when the vote is taken, we vote it by each part of the amendment so the "in writing" part is voted on and then the production of authorization is voted on, because the two can stand apart.

MR. CHAIRMAN: Well, we'll have to get agreement on that, hon. member. The Chair would draw to the members' attention that what originally was a subamendment by the Member for Edmonton-Strathcona is now an amendment divided in two parts, A and B. Would the committee agree to dealing with the matter in two parts, A and B?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Any opposed? Carried.

Dealing, then, with the amendment proposed by the hon. Member for Edmonton-Strathcona, the portion listed as A, are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Defeated.

Dealing with the B portion, hon. Member for Edmonton-Strathcona.

MR. WRIGHT: Mr. Chairman, B has fallen.

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

AN HON. MEMBER: There's nothing to amend now.

MR. CHAIRMAN: Well, we should deal with the fatality, I think, of the amendment. All those in favour of the amendment proposed by Edmonton-Strathcona, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Fails.

Amendment 3, proposed by the hon. Member for St. Albert.

MR. STRONG: Mr. Chairman, the third amendment that we have before us seeks to deal with amending the definitions provisions of the Employment Standards Code that deal with overtime pay, where we seek in the amendment to strike out time and a half for overtime and replace it with double time for overtime.

Now, there are a number of reasons that this amendment was placed before the committee, Mr. Chairman. I believe all hon. members know that excessive use of cheap overtime does absolutely nothing for job creation. I'll give as an example of that the construction industry. During the last four years in the construction industry there has been massive unemployment. Now, rather than the employers in the industry recognizing the massive unemployment that was there, what they chose to do instead was pay cheap rates of pay and get tradesmen to work overtime to supplement their income. Those tradesmen in the construction industry were working 60 to 70 hours a week and, in some cases, for straight time rates of pay because of overtime agreements and also because they didn't have any choice. Now, that's what this amendment seeks to redress.

In addition, Mr. Chairman, what we also find is that overtime and excessive use of cheap overtime does absolutely nothing to enhance the productivity of a particular plant manufacturing plant or any type of job function. In addition, when you have massive amounts of cheap overtime worked in any industry, what it invariably creates and causes is unnecessary injuries. Where you have individuals working 16, 18 hours a day that in many cases are sanctioned by this government in the regulations, what we see is an incidence of more accidents and injuries in those industries. I believe if the minister would take the time to do a little research in conjunction with the occupational health and safety department certainly that is what the figures will bear out.

Overtime, Mr. Chairman, should be paid as a negative way of introducing more overtime hours for individuals working. It should be a deterrent to the utilization of overtime to enhance paycheques for an industry that pays lesser wage rates and works their employees more hours. I think, again, it shouldn't be used as a supplement for income; 40 hours a week is quite

sufficient. People should be able to earn a living at 40 hours a week. I think that in addition, Mr. Chairman, when we look at the problem and the question of regular part-time employees, because of the utilization of cheap overtime by some of the employers out there what we have are individuals that have become part-time employees that work up to three jobs per week, working 20 hours in each one of them -- 10 hours maybe in one, 20 hours in another -- to try and work the 50 to 60 hours a week they need in order to earn a decent living. If we had double time for overtime, it would create more jobs and get more people out to work. In addition, the improper utilization of cheap overtime causes inefficiencies within management. Those inefficiencies are clearly delineated in some industries where we have poor management practices because of the utilization of excessive amounts of cheap overtime.

I believe, in addition, Mr. Chairman, that what we're looking at here is basically a social cost to cheap overtime; that's the bottom line. Why should overtime be utilized at a cheap rate of pay in order to deny others the possibility of permanent employment? Those social costs are shared by every taxpayer in this province, and certainly it's something that should be eliminated.

I think this is a very reasoned amendment, and I'm sure that the minister will be making comments.

MS LAING: Mr. Chairman, I'd like to speak in support of this amendment. I think we have to recognize that the availability of overtime means that -- we've heard often in this Assembly that we must have great concern for the quality of family life. People working long shifts, not making that much more money, have less time with their families, less quality time, because it means that they're tired and they're therefore unable to interact with their families in a way that is helpful and helps the children or the family develop. It may indeed lead to problems in the families, because we know that people who are fatigued may be short-tempered, demanding, and otherwise unreasonable. So the quality of family life in families where people are expected to work overtime may well deteriorate. I think this amendment would help to improve the quality of family life in this province and therefore must be supported.

I would also say that I have heard from workers who have no choice in regard to having to take overtime, and they may not want to work overtime. They may want to commit themselves to doing other things, like being with their families, but they know that if they refuse overtime assignments, their jobs will be lost. So we see that this kind of a regulation would help empower workers and give them more choices.

Overtime work also exacerbates unemployment problems, of which we have a significant number in this province, and it reduces access to jobs for people that are willing and desiring to work. So again it is detrimental to the social context in which we live.

The final area that I'm very concerned about is the issue of fatigue on the job. Certainly a person that has worked 10 or 12 or more hours is tired. They are less productive. They are less able to pay attention to what is being done. Therefore, we can look forward to more errors, accidents, and injuries on the worksite.

So I would urge the members of this Assembly for these reasons to support this amendment.

MR. CHAIRMAN: Minister of Recreation and Parks.

MR. WEISS: Thank you, Mr. Chairman. I appreciate the op-

portunity just to speak very briefly as it relates to the amendment proposed as amendment 3 to Bill 21, the Employment Standards Code.

Mr. Chairman, in just addressing some of the hon. member's -- I refer to the Member for St. Albert, when he used the remarks, I believe, to quote: cheap overtime and cheap rate of pay. Well, I certainly question that. I recognize that there may be three or four levels of earning income, in maybe high, low, or medium, whatever classification or category one would place them in. But I'd like to give you an example. In the community that I live in, the city of Fort McMurray, representing the Fort McMurray constituency, the large majority of citizens who are gainfully employed are employed within the sectors of the oil industry, specifically Syncrude Canada and Suncor. The minimum wage, generally, those professional people -- and I say professional people because professional they are -- are enjoying is a \$19 to \$20 starting wage. I certainly don't refer to that as a cheap wage or cheap overtime and would like to bring out and bear out out to all hon. members of the Assembly, then, that if this amendment to the Bill were allowed to be passed, it would then reflect their wage levels at \$38 to \$40 per hour. I certainly think that's exorbitant in view of the number of hours that one may be requested to work. I recognize that in such times as shutdowns and periods like that there may be other factors.

But what I would like to point out to the hon. Member for St. Albert is that if that request was necessary on an ongoing basis, I'd say that that's then abusive by the management who are insisting that those hours be worked on a continual basis and that there would be a need then for creating a new job for persons to come in. If the hon. member would have addressed it that way, I could certainly understand and perhaps support it.

So what I'm saying to the hon. members of the Assembly, Mr. Chairman, is that I don't agree that there is any such thing as cheap overtime as it relates to the amendment the hon. Member for St. Albert is suggesting. So I would therefore ask and encourage all hon. members of the Assembly to vote no in non-support of the amendment.

MR. CHAIRMAN: Hon. Member for Edmonton-Strathcona.

MR. WRIGHT: Yes, Mr. Chairman. At first I thought it was perhaps an extreme jump to go from straight time to double time without any gradation. Then I realized that already at straight time you have to work 44 hours before you come into overtime. Therefore, it's not the jump you might think. But then there are other practical considerations too, quite apart from considerations about the family and family life, which are extremely important as well.

The points I refer to, Mr. Chairman, are that just as part-time and job sharing lend to create employment, so overtime tends to diminish total employment. Consequently, it's not such a bad thing if the overtime rates are steep, because that will tend to discourage overtime work. Since there is a set amount of work that has to be done, it will tend to encourage employment of other people for no greater a price. I hope that hon. members will bear that particular argument for employment in mind in approaching this amendment.

The last point is, of course, the one that has been alluded to. That is that a disproportionate number of accidents occur in the last few hours of work on the job. The longer you work, the greater the proportion of accidents that occur. That, therefore, is another reason why overtime pay should be steep.

MS BARRETT: Mr. Chairman, I would like to add some other thoughts to this debate as well. It seems to me that there's truth to this cliché: you can pay me now or you can pay me later. What I'd like to point out first of all -- and this is health and safety week in Alberta -- is that there are a number of industrial accidents caused by people who are working a lot of overtime hours. Now, the department collects data, which I didn't bring up to the House with me this afternoon, but they do collect data which indicates that there are thousands of accidents recorded every year on the worksite, not all of them considered compensable.

Now, I get letters from a number of employers saying, "Don't change things with respect to my contributions to the workers' compensation system here in Alberta." I have to ask myself: well, which side do you want? You can't have it both ways, Mr. Chairman. You can't say, "I don't want to have to pay more into the workers' comp system as an employer," and then say that you want the right to ask people to work overtime on their regular jobs. If you know that relatively speaking you're understaffed on a consistent basis, hire more people. Because the fact of the matter is that, first of all, accidents are being caused, and that's needless harm to the human body, I remind you. Secondly, it's not like those accidents go free of charge. We've got an entire hospitals and medical care system that has to accommodate people who have been injured on the job. We have taxpayers paying into that system.

In the second instance, we've got the fact that a lot of people who are working overtime on a regular basis are really filling jobs that otherwise would be filled by those who currently may have to go begging to the Alberta health care system for sponsorship or cosponsorship of their premiums. They may have to go to Alberta Social Services to get supplementary income. They may have to go to housing to find subsidized housing. In fact, they're constituting an expenditure from another side of the accounts, Mr. Chairman; that is, another side of the ledger sheet.

The Minister of Recreation and Parks said: well, this is a rare instance. That's exactly what I'm arguing. The fair thing to do is make sure there's a disincentive to the regular employment of people on overtime hours when those jobs should be realistically filled by other people who, because they are not employed full-time, constitute a source of expenditure from the other aspects or elements of the public accounts. You know, that old cliché, you can pay me now or pay me later, I think is really well demonstrated in this particular illustration, on top of the fact that people who are tired are more accident prone.

The other thing that occurs to me -- my colleague the Member for Edmonton-Avonmore talked about this for a minute, but I was thinking about another angle. You realize that for eight hours a day, approximately, we're meant to be on the job, but that's not where work starts, Mr. Chairman. We have to get ready to go to work. Sometimes that's an hour; sometimes it's two. Sometimes we have to take our kids to child care or to school or what have you. Then we've got to get home from work and try to fit the quality time into the rest of the day. Into what? Two, three hours? Three hours max, I can guarantee you, because I was a child of parents who worked. I know that we didn't get to spend a lot of time with our parents because, you know, the time was consumed in getting ready for work, coming home from work, and often in the evening spending more time getting ready for work. That was making the lunches for the next day or doing the laundry and ironing the clothes so you could look presentable at work.

So I ask you how reasonable it is that we don't attempt to

close a loophole in our own legislation which actually encourages employers to engage in the overtime system. It seems to me immanently reasonable, as my colleague the Member for Edmonton-Strathcona pointed out. The disincentive is embodied in a relatively small increase in the overtime pay that employers would have to take, but it might be just enough, Mr. Chairman, to prevent them from doing that and to make them realize that the smarter thing to do is to hire full-time employees, get them on full-time benefits so that they're actually contributing to the economy instead of taking out of the economy, so that they're contributing to the tax system instead of drawing on the tax system, and at the same time creating employment and, finally, at the same time leaving those precious few hours that people have with their families for those purposes and not keeping them out of the house working additional hours.

MR. CHAIRMAN: Hon. Member for Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Chairman. I, too, wanted to make some comments relative to this particular amendment, as the Minister for Recreation and Parks took issue to the fact that reference was made to cheap labour. You know, that may be so, but what he doesn't know is that there are employers who have a systematic overtime provision in their operations. It in fact is simply based because it is cheap labour. Why hire more people and pay them their benefits, their pensions and the other fringes that employees are entitled to, rather than work their regular employees on an overtime basis? Thirty-eight dollars an hour may sound like a lot of money, but if you consider the fact that you aren't paying any benefits to these employees, you're simply getting away with cheap labour.

Overtime, as already mentioned, is not a premium to supplement a regular wage. Overtime basically was instituted to serve as a penalty to lessen the amount of overtime that workers are called upon to work. Therefore, it was continually argued in preliminary negotiations to increase the premium for overtime to ensure that rather than work the regular employees overtime, in fact employers could seek to hire more employees, consequently adding to the economy of the province and that particular region. But it is cheap labour to be able to schedule overtime continually and on a regular basis. You're getting away with a great deal.

Of course, if the employer had to hire another employee, he'd have to pay that employee the regular rate that the overtime person is not getting. The regular employee is only getting time and a half, but if the employer had to hire another person to work in that particular shift or that particular job, then he would have to be paid the regular rate, which would have been \$19 an hour or whatever it might be. Therefore, in fact, it again becomes cheap labour, because you're only paying time and a half where the employee is doing the regular work of someone that could be working at regular time making full wages. So I think it is cheap labour.

The intent of overtime premiums in most collective agreements is not to have the opportunity for employees to make more money, but it's there to encourage the employers to hire more people, consequently providing more work in that particular area or in the province.

MR. CHAIRMAN: Hon. Member for Calgary-North West.

DR. CASSIN: Thank you, Mr. Chairman. I just wanted to again make some short comments on the question. I have diffi-

culty accepting the point of view that this is cheap labour and a way of accomplishing the job for less dollars. My understanding of overtime is to take care of those circumstances beyond the control of the employer -- a cement pour or something where you have to work an extra hour and a half -- as opposed to something that happens on a regular basis. I have trouble accepting that one individual is as good as two individuals if it's something that's happening on an ongoing basis, unless there are other constraints or commitments such as the operator of a machine. I really oppose the suggested amendment and have difficulty with the whole line of reasoning.

MR. CHAIRMAN: Hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Chairman. It is nice to see members on the other side getting up to engage in the debate.

Just a couple of comments. I would like to say that if the wage happens to be a fairly reasonable one of around \$19 or \$20, as suggested by the Member for Fort McMurray, and not at the minimum wage, okay, so you've got a whole range of people you're looking at. You're talking here about -- the Member for St. Albert certainly was -- people in the service sector, people in low-paying jobs. But in the case of the higher paid people, then it seems to me that the doubling of the wage for overtime would have that much more effect and would that much more quickly tell the employers that they should not be working people overtime. That's part of the point of what this amendment is all about. Because we believe it's not right, for a number of reasons that have been given, that people should be expected to work long hours.

Certainly from the point of view of occupational health and safety we know of the problems. I spent some time in this Assembly in the estimates telling the minister for occupational health and safety about some of the troubles in the oil patch. He knows that a lot of the problems in the oil patch, a lot of the accidents in the oil patch occur when people have been working too long. That's one of the hazards of the oil patch.

Now, he has set up a committee to study safety in the oil patch. Some oil company presidents and so on have been asked to sit on a committee. Mr. Chairman, they were supposed to report to the minister at the end of April, and we still do not have a report as far as I know. We have heard nothing more of their recommendations and what they're planning. So I say to the minister of occupational health and safety that he is one that should be looking at this particular provision and seeing if it wouldn't to some extent be a partial answer to his problems.

When you think about the number of truck drivers that work long hours, you know that most of the accidents they get into that they cause -- and I'm not saying that other drivers don't cause accidents at all, but if you looked at the accidents that were caused by truckers, I'll bet there isn't much doubt what you would find. It would be that those who were on the road for too many hours or on too many pills and trying to stay awake for 20 hours straight and that sort of thing were the ones that had the accidents.

So, Mr. Chairman, I say to the government that the safety side of this is one of the fundamental and important aspects of why this amendment should be passed, and I think the minister should consult with the minister of occupational health and safety and really seriously consider this amendment from that point of view.

MR. MUSGROVE: Mr. Chairman, this whole package reminds me of days gone by when I used to sit across the table from a labour union, and it sounds almost like their original proposal to start negotiating. Generally, it was something that they just did to see if they couldn't stretch one point out of the whole package.

But, Mr. Chairman, we're talking about ununionized labour here, and the friends that I have that are generally oil field workers, pipeliners and rig hands - I sit around listening to their discussions, and when they have a choice of an employer, why they choose the employer that will have the most overtime. For instance, you'll hear a group of people discussing a pipeline job and they say, "Well, we're going to get a lot of overtime working with this fella here, but if we don't, if we take the other one, we won't get much overtime."

So don't knock it. Overtime is something that employees like to see when they're on a particular job, so why are we trying to destroy that possibility for some of those workers?

MR. CHAIRMAN: Hon. Member for Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Chairman. The Member for Bow Valley makes a point that I think does need to be addressed in this context. It is true that in certain industries there are people who will pursue employment with the specific employer who offers the greatest amount of overtime, but let's have a look at the specifics of that environment. I've got two brothers in the construction trades: one is a general labourer, the other an electrician. They are seasonal employees. For the most part of the last few years, unless they've been working in Ontario, they've been out of work, quite frankly. But what they have done, because they have been unemployed, is pursue as much overtime as they can get. They've pursued the employers that will give them the maximum number of overtime hours, because they're so desperate for income, Mr. Chairman. Let's face facts around here. They're out of work, they need work desperately, and they'd rather have that earned overtime income than have to live on unemployment insurance.

That was precisely my point. If, in fact, there was a greater disincentive for employers to engage in overtime, there would be more jobs so the likes of my brothers Wayne and Ray wouldn't have to go and work seven tens. They could work five eights or five nines and make a decent living income. That's precisely the point. There would be more work for them, Mr. Chairman.

I realize that the Member for Bow Valley is bringing up real instances. It is absolutely true that some people want a lot of overtime. Our argument is that you will create more employment if you have a disincentive to overtime, and that way people won't be so desperate to get into those jobs.

Let me tell you something, Mr. Chairman. My own brother, working overtime, fell three and a half stories from a ladder a few years back. He broke both his wrists, and in the worst way possible. The bones came through at the top of his hand instead of the bottom of his hand, which the doctors say is much worse. He's arthritic; he's got serious problems. It's very difficult for him to work outside, but he continues to do so because he's so bloody desperate for employment. I think that's really unfortunate. That happened because he was working overtime. He was tired, and so were all the other guys on the site. That's why he fell. He's lucky he didn't lose his eye. The pin that went through his forehead missed his eye by a couple of centimetres. That's not funny stuff.

You have to look at the real costs of overtime to the employee, always. You know, people get injured on the job. I'll tell you, in the construction trades it's more likely than anywhere else. Although my own experience at the dry cleaners, for heaven's sakes -- that's how I got through university -- is that we'd end up working overtime. Jeez, we were working for minimum wage to begin with, and we were told, "If you don't work overtime, you might not have a job when you get back here tomorrow." Then you walk out with headaches, because that perc -- that's the solution that's used at dry cleaners -- just gets into your system. You can't stand it after a few hours. There's very little ventilation in most dry cleaners. Let me tell you, I've got the experience; I know. You know, I was still asked to work overtime in that sort of environment, so I had headaches every night by the time I got home. I can't imagine how I got through university with the good grades that I did under the circumstances.

Those are real life circumstances, Mr. Chairman, that I think need to be addressed. We're not saying that overtime should be declared illegal. We're not saying that. This is a very reasonable amendment inasmuch as we're saying: increase the disincentive for overtime so that it would only be used under extraordinary circumstances and not be used as a basis upon which to avoid hiring sufficient staff to get the job done in an eight-hour workday. Plain and simple.

MR. CHAIRMAN: Hon. Member for Calgary-Forest Lawn.

MR. PASHAK: I'd just like to rise in support of the amendment. The amendment is clearly designed to reduce the amount of unemployment that exists in society generally. Again I'd just like to draw on experiences that occur in countries like Norway and Sweden. Clearly, those are the countries the minister should have visited in his global tour if he really wanted to learn anything about labour practice. There he would find that the way in which unemployment is reduced, among others -- some of their practices include five-week vacations for all regularly employed workers and full maternity benefits with full pay. But also, and what's particularly germane to this subject, the only way in which an employee can work overtime is if the employer goes before a labour inspectorate and gets approval from that inspectorate in order to permit his employees to work overtime. In that way we get a much fairer distribution of work within those particular societies.

Again, I just think that the minister would have been much enlightened if he'd decided to take his traveling road show to Sweden and Norway rather than to England, for example, which has the worst history of labour relationships in the whole western world.

MR. CHAIRMAN: Hon. Member for St. Albert.

MR. STRONG: Thank you, Mr. Chairman. Some members opposite seem to be losing the whole gist of the argument. The argument is quite simply this: that you want to discourage employers from working some areas of overtime. You want to encourage employers to hire more people. Therefore, what you want to do in your labour legislation is create a disincentive for employers to work overtime. You want them to manage their affairs better so they don't have to work overtime.

I'm going to go back to what the Minister of Recreation and Parks had to say. He spoke very eloquently but in regards to the area that he's familiar with, and that's the area of Fort McMurray,

Mr. Chairman. The majority of employees who work in the Fort McMurray area are unionized. They do not fall under employment standards legislation, the minimal legislation that we have in front of us. When I talk about cheap overtime, I'm talking about an employer that pays anywhere from \$3.80 an hour to \$8.00 an hour. That's cheap overtime, rather than that employer going out and hiring additional employees. It's much more, I guess, convenient for that employer to work people overtime rather than look at hiring more people and creating more jobs in society. If we did that, Mr. Chairman, we would probably have less unemployment in the province of Alberta than what we have now.

What the Minister of Recreation and Parks talked about was tradesmen getting \$18 to \$20 an hour and, in some cases, more. The majority of those tradesmen fall under collective agreements. They don't fall under the barest form of minimal standards, employment standards legislation, but fall under collective agreements. Certainly we recognize that.

Again, if you look at building trades unions in the construction industry, they discourage overtime. The example I'll use is Genesee, where those individuals who are working out there, those tradesmen, are getting up at 6 o'clock in the morning, leaving and traveling immediately after that and not returning home until 6 or 6:30, after their eight-hour day, because of that traveling. Certainly the building trades unions discourage overtime on that site. It is a long day. If overtime were allowed, there would probably be a higher incidence of accidents on that particular project, and that is something the building trades unions want to discourage.

Certainly when you move into the maintenance areas that the Minister of Recreation and Parks is familiar with, the majority of those areas in the Fort McMurray area are covered by collective agreement where certainly there is some time and a half recognized; very limited amounts, Mr. Chairman. The minister, I would suspect knows that. So the comments he made are really not germane to the discussion that's going on because of those people being covered by collective agreements. The cheap overtime, again, that we speak to is the cheap overtime where rather than pay people decent wages, we have them paying the barest minimal form, \$3.80 an hour, and then expecting those employees to work 60 hours a week where they'll supplement their incomes with some overtime.

The object here, Mr. Chairman, is to create more jobs for Albertans. That's the object to create the disincentive for those employers to work overtime but establish second shifts or third shifts; hire more people. That's the total argument, Mr. Chairman.

MR. CHAIRMAN: Are you ready for the question?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: All those in support of the amendment known as number 3, moved by the hon. Member for St. Albert, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: The amendment fails.

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

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett	Martin	Sigurdson
Ewasiuk	McEachern	Strong
Fox	Mjolsness	Wright
Gibeault	Pashak	Younie
Laing	Roberts	

Against the motion:

Adair	Elzinga	Nelson
Ady	Fischer	Oldring
Alger	Fjordbotten	Osterman
Anderson	Getty	Payne
Betkowski	Hewes	Pengelly
Bogle	Horsman	Reid
Bradley	Hyland	Rostad
Brassard	Johnston	Schumacher
Cassin	Kowalski	Shrake
Cherry	McClellan	Sparrow
Clegg	McCoy	Stewart
Cripps	Mirosh	Trynchy
Day	Moore, M.	Webber
Dinning	Moore, R.	Weiss
Drobot	Musgreave	Young
Elliott	Musgrove	Zarusky

Totals:	Ayes - 14 .	Noes -- 48
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[Motion on amendment lost]

MR. CHAIRMAN: Under Standing Orders the committee will now rise and report.

[Mr. Deputy Speaker in the Chair]

MR. MUSGREAVE: Mr. Speaker, the Committee of the Whole has had under consideration Bill 21, reports progress, and requests leave to sit again.

MR. DEPUTY SPEAKER: Having heard the report, do you agree?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Those opposed? Carried.

MR. YOUNG: Mr. Speaker, by way of information the Assembly will sit in Committee of the Whole this evening to consider certain matters on the Order Paper. In that situation I would move, if I may, that when the Assembly reconvenes tonight at 8 o'clock it reconvene as Committee of the Whole to consider certain matters on the Order Paper.

MR. DEPUTY SPEAKER: Having heard the motion by the hon. Government House Leader, are you agreed?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.

[The House recessed at 5:36 p.m.]