LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Monday, June 20, 1988 8:00 p.m.**
Date: 1988/06/20

[The House resumed at 8 p.m.]

[Mr. Gogo in the Chair]

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

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

Bill 18
Animal Protection Act

MR. CHAIRMAN: The government has called Bill 18 for committee study. There is an amendment; the sponsor, the government, has an amendment. Do you have any comments, questions, or further amendments to this Bill?

MR. PASHAK: I'd just like some explanation from the member who's presenting the Bill as to the intent behind these amendments and just to clarify what the issues are here.

MR. CHAIRMAN: Hon. Minister of Agriculture, for the hon. Member for Vermilion-Viking.

MR. ELZINGA: Mr. Chairman, speaking on behalf of the hon. member who introduced this Bill, the amendments are strictly to add greater clarification to the distress aspect within this legislation. There were those groups that felt that the explanation or the interpretation could be rather vague as it related to distress and there would be too great a latitude left to the interpretation of this legislation. They wanted to have greater clarity to it, and that's simply the purpose of the amendments.

MR. PASHAK: The concern that I expressed during second reading had to with the way a number of slaughter horses were treated. Subsection 2 is being amended to say that distress does not apply if it's "in accordance with reasonable and generally accepted practices of animal management, husbandry, or slaughter." So would it be considered that the way these slaughter horses were treated was accepted, and therefore would this Act not apply?

MR. ELZINGA: Mr. Chairman, I was here when the hon. member gave an excellent presentation on this legislation, and we've received numerous pieces of correspondence as it relates to the specific circumstance he raises. I've been informed and I believe in my own mind that it is not normal practice as to how the horses were treated, and this legislation would cover that aspect of the concern that the hon. member has raised.

MR. HAWKESWORTH: If I could switch the question just somewhat so that perhaps the minister could clarify. I understand that in the raising of poultry there are lots of birds in a very confined space and that that's something that's been done for a considerable period of time. It's a generally accepted practice for poultry production or perhaps egg production. Is this amendment intended to prevent, I suppose, some group out there from launching an action under this Act when we have a situation like that, when it's been for a long time that this is the accepted practice? This is the kind of questioning I think the minister could give some comment on. Is this the general direction that he's taking or why this particular amendment's being brought forward?

MR. ELZINGA: The hon. member has touched on it in part, and I commend him for that I should share with him that it's such a fine line that we wanted to make sure that there was this clarity introduced so that those who have traditionally been producing livestock or poultry would not have to face any charges in the event that they are conducting themselves under so-called "accepted practices." In the event that the hon. member does feel that there is need for concern under so-called "accepted practices," we're more than happy to leave him with the commitment that we will work with the SPCA in seeing that those practices are altered.

MR. CHAIRMAN: Ready for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment carried]

MR. CHAIRMAN: Bill 18 as amended: are you ready for the question?

[The sections of Bill 18 agreed to]

[Title and preamble agreed to]

MR. ELZINGA: Mr. Chairman, I move that the Bill be reported as amended.

[Motion carried]

Bill 23
Maintenance and Recovery Amendment Act, 1988

MR. CHERRY: I move that Bill 23 be reported.

MR. CHAIRMAN: Are there any comments, questions, or amendments to this Bill?

MR. McEACHERN: Why not move the Bill rather than move it be reported?

MR. CHAIRMAN: The Chair is now putting the question.

Hon. members, any comments, questions, or amendments to this Bill? Are you ready for the question on Bill 23?

[The sections of Bill 23 agreed to]

[Title and preamble agreed to]

MR. CHERRY: I move that Bill 23 be reported.

[Motion carried]

Bill 24
Hail and Crop Insurance Amendment Act, 1988

MR. CHAIRMAN: There is an amendment. Any comments, questions to the amendment to Bill 24? Are you ready for the question?

HON. MEMBERS: Question.

[Motion on amendment carried]

MR. CHAIRMAN: Bill 24 as amended: are you ready for the question?

HON. MEMBERS: Question.

[The sections of Bill 24 agreed to]

[Title and preamble agreed to]

MRS. CRIPPS: Mr. Chairman, I move that Bill 24, the Hail and Crop Insurance Amendment Act, 1988, be reported as amended.

[Motion carried]

Bill 26
Motor Vehicle Administration
Amendment Act, 1988

MR. CHAIRMAN: Bill 26, sponsored by the hon. Member for Red Deer-South: there is an amendment Any comments, questions to the amendment? Hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Yes, Mr. Chairman. I believe these were circulated to all hon. members this afternoon in the midst of our other debate on some of the other Bills, and it might be helpful to us as we're collecting our thoughts if the hon. member introducing the amendments might make some quick opening comments in reference to them. I think all hon. members would find that helpful, that introduction.

MR. OLDRING: Mr. Chairman, the amendments are very straightforward as presented this afternoon, and there aren't any serious changes to the Act. But certainly I'd be happy to answer any questions that members might bring forward.

MR. CHAIRMAN: Ready for the question on the amendments?

SOME HON. MEMBERS: Question.

[Motion on amendment carried]

MR. CHAIRMAN: Bill 26 as amended: are you ready for the question?

[The sections of Bill 26 agreed to]

[Title and preamble agreed to]

MR. OLDRING: Mr. Chairman, I would move that Bill 26 be reported as amended.

[Motion carried]

Bill 28
Police Act

MR. CHAIRMAN: Bill 28, sponsored by the hon. Solicitor General: there are amendments. Any comments or questions to the amendment?

MR. ROSTAD: Mr. Chairman, I might point out that the amendments really are changing the name of the Law Enforcement Appeal Board to Law Enforcement Review Board, a change to make the rules of evidence prevail in a hearing, and a section 31.1, which will ensure that a police commission can hold an inquiry into their police force. That's essentially what the amendments relate to.

MR. CHAIRMAN: No comments on the amendment? Are you ready for the question on the amendment to Bill 28?

HON. MEMBERS: Question.

[Motion on amendment carried]

MR. CHAIRMAN: Bill 28 as amended? Hon. Member for Edmonton-Strathcona.

MR. WRIGHT: Yes, Mr. Chairman. I do have some questions of the minister on the Bill. The first items that I have some question about are the parts of the Bill that deal with local policing. Anxieties have been expressed to me by some regional police forces that the Bill adversely affects their existence. For example, there is one regional police force that has been brought to my attention that at present is employed by a couple of summer villages, a county, and two municipalities to enforce bylaws but also mainly to assist the RCMP in security, particularly in the summer villages. They've been very successful in this. They are unarmed; they are very popular with the summer villages they police and also the two small municipalities; I think they're both villages and parts of some counties. They have expressed to the residents and to me the belief that if the Bill goes through in its present form, it will really reduce their status to nothing more than reporting the possibility of offences to the RCMP instead of being able to patrol and apprehend persons who may be engaged in offences of a trespassing nature. I wonder if the Solicitor General will address himself to that concern.

Mr. Chairman, I am disappointed. The Speech from the Throne two years ago, in 1986, heralded an initiative in policing that was community-based, that returned the concept of policing more to the idea of policing for people instead of of people. So I'm somewhat disappointed to see in this Act that the community-based policing is rather farther away than it was under the existing Act. For instance, the present Act says

> ... there shall be ... a Director of Law Enforcement who ... may
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> (a) carry out necessary research and planning for and development of projects for
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> (ii) ... any program designed to improve [communications] between the police and communities;

The new Act says "there may be" a director of law enforcement, whose duties include a much longer list of enforcement activities but none of it programs to improve relations between the police and communities.

In section 37 of the Bill, lip service is paid to the concept of

community policing, but the mandate of the director of law enforcement is just that -- law enforcement -- in section 8. There's no community policing, no suggestion that that director should be the director of police services or something similar. There is no definition of the purpose of policing, no definition that might say something along the lines that the purpose of good policing is the recognition always that the test of it is the absence of crime and disorder, not the visible evidence of police action in dealing with them, to paraphrase one of the famous nine Peel principles.

Now, to go to rather more particular concerns, I find it a little difficult to understand how what I call the threshold works for the necessity to maintain one's own police force. It's gone up from 1,500 to 2,500; that I see. But there are not the same problems there, Mr. Chairman, at the 2,500 threshold that previously existed at the 1,500. That's to say, unless I misconceive what's happening, that once a municipality reaches the 2,500 threshold, then it has to have its own police force. It has an option of how it goes about it, but the expense devolves onto the municipality concerned. If the number is 2,499, there is no responsibility. If it's 2,500 -- or maybe it's 2,501; I'm not quite sure; I think it's 2,500 itself -- then suddenly it's responsible for policing 2,500.

Now, maybe there's something there that I'm not clear about, Mr. Chairman, but it seems to me that the fair way of doing it would be to have a grant made to the municipality that suddenly becomes responsible for its own policing equivalent to the cost of policing 2,500 anyway so that at 2,501 it's only firom its own resources raising the cost of policing one person and so on. So if the population is actually 3,000, then it gets what, when the population of the area was only 2,499 -- it gets that amount to start with and just has to find the extra money for 500 citizens. It's that big jump that seems unfair, and that's why the law at present just isn't enforced with 1,500, because there are those who have had more than 1,500 in the municipality for years, and it's been winked at because it does seem unfair suddenly to saddle them with all the costs. Perhaps there's something in the regulations or in the Act that I don't see that makes that fair. Some smaller municipalities at that level between 1,500 and 2,000 have been making those complaints to many members, including, I'm sure, the Solicitor General, and I think he's just shifted the problem upwards by 1,000 and left it, basically, in principle the same as before.

Mr. Chairman, there is another particular point that I don't believe has been addressed in the amendments here that we've passed, which does startle me, particularly when we compare it with what was in Bill 16 last year. I refer to section 36 of the Bill, which compares to section 34 of last year's Bill. It concerns the right of the police commissions to dismiss employees -- that's to say police officers -- for reasons other than discipline. That is a new departure, and perhaps the Solicitor General can explain the reasons for this and why he thinks it's fair. Because at the present time, Mr. Chairman, most police forces -- I dare say all police forces -- are under contracts that are brought in by the union, I guess, or their police association anyway, brought in in the sense they're negotiated in the ordinary way between the police commission or perhaps the chief of police on the one hand and the union on the other. These have adequate safeguards of the type we are familiar with: the policeman may not be dismissed except for cause, there is a grievance procedure, and so on.

Now, I suppose it has happened occasionally that there is need for downsizing, and it's found there is no provision for layoff. As well, I know there has been concern expressed about certain police officers who are judged to be really unfit for their job, yet they behave themselves. So they are a nuisance to have around, but they're going through the motions and so don't fit within a disciplinary procedure. I do see an argument for getting rid of that deadwood, if that's what they are, but I also see a great possibility for abuse of that provision unless it's hedged about with safeguards. Mr. Chairman, there is no safeguard in section 36 of this Bill. Section 36 says that:

> Police officers may, subject to Part 5,

which is an appeal process,

> be dismissed by the chief of police for disciplinary reasons in accordance with the regulations.

If they are dismissed by the chief of police, then there is adequate safeguards of due process.

Then it goes on to say:

> Notwithstanding the provisions of a collective agreement, the commission may terminate the services of a police officer for reasons other than disciplinary reasons.

Mr. Chairman, that one can understand. I've spoken of that. But that's where it ends. It says:

> Where a collective agreement provides a process for terminating the services of a police officer for reasons other than disciplinary reasons, that process shall be used for terminating the services of a police officer,

but it doesn't speak of the cases where there is no collective agreement. So all that the commission has to do is to resist a collective agreement, and there are no safeguards under this section. There are no principles that are to apply, and it seems to me to be a quite impermissible type of provision as it stands.

It was, on the face of it, better in Bill 16 last year. There it said:

> The commission may release a police officer from police service for reasons other than disciplinary reasons subject to the provisions of any collective agreement that applies to that police officer.

So I suppose there that had the implication that that subsection could not come into force unless there was a collective agreement.

Now, that might have been too hard to achieve on the other side because then perhaps the police union would resist any such collective agreement. It's gone to the other extreme, that you can be dismissed for no reason at all if there is no collective agreement. I know that the minister has had representations; at least I'm sure that the minister has had many and vehement representations from at least one police force, I'm sure more than one, in the province. While not being a great fan of police associations, I recognize unfairness when I think I see it, and I think I see it there, Mr. Chairman. I wonder why there is nothing in the amendments that we've dealt with to deal with that, or if there is an answer. And why aren't there due process provisions? In fact, there may be a due process clause implied by law, because while one of the good features of the Bill is that they have made police constables answer to an employer/employee relationship which they didn't have before, that is only something that's deemed to be the case. The essential description or account of what a police officer is has not been changed, as I read it It's just that they've been made more accountable by being deemed to be the employees of the chief of police. So they're constables at common law, and under the Haldimand case -- wasn't it? -- from Ontario, which the Solicitor General would be familiar with, deemed to be holders of an office at common law and therefore subject to due process. So my question is: is the Solicitor General just being clever in saying that, well, at common law they have a due process right,

so that's implied? Or is it not that at all? They've just assumed that there will be a collective agreement, and until there's a collective agreement, there will be no formal protection for people who are discharged under this provision, and that'll just be a lacuna until it's corrected. I submit that's not good enough, and there should be a recognition of due process even though one may presume that the police commission will make their decisions more responsibly than a smaller and more particularized tribunal; i.e., the chief of police. But I remind the Solicitor General that in the Haldimand county case, it was a police commission that did the discharge and which took them all the way to the Supreme Court of Canada before they found out that due process applied in the absence of any specific agreement or section in the Police Act in Ontario.

Section 37, Mr. Chairman, deals with the duties of police officers, and the word "community" is mentioned in this section: "to encourage and assist the community in preventing crime." But in my respectful submission, the thrust of this section is not carried forward into other sections or into the Act in general. I reiterate that at least one of Peel's principles, such as the one I reminded you of, Mr. Chairman -- to recognize always that the test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with them -- should be stated in section 37 as being an aim of every police officer.

Section 38 is clearly a good section. Lawyers and others have waited for decades for this section, Mr. Chairman. Just as a matter of interest to hon. members -- I see they're all hanging on my every word here -- the problem has been that in times past you could be falsely imprisoned or assaulted or otherwise wronged, in your opinion, by a policeman, but you couldn't sue the police force or the municipality, the people who for practical purposes were employing that policeman. You could only sue the policeman, so if you couldn't find out who he or she was, because you couldn't read the badge number or for whatever reason, you were out of luck. This remedies that position, and they're deemed to be the employees of the chief of police, so you can sue the chief of police or the police force and get your remedy that way. The reason for that was that at common law they're held to be the holder of an office, and they were not anyone's servant. They were their own masters, so they had no principals.

Those are my submissions, then, Mr. Chairman.

MR. CHAIRMAN: Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Chairman. I just wanted to rise and speak briefly to number 36 of the Police Act and to elaborate a couple of points made by my friend from Edmonton-Strathcona and point out that I think section 36 is in conflict with a section of the employment standards Act, Bill 21, which we have been discussing lately. Section 36(2) of the Police Act says:

> Notwithstanding the provisions of a collective agreement, the commission may terminate the services of a police officer for reasons other than disciplinary reasons.

I think that goes against a fundamental right that is enunciated here in the employment standards section, part 2, on page 9 of Bill 21. This is section 7(2), which says:

> If a collective agreement or any other agreement provides for an employee to receive wages, overtime pay, entitlements or parental benefits greater than those provided for in this Act, the employer shall give those greater wages, overtime pay, entitlements or parental benefits to his employee.

So whichever is the greater, the collective agreement terms or the terms in the Bill, is the one that applies according to Bill 21. Yet in the case of the Police Act what you're really saying there is that even if a police force can negotiate terms and conditions under which a police officer may be dismissed, and suppose that turned out to be that it had to be some disciplinary action and there was a grievance procedure and all the rest of it, then somehow this Police Act would override any collective agreement of that sort and give a lesser benefit to the police officer. So I think the minister should really consider that that seems like an unfair principle, given the general principle that seems to be enunciated here, that the greater benefit of the two should apply. So I'd ask the minister to take a look at that or reply to it.

MR. CHAIRMAN: Hon. Member for Calgary-Buffalo. Are you up?

MR. CHUMIR: I'm just trying to write a note of reminder to myself, Mr. Chairman.

I have a number of concerns that I would like to comment on. Firstly, and very briefly because this matter has been dealt with at admirable detail and clarity by the hon. Member for Edmonton-Strathcona, but that relates to the fairness of the process by which the services of a police officer may be terminated under section 36. As I mentioned in my comments on second reading, I think it's essential that there be fairness in these proceedings. We have the Haldimand case, and I think we certainly have to have something that is no less fair than is established under that process. But I would be very interested, and I'm anxious to hear the comments of the minister as to how he envisages the fairness principle to come into effect in terms of the differing categories of police officer in large or smaller centres and the degree to which he envisages the collective agreement as being the instrument whereby the fairness is established as opposed to general principles of natural justice under the rules of administrative law and in accordance with that Haldimand case. So I await with interest comments on that.

A second area that I have some concern about is the absence of any formal procedure for civilian input during the complaint process. We do have an appeal procedure to a quasi-civilian body in the form of what is now the Law Enforcement Review Board, but it seems to me that we would have done very well to have implemented in statutory form and crystallized the office of a civilian complaints monitor similar to that which has been informally implemented by the city of Calgary Police Commission. I think that, indeed, in accordance with recommendations made by a past monitor, even the rights and powers of that police complaints monitor might have been enhanced, perhaps even to the extent of providing for some process whereby that monitor would be able to consult with the chief of police prior to definitive action being made at important stages of the proceedings.

But importantly, I see the complaints monitor as playing some form of role of facilitating the transmittal of information from individual police services and with respect to what is going on in individual police services to the minister through the director of law enforcement. To that end I think it would be very, very useful to have a provision whereby a monitor was required to report annually with criticisms, critiques, and recommendations with respect to what is going on so that the minister would have some eyes and ears, an early warning system with respect to what is going on at the local level. Because as I mentioned in second reading, that is one of the defects that I perceive in this

Act overall, the distance of the minister from what is going on at the local level, a very heavy focus on local autonomy, local responsibility, which is very fine as long as things are going well, but there have to be these systems of information and advice and warning. I think that monitor could provide that very, very important service.

Now, I would also like to suggest with respect to the complaints process at the police service level, Mr. Chairman, that I think it would certainly help to satisfy the principle that justice must not only be done but be seen to be done if there were provision for the complainant to be present throughout any hearing. As I read the provisions in section 46(l)(j), the complainant has the right to appear and make representations, but once that takes place the complainant is thereby asked to beat a hasty retreat and is not allowed to be present to hear the evidence of the police officer or whoever else has been involved in the particular incident. I've talked to complainants over the years who feel themselves very aggrieved on that, who say, "There are closed hearings, and not even the complainant or his counsel is allowed to be present throughout the whole of those hearings." I think that is fundamentally wrong, and I think it should be changed.

I would also like to make some comments with respect to time limitations that are stipulated with respect to notice to be given to complainants and other parties when both the Law Enforcement Review Board holds its hearing and also police services. Under the governing provisions, 46(l)(a) and (b) -- I believe that covers both of those types of process -- the time provided for giving notice is 10 days. I find with people working, having to juggle their schedule, that really is quite short notice, and something along the lines of perhaps 21 days might be a more appropriate and more fair time frame.

I would also like to comment with respect to the as-amended provisions relating to whether or not the rules of evidence will pertain in these hearings of the Law Enforcement Review Board and in police disciplinary hearings. The Bill, prior to the recent round of amendments, stated that rules of evidence would not apply. I spoke to the minister about that this afternoon, and he indicated that there had been some conflict where a certain set of rules in the past prevailed in one direction and other rules went in another direction, and consistency was thought to be required by the provisions of the Charter of Rights.

[Mr. Musgreave in the Chair]

I am very concerned that we may be inadvertently drifting into an area of great problems as a result of these changes. I took the liberty of checking out an old -- in fact, indeed, old enough to be called ancient -- copy of the municipal police disciplinary regulations. If these still pertain, the number relating the rule of evidence in police disciplinary hearings is section 23, which provides that

> the rules of evidence followed by the courts in the province of Alberta shall apply

and I emphasize these words

> with any necessary modifications to disciplinary proceedings or any appeals held under these regulations.

I'm not sure to what degree those modifications are major modifications or not, but they imply a degree of flexibility. I want to say that I am very concerned that all proceedings be fair to police officers involved. I said that in my opening comments.

I also want to avoid proceedings which are riddled with undue technicality and with the potential for constant objections. I think we may find that when rules of evidence do or do not apply or they are not even softened by the concept of necessary modifications, we're going to be involved in a process that differs from night to day between the one and the other. I have been before the Law Enforcement Appeal Board, and I have seen how witnesses appear and are asked by the Law Enforcement Appeal Board to provide in their own words exactly what happened. Those words don't always comport with the strictest rules of evidence, and I think you're going to have a very different situation in terms of getting the story from those complainants under those circumstances.

So I would be very interested in light of what I suspect is a very significant change. On its face it's simple but, I think, very significant I would like to know whether or not there has been a thorough assessment of the philosophy and the principles involved as to how these proceedings pertain. What are the rules that are followed elsewhere? My instincts are that there certainly . . . My understanding is that there are at the very least significant modifications of those rules. I have in front of me a copy of the Royal Canadian Mounted Police Act of 1986, Bill C-65. There are portions which, I believe, have not yet been proclaimed, but section 45(8) seems to indicate that generally the rules of evidence do not apply, because it sets out within certain subsections a few areas where, for example, the rule of privilege, that rule of evidence is stated to apply to some degree. The implications are that they don't apply otherwise.

I would strongly urge the minister, before this is finalized, to have his officials give him a report and look into in great detail just what is at stake in terms of changing the nature of these proceedings, particularly before the Law Enforcement Appeal Board, because I'm concerned that perhaps these have been moved -- this change has been made in great, great haste and has not had the due attention that is required. I note in a general sense, in a practice of law which has generally not been in the administrative law field but has involved a reading of a fair number of statutes, particularly in the last several years, that most proceedings of this nature which appeal in relation to boards and disciplinary proceedings do not restrict the board or the entity to the strictest rules of evidence. I give by way of one example the School Act which is now before us, where there is provision for an attendance board. I recall reading and noting specifically that the rules of evidence do not apply. Were they to apply in that case, and were they to apply in many other cases in our society, I think you would find that the natures of many types of deliberations would be very, very altered. So I urge the minister to look at that.

My final point relates to the proviso in section 20(l)(m) of the Bill, which provides that a hearing of the Law Enforcement Review Board "may be held in private if in the opinion of the Board it is in the public interest to do so." Well, that is a vague, flossy standard. Indeed, it's so vague it's almost invisible. I think it's about time in this province that we start giving a little attention to what criteria or conditions might, in detail, justify what should basically or prima facie be public hearings, what criteria would justify those hearings to be held in private.

Again, in following general trends of legislation in the last five, six years, I've noted a tendency to get somewhat more definitive in some legislation. Perhaps I might refer the minister to section 45.45(11) of the Royal Canadian Mounted Police Act of 1986, Bill C-65, in which they define the three categories of situation which would justify that RCMP complaints body to hold its hearings in private, in contradistinction to the normal rule that it should be held in public. They deal with exactly the same concept, the same problem. Yes, the prima facie rule

public, but we may need on some occasions to go in camera. But they deal with the circumstances; they've thought it through; they've not left it vague and invisible and really subject to the almost unfettered discretion of the board. That is not in any way to denigrate the judgment of the board; it's just that these are principles that can and should be determined at this level, and I would urge the minister to review that as well.

I think those are my primary comments at this time, Mr. Chairman, so I will cede the floor to whoever else may wish to make some comments, failing which, perhaps some nuggets from the minister.

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

MR. HAWKESWORTH: Thank you, Mr. Chairman. I would like to ask the Solicitor General if he would briefly walk us through how this Act, the Police Act, has application, if at all, to Indian reserves in the province. I note, for example, in part 1 under Administration,

> The Solicitor General may
>
> (a) exempt any part of Alberta from the operation of all or any provision of this Act.

I don't know whether it's under that section where we find Indian reserves. I note that under provincial jurisdiction towns, counties, municipal districts, cities, and so on would obviously fall. But that means, however, that there are certain areas of the province that are exempt by virtue of being federal Crown lands under the Indian Act. Now, given that the minister, the Solicitor General, may exempt any part of Alberta . . . I don't know whether that applies in this instance, but I understand that the Solicitor General is able, under section 41, to establish special constables. I understand, Mr. Chairman, that it's under this section that some pilot projects have been undertaken in regards to band tribal police around the province. Now, I don't know to what extent this is working well or not working, but there's some confusion in my mind, and there may be in others', to what extent the Police Act might apply to those who serve on Indian reserves, both as it affects band tribal police and as it affects the Royal Canadian Mounted Police. I don't know whether, for example, policing on reserves forms any part of the agreement between the provincial government and the RCMP in signing the contract referred to in the Act or whether that's just something completely and totally separate that has nothing to do with the provincial Solicitor General. But I would like to get some clarification to what extent these special constables carry out directions to enforce provincial statutes and, therefore, to what extent they may be covered under the Police Act.

The model that was initially tried in one instance was to set up a police commission on a reserve and to administer that commission very much along the model contained in the former Police Act Whether that is being carried through in this particular Act, I don't know. I'd just like some general comments from the Solicitor General on that. In particular, and now I may be drifting into other legislation not in front of us tonight, but in terms of provincial statutes such as the highway Act, Alberta Liquor Control Act, and so on, it's unclear to me to what extent the special constables have power or authority or duties under section 41 and to what extent those duties might be assigned to them someplace else. It just is a concern to me, I guess, given the recent discussions or recent items that have occurred in the newspaper where certain members of the Blood Band in southern Alberta have complained about the degree of policing, the kind of policing that they're receiving.

I know that at one time this band was subject to a special pilot project under the present Act, and I don't know to what extent that is being continued or will be continued under Bill 28 or to what extent it may have been adapted or adopted as provincial government policy and extended to other reserves in the province. But it raises questions for me in terms of: how do these people get authority, what authority do they have, and to what extent are they able to carry out those duties assigned to them, especially those for which the Solicitor General is responsible?

So I'd appreciate a bit of an update, Mr. Chairman, from the Solicitor General about the status and whether any of those pilot projects or policies or actions, duties undertaken by the Solicitor General, are in any way affected by this Act in front of us. I presume that the section dealing with special constables is a carry through from the existing Act, but there may be some changes in the section in front of us.

Anyway, Mr. Chairman, those are my particular concerns tonight as regards policing, and that is to what extent this Act might govern the activities of band tribal police and to what extent it affects the Royal Canadian Mounted Police acting on Indian reserves.

Thank you, Mr. Chairman.

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

MR. WRIGHT: Yes. Referring back, Mr. Chairman, to section 37, which is the section which is really quite seminal in the Act, because it defines the "authority, duties, and jurisdiction of police officers." Since I may have to wait in vain for an amendment on the action of the Solicitor General to incorporate some kind of general statement along the lines that I think is right and fit and mete to go in there, I've done an amendment of that section.

Similarly. I spoke at some length about what I consider to be the lack of safeguards of a natural justice type in section 36, and I have provided some amendments for that too. With your permission, Mr. Chairman, I'll have them both distributed now. While these are being done . . .

MR. DEPUTY CHAIRMAN: I wonder if we could have one at the Table before you start speaking.

MR. WRIGHT: Shall I wait until they're distributed, Mr. Chairman, or make some remarks? I'll wait Thank you.

MR. DEPUTY CHAIRMAN: Committee, both amendments appear to be in order. Could the hon. Member for Edmonton-Strathcona please advise the Assembly which amendment he's going to propose first?

MR. WRIGHT: I'll take them in order of number, Mr. Chairman; 36 will therefore be first This is an amendment to subsection (3) of section 36. I'm sure hon. members will marvel at the clarity of my writing. Some people can even read it. But just in case there's any difficulty whatever . . .

MR. DEPUTY CHAIRMAN: There are some members who are having difficulty with your writing. Would you perhaps read the amendment?

MR. WRIGHT: I can't believe that, Mr. Chairman. [interjections] Get some new glasses. Dr. Reid is a medical gentleman; he can read it, I'm sure.

> Section 36(3) is amended by adding at the end thereof
> and where no collective agreement applies, the commission shall in their procedure observe the rules of natural justice.

To get back to that subsection, Mr. Chairman, I remind hon. members that this is the new case where a policeman can be dismissed for reasons other than disciplinary. I don't argue with the idea that there should be such a capability, which does not exist under the existing Police Act. I do argue with the lack of safeguard. If there is a collective agreement, there is no problem. That's what's been agreed. If there is no collective agreement, then we have to have a safeguard. It may be, and I'm sure the Solicitor General would agree, that there is an implication of law that exists, but why trust to that if that's what they are doing? Or if they are of the opinion there is no safeguard, then there ought to be. Put it in there. I don't see how people can quarrel with this.

I apologize for the informality of its having just been written out, but hon. members will recognize the point that particularly since elsewhere it says "Notwithstanding the provisions of a collective agreement," the least we can have is a provision for what lawyers call natural justice, but it's just ordinary fairness in dealing with so serious a matter as the ultimate in discipline, which is dismissal. What lawyers mean and judges mean when they talk about natural justice is the right of the person, the subject of the disciplinary action, to be heard, to have a fair chance of answer and defence. It doesn't necessarily mean that there's a right of cross-examination or the right to be present at all times. It's just a reasonable fairness so that the person it's proposed to dismiss (a) knows why he is being dismissed, he has a reasonable chance of understanding why, and (b) has a reasonable chance of making his or her defence.

I submit this is not a political essay. It's just an essay in ordinary fairness, administrative fairness. It may well be that this is the law anyway. It should be expressed, and I urge hon. members to consider it on its merits and accept it.

Shall we deal with that first, and then deal with the next amendment after we've dealt with this one, Mr. Chairman?

MR. DEPUTY CHAIRMAN: Are members of the committee prepared to consider the amendment that the hon. member's proposed? All those in favour of the amendment?

The hon. minister.

MR. ROSTAD: Thank you. Mr. Chairman, I admire the hon. Member for Edmonton-Strathcona in his desire, as he said, to not wait so long to have an amendment or to have one received and approved. I do agree with his comments from before, that there must be fairness. And there is fairness. Where there is a collective bargaining agreement where two parties have come together and set out a procedure, that procedure would be followed. But it doesn't mean there will not necessarily be the release of a person if it's found on its merits to be such the case.

But a police officer is really just that. He is an officeholder, but he's also an employee. As an officeholder, he has a disciplinary procedure which goes through with all the various rules. As an employee otherwise, he has the same protections as any other individual has with all the other procedures and safeguards that are in our labour. With respect, I do not see the necessity to add these nice words that don't add any more than what is there now, and I would speak against the amendment.

MR. DEPUTY CHAIRMAN: The hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Well, Mr. Chairman, as I understand what's in front of us, it first of all applies where no collective agreement applies. Then "the commission shall in their procedure observe the rules of natural justice." It seems to me, Mr. Chairman, that such a provision gives protection to all the parties in the dispute but particularly ensures that a person who is facing termination "for reasons other than disciplinary reasons" is accorded the kind of treatment they would get hopefully in a court of law or certainly, given that they're officeholders, the kind of treatment due to them or they're deserving of to ensure that they're heard, to ensure that they know the reasons for their dismissal, to know that it's not something arbitrary or malicious, that reasons have to be provided. The lawyers in this Assembly know far better than I what are the general rules of natural justice, and there may be more than the ones I've just laid out.

But surely it's a matter of justice and fairness to individuals who are being dealt with in a very significant way. I mean, if you're going to be terminated for reasons other than disciplinary reasons, that's very serious and it should be treated as such, and the individual who's been dealt with that way ought to be accorded these basic rules. Why would they be denied to him? Rather than the Act remaining silent in this matter, if we're all agreed that this is a way we feel persons ought to be dealt with, this is a way police officers should be treated, then why remain silent on it? Why not provide that provision in the Act? Otherwise, by remaining silent on this particular question, perhaps what the Assembly is saying is really persons who fall under this category should not be treated with natural justice; perhaps they should not be accorded those provisions. By rejecting this quite sensible amendment in front of us, Mr. Chairman, that seems to be what might be construed or interpreted as the Assembly's action in this matter.

The collective agreement, where it provides a process for terminating the services, then "that process shall be used." It's very clear. But where no collective agreement applies, then it seems to me just fair and fitting and natural that we would accord those individuals the rules of natural justice in the termination procedures. I think it's quite sensible and certainly is upholding the principle of fairness, which I hope is something all members of this Assembly are still willing to uphold.

MR. DEPUTY CHAIRMAN: Member for Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Chairman. If you just read 36(2) by itself, I think you realize just how naked you leave the police officer

> Notwithstanding the provisions of a collective agreement, the commission may terminate the services of a police officer for reasons other than disciplinary reasons.

That's it. Assuming no collective agreement in some cases, then a police officer is totally at the whim of the commission with no protection whatsoever, and you aren't even willing to add that they should observe the rules of natural justice to give him some recourse.

Mr. Minister, I think you should stop and think again what you're saying here. You're really saying that a police officer could be dismissed for frivolous reasons. Maybe he just isn't the most competent police officer in the world. That might be one reason. But on the other hand, maybe he just gets on the

wrong side of the chairman of the commission. There are lots of reasons that exist that could come under the terminology of "for reasons other than disciplinary reasons." So you open it up to a whole row of frivolous and unnecessary and unkind and unreasonable reasons for dismissal without any recourse on the part of the policeman, and that just doesn't seem to make any sense to most fair-minded people. The minister has built no protection whatsoever into the Act for those people who come into that category, those who do not have a collective agreement. So being a lawyer and a Solicitor General, you'd think he would have some concept of what's fair and what isn't fair and say that 36(3) needs an addition to it so we know that every person who is dismissed at least has his day in court, at least has a chance for a reasonable hearing. It's obvious that the amendment is necessary, because the minister has not made provision for that.

MR. DEPUTY CHAIRMAN: Are you ready for the question? Hon. Member for Calgary-Buffalo.

MR.CHUMIR: Thank you, Mr. Chairman. I would like to express my support for this amendment. I think it answers many of the concerns I expressed both on second reading and earlier this evening with respect to that provision. Indeed, I'm proud to support that change as one who has been very active in civil liberties. I very much recall Alan Borovoy, who is the noted general counsel of the Canadian Civil Liberties Association, noting how for some very, very long time he has fought for more open disciplinary proceedings with respect to police officers at the very same time as he has struggled very, very hard to ensure that the fairest of processes apply with respect to the individual rights of police officers when they're dealing with the police service, whether it be the chief or whether it be the Police Commission. He is a man of some long-standing experience in this area. My own instincts have been very, very strongly in favour of the direction of this amendment, but I'm certainly strengthened and comforted by the thought that this is something the Canadian Civil Liberties Association has fought for for many years. Were there no ambiguities, were we dealing with a situation that had been tried and tested for many, many years, I would have no concerns. But the reality is that we're moving out into new territory and there are ambiguities, and I'm not satisfied with the minister's comments that there is nothing to worry about.

This amendment improves, it clarifies, and it certainly in no way detracts from the effectiveness and the general direction this section should take and the concept it should express. So I would very much urge this House to stand with us on this one, Mr. Chairman.

MR. WRIGHT: Mr. Chairman, with great regret, I have to say I could hardly believe what I heard fall from the Solicitor General. He said, as I understood him, that a police officer partakes of the status of an officeholder on the one hand and the status of an employee on the other. By that, I take it he is saying that as an officeholder he has automatically the protection of due process. In that case there is no harm in expressing it, because I think he will agree I have exactly expressed the essence of due process in the amendment.

If he is referring to the police officer's role as an employee, he will know that in the absence of something in writing, a contract or a statutory provision applicable, the employee has no protection at all except the right to be dismissed on notice. He has that kind of protection, yes, just the same as any employee has, and if he's going to be dismissed without notice, as would probably be the case, then he will get a sum of damages or a sum in lieu of damages that is equivalent to the period of notice. But is that good enough? Because you then have the anomaly, Mr. Chairman, that if the police officer has misbehaved, is being dismissed for disciplinary purposes, he has protection. The person who is alleged to have misbehaved has all that protection. The person who is not alleged to have misbehaved has none other than the employee's protection, unless by implication of law, which is all this is expressing, in the absence of a collective agreement. So that then will be a positive incentive, where there is no collective agreement that deals with dismissal for nondisciplinary purposes, to try and cram everyone into that mold. There may be a reason for getting rid of a person, but you don't go that route. We say: "We're just getting rid of you; sorry. What's it worth in the way of damages?" That wasn't what was intended here. Or if it was, then it shouldn't have been in here at all.

So, Mr. Chairman, I say that this amendment expresses the right of the policeman qua officeholder. It does not express any right he has as an employee, because he doesn't have such a right If the Solicitor General is saying that he does have that right as an officeholder to due process, what is wrong with putting it in? Why leave it to a matter of interpretation and arguments and so on? Why involve police commissions in possibly fruitless arguments or certiorari applications, judicial review applications, and all that sort of thing simply because they aren't sure what their rights are?

I really do come to this with some warmth, because it does seem so manifestly illogical not to have something in here like this. It is true, one hopes, that there will be collective agreements dealing with it, but in the absence of that, I cannot see one jot or tittle of justification for not having this or something similar. If the Attorney General wants to hold back this part of the matter for further consideration and bringing in an amendment perhaps differently or more elegantly expressed, or as a government amendment, I have no particular pride in this -- let that happen. But please don't give the lame sort of explanation for not having something like this that we've heard.

MR. ROSTAD: Mr. Chairman, I would like to clarify the record. I've been accused of perhaps not hearing or stating something as the hon. member would like it to be understood I said. I didn't say that They have the right that he is writing out here right now, as any other employee has that same right Sure, if you're given a notice, there's usually some sort of formula determining that you get your money. Aside from that, it's the idea of whether you're being wrongfully dismissed, whether you're being terminated for some unjust reason and you have now, as any other employee has, that right to the due process. That is the point at issue. The point at issue isn't whether you're protected because you're an officeholder or whether you're protected as an employee. The officeholder relates to the disciplinary procedures that are well spelled out that pertain to the office of a policeman and how you dispense or work on that office. Then there's the side of the employee, and that's like any other employee. You have those rights, and you have your due day before any particular tribunal you would choose to take your action against.

MR. DEPUTY CHAIRMAN: The question has been called on the amendment to Bill 28, the Police Act, made by the hon.

Member for Edmonton-Strathcona.

All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: The motion is defeated.

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

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett	Hewes	Roberts
Chumir	Laing	Sigurdson
Ewasiuk	McEachern	Strong
Fox	Mjolsness	Wright
Gibeault	Pashak	Younie
Hawkesworth		

Against the motion:

Adair	Elliott	Oldring
Ady	Elzinga	Osterman
Alger	Getty	Payne
Bogle	Hyland	Pengelly
Bradley	Johnston	Reid
Brassard	Kowalski	Rostad
Cassin	McClellan	Schumacher
Cherry	Mirosh	Shrake
Clegg	Moore, M.	Sparrow
Cripps	Moore, R.	Stewart
Day	Musgrove	Young
Dinning	Nelson	Zarusky
Drobot		

Totals	Ayes - 16	Noes - 37

[Motion on amendment lost]

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

MR. WRIGHT: The other amendment before us, Mr. Chairman, is to section 37. I think it impossible that anyone has any difficulty with my writing, but just in case someone didn't bring their glasses, it reads as follows:

> This section is amended by adding after subsection (1) and before subsection (2) the words
>
> recognizing always that the test of police efficiency is the absence of crime and disorder and not the visible evidence of police action in dealing with them.

That is the ninth of Peel's nine principles, Mr. Chairman. It or something similar to it should find its place in the Bill somewhere, and 37 is the place for it, because that is the section that lays out the "Authority, duties and jurisdiction of police officers." If you read the rest of the section, it deals with the functions of a police officer to perform his duties or her duties and

> (i) to carry out . . . functions as a peace officer,
>
> (ii) to encourage and assist the community in preventing crime,
>
> (iii) to encourage and foster a co-operative relationship between the police service and members of the community, and
>
> (iv) to apprehend persons who may lawfully be taken into custody,
>
> and
>
> (b) to execute all warrants and perform all related duties and services.

In my respectful submission, Mr. Chairman, this provides a fitting conclusion to those aims, and it never hurts to state what really is at the bottom of policing, which is the achievement of a society in which people do obey the law, so that it is not policing of people but policing for people; that the police are members of the community who help us behave and not force us to behave. This, I submit, is one of the timeless principles enunciated in Peel's principles, and should find a place in any good police Act.

Thank you.

MR. DEPUTY CHAIRMAN: Hon. minister.

MR. ROSTAD: Thank you, Mr. Chairman. I would actually like to echo some of the comments of the Member for Edmonton-Strathcona, that community based policing is important and Sir Robert Peel's nine principles are very, very important. Our society generally, in how we -- especially in North America -- have looked at policing, has dropped away from the community-based policing concept to more of a technocrat way of policing: more by car rather than by foot.

The Member for Edmonton-Glengarry spoke for himself, I'm sure, but on behalf of the Member for Edmonton-Strathcona who wasn't in attendance at the second reading of this Bill, and iterated many, many of those points. I complimented him, and I will compliment also the Member for Edmonton-Strathcona for reading Inspector Braiden of the Edmonton city police, his comments and paper that he did on community-based policing while on secondment to the federal Solicitor General. But you cannot legislate community-based policing. It's a marrying of the community and the police force who want a form of police that will bring them together so that there's trustworthiness, so that people know that if the officer is not around, exactly where he is, how they can help each other. And the Edmonton city police must be commended for implementing this in their nine districts. I think it's very, very important.

But I think as far as we can in indicating these points, section 37(1) spells this out. I don't see a need to incorporate Sir Robert's ninth principle. I think it's there; I think it's something we have to get out in the community and with the police force and sell.

[Motion on amendment lost]

SOME HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: The question is being called on . . .

The hon. Member for Calgary-Buffalo.

MR. CHUMIR: As I rise, Mr. Chairman, I would like to introduce an amendment to the Act. It's a new section, 51(1). Would it be the pleasure of the Chair that I wait until that has been circulated before making a few comments? I could proceed to paraphrase it.

MR. DEPUTY CHAIRMAN: Go ahead.

MR. CHUMIR: This is a provision for the appointment of a police complaints monitor to monitor the complaint procedure under part 5. I spoke of the need for such a monitor earlier this evening. It is a rather informal procedure that is being proposed here, Mr. Chairman, in the sense that there are very, very few rigid rules proposed. It simply proposes that a police complaints monitor be appointed, that the monitor be advised of any complaints, that the monitor be advised on a current basis with respect to all steps in the proceedings, be given copies of all documentation, and

> be entitled to be present at all deliberations . . . relating to the disposition of the complaint.

The one procedural formality is that it takes the advice of the complaints monitor of the city of Calgary as made to the Calgary Police Commission in 1986, and recommended that

> The Chief of Police . . . discuss any action proposed to be taken under sections 44(1) and 46(4) with the police complaints monitor prior to such action . . . but [provides that] the decision with respect to any action to be taken shall remain exclusively that of the Chief of Police.

Finally, it provides that

> The police complaints monitor shall within three months after the end of each calendar year file with the police commission and with the Director of Law Enforcement a report with respect to the operation of the complaint process for the calendar year, including therein any criticisms of the process, and any recommendations with respect thereto.

I mentioned in my earlier comments this evening how important I thought that was in terms of providing some vehicle whereby the minister could, through the director, be kept informed with respect to what is going on at the local level.

It's an extremely nonintrusive procedure that I'm proposing. In terms of the degrees of civilian oversight in some other parts of Canada and many parts of the United States, it's very, very modest indeed. But I think at this stage of our history, it's inappropriate that we should be passing a new Police Act and not advancing the cause of civilian oversight with respect to the police complaint procedure in any degree whatsoever, and that is exactly the status of this Bill 28: there is no advancement of that particular cause. I must say the degree of advancement here is extremely humble, it's extremely modest, but I think it's a step in the right direction, and I would very strongly urge that it be implemented.

I would also note that there is a consequential amendment proposed hereto by adding a new paragraph (g) to section 8(2), and that is to provide a further duty of the director of law enforcement to review

> reports filed by police complaints monitor and report annually to the Solicitor General on the operation of the complaint procedure under Part V

and provides that a copy shall be filed with the Legislative Assembly, which I think again provides for some form of exterior knowledge and tension being paid to the complaint process in this province as a whole.

So with those comments I would commend this amendment to the House as a distinct improvement and a useful improvement to the Bill before the House. Thank you.

MR. DEPUTY CHAIRMAN: Hon. minister.

MR. ROSTAD: Thank you, Mr. Chairman. I should point out, while we're discussing release and disciplinary action and complaints, that I think that we have generally in Alberta very, very good policing, although there are occasions where these instances will arise that we need these procedures to make sure that there's fair, equitable treatment for everyone.

I appreciate the position put forward by the Member for Calgary-Buffalo. We've had many private conversations on the same basis. However, we're a little different than Ontario or other models that are used for this. We don't have a unitary police force here. We have RCMP, who are federal jurisdiction in terms of complaint mechanisms, et cetera, and then we have a number of municipal police forces -- approximately nine -- that vary in size, vary in sophistication, and I don't see the need for a centralist view of imposing a monitor on these.

I see Calgary has, as the member brought forward, instituted the monitor system, and I understand it's working well. The city of Edmonton has recently -- Alderman Binder has said he's proposing in July to implement a monitor system here. And that's how I think it should be done: each police force should look -- and I might mention that our law enforcement division of the Solicitor General is working with each of the commissions in this regard, to look at their particular instance and look at what type of mechhanism would work best in their situation. Because we go from smaller populations such as Lacombe or Coaldale to the larger populations such as Calgary and Edmonton, and there's a decided difference between the police forces, between the size of the communities, and between the levels of policing and the type of policing they wish, and those are determined by the forces that are under municipal jurisdiction as to the type of policing they wish.

So as much as I agree that there are instances that there should be this monitor. I leave it to each of the police forces to develop their own particular type.

MR. DEPUTY CHAIRMAN: Hon. Member for Calgary-Buffalo.

MR. CHUMIR: I would simply want to clarify, Mr. Chairman, that indeed the amendment itself specifically provides that each police commission is to make an independent appointment of a police complaints monitor for that particular police service. This amendment does not propose that there be one complaints monitor for the province nor, indeed, that the minister or any other body appoint a complaints monitor for any given commission. The commission is to appoint them. Calgary has seen the wisdom of doing it; Edmonton is now en route. I believe it would be valuable if there were a requirement that each police service had such a police complaints monitor, and if there were criteria and conditions with respect to some of the bottom-line duties and rules; that would pertain -- and I have in my earlier comments stipulated the types of conditions and rules that I thought were appropriate. But absent those, there's a tremendous amount of flexibility left to each police commission to stipulate the types of duties and the role the police complaints monitor should fulfill.

So I don't see the minister's comments as having provided any valid objection or rebuttal to the utility and need for this form of monitor as provided for in my amendment.

[Motion on amendment lost]

MR. DEPUTY CHAIRMAN: Are there any . . .
Hon. Member for Edmonton-Strathcona.

MR. WRIGHT: There is one thing more that I wish to draw to

the attention of the Attorney General and ask him to do something about, and that is that throughout the Bill we do see reference to regulations. I remind the Solicitor General that this Legislature adopted a policy of requesting that regulations which were at all important to the Bill be filed at the time of the Bill itself wherever possible. I remind the Solicitor General of the finding of the committee of November 1974, which was accepted by the Legislature at that time:

> that wherever possible, a set of proposed regulations should accompany new Bills as they are presented to the Legislature for consideration.

[Mr. Gogo in the Chair]

This is such a Bill, and I think you will agree that there are a number of places -- e.g., in the disciplinary areas -- where the regulations are referred to. They flesh out the Bill in an important way, and we should be able to see them at the same time as we are considering them, certainly in committee.

MR. ROSTAD: Mr. Chairman, the Member for Edmonton-Strathcona has a very valid point. The regulations are being worked on. Unfortunately they aren't quite complete, but they are being vetted by a number of the stakeholders in this, and as we progress, I have no problem with sharing them. They aren't at the stage that they're formulated enough to share right at the moment.

MR. CHAIRMAN: Edmonton-Strathcona.

MR. WRIGHT: Thank you, Mr. Chairman. Will the Solicitor General undertake to have at least a draft of them here before third reading?

MR. ROSTAD: That may be difficult, Mr. Chairman. As I said, they're in the working, and even after we had Bill 16 out, it took substantial time to complete them, because we are trying to do a balancing act between all interested parties. I will have them at the earliest date possible.

MR. CHAIRMAN: Hon. Member for Calgary-McCall.

MR. NELSON: Thank you, Mr. Chairman. As I've had some very severe contact with the police and other constituents, and of course many of the police are constituents of mine, I just want to go on the record here with regards to a couple of points that have been brought to my attention that I would like to address very briefly.

First of all, Mr. Chairman, I've been looking over Bill 16, which was the previous Act, along with Bill 28. A couple of things that bother me relate to the section 31.1(2) with regards to a commission designating amongst its members "a committee of 1 or more persons . . ." What bothers us is the fact that only one person of a commission may, in fact, conduct an inquiry under this particular section. It's felt that probably possibly more than one person should form that committee, considering the concern of the police and the seriousness they take in these various considerations they deal with.

Mr. Chairman, in one of the amendments that were offered by the Solicitor General, it's indicated under section 62(1):

> (a) that collective agreement remains in force subject to any modification or alteration effected by the operation of this Act, and
>
> (b) where the terms of a collective agreement and the provisions of this Act are in conflict, the provisions of this Act prevail.

Mr. Chairman, the concern of this -- and I tend to agree with him -- is that where in the Act it indicates . . .

MR. CHAIRMAN: Order in the committee, please.

Calgary-McCall.

MR. NELSON: Thank you, Mr. Chairman. . . . that police . . . Sorry, Mr. Chairman; I've just got so many spots here. I just want to put this one up.

Where the Act prevails and where there's been police that have been apparently dismissed for reasons other than a legitimate reason or at least determined by the police and the Act -- and I'm just trying to find the exact wording on this -- the concern is that the police for nondisciplinary actions may be dismissed from the service. It's indicated under the general agreement that the police have with the Police Commission in Calgary, for example, that in fact with the agreement that they've drawn up there would be no dismissals that are not of a nature that I've described. But the difficulty there is that under this amendment the Solicitor General has put forward this part of the collective agreement would then become null and void, and the provisions of the Act would prevail. Mr. Chairman, the police have some difficulty with that, because they feel there are two sets of rules guiding them through some of these processes that have been put into these Acts.

It also appears, Mr. Chairman, that a couple of the concerns they have had have been answered by the minister in the amendments and by subject of information given to me. But the disciplinary process is extremely important in a paramilitary organization, and where, in fact, they have an agreement between the city and themselves, and in that agreement it says:

> No police officer may be demoted, released, or requested to resign for nondisciplinary reasons other than for just cause.

Yet the amendment under section 62.1(b) indicates:

> where the terms of a collective agreement and the provisions of this Act are in conflict, the provisions of this Act prevail.

Mr. Chairman, that's in direct conflict to the collective agreement between the city and police association, in my assessment, anyway, and their assessment, and I think there should be some discussion at least and possibly an amendment made to these particular provisions unless the minister can certainly describe it as a way.

Those are a couple of the concerns I'd like to bring forward, Mr. Chairman. Some of the ones they've brought up have been satisfactorily answered, but at the same time there still are some concerns there which I think need to be addressed.

MR. CHAIRMAN: Hon. member, the amendment has been adopted by the committee.

Hon. Member for Calgary-Millican.

MR. SHRAKE: Yes, Mr. Chairman. Speaking on this similar vein there, this is something that gives a lot of concern to a lot of the police, and they give me a lot of concern if we do allow executive dismissal of the policeman. In this province for, I guess, the last 50 years we've had good police. Without fear or favour they will issue a ticket to an alderman, a mayor, an MLA, or an MP. We're not like a South American country where if you ever go to Mexico, you'd best carry behind your driver's licence a $20 American bill: you never have any problems there; you never get tickets. Well, in this province the police

have had a certain integrity.

I guess our former Premier used to have a saying: if it's not broke, don't fix it. Well, with our police in this province we've always been proud of our police. I think probably we and England have the best police forces in the whole world. So I do hope that the Solicitor General does keep a very close eye on the way this is administered, and if we find out that police are dismissed for any reasons other than that they are not good policemen, then I hope we will take attempts to change this, because we haven't had a problem here for quite a number of years. So I think we should have a little faith in our police in this province for the job they've done for the past 50 years. I'm just hoping that as this is administered the Solicitor General keeps a very close eye on it If it puts an undue burden, an unfair burden, on the police, that the police can be fired for you don't like the way he combs his hair or anything like this, we do bring this Bill back and take another look at it.

MR. HAWKESWORTH: Mr. Chairman, I've been trying to follow the last two comments, and I understood them to be talking about section 62.1(b). If I'm off base on that, I'd like to be corrected. Because if that's the case, is that not the government amendment that was adopted by the Assembly about an hour and a half ago? If that's the case, I would just like to know at least where we are on the agenda.

MR. CHAIRMAN: As the Chair said, the government amendment had been adopted. We're dealing with Bill 28 as amended.

MR. CHUMIR: I just have a brief question for the minister. I hope it's in order. It's simply this: that the Edmonton Police Commission is awaiting the passage of some of the provisions in this legislation in order to be able to proceed with their much vaunted public inquiry, and I'm wondering whether the minister could advise whether or not it's the plan to proceed to third reading with this legislation immediately so that the Edmonton Police Commission . . .

MR. CHAIRMAN: Order please. Order please in the committee.

MR. CHUMIR: I noted a meaningful glance from the minister to the House leader at that particular moment.

MR. CHAIRMAN: Are there any other police forces to be represented? Hon. minister.

MR. ROSTAD: [Inaudible] to proceed to third reading at any time, but that's in the control of the House leader.

[The sections of Bill 28 agreed to]

[Title and preamble agreed to]

MR. ROSTAD: I move that Bill 28, the Police Act, be reported.

[Motion carried]

Bill 21
Employment Standards Code

MR. CHAIRMAN: Bill 21 as amended.
Hon. Member for St. Albert.

MR. STRONG: Forgive me, Mr. Chairman. I thought we were going to go through in numerical sequence the amendments that I had submitted, and I was waiting for you to call my name.

Mr. Chairman, the next amendment I had proposed is amendment 4, seeking to amend the section 1 of the definitions, 1(s) particularly

> (a) by adding "and includes all monetary supplementary benefits, whether provided for by statute, contract or collective bargaining agreement," after "remuneration for work,"

secondly,

> (b) by adding "and includes remuneration paid directly by a client, fare or customer," after "however computed,"

and thirdly,

> (c) by striking out subclause (ii)

which deals with what does not include entitlements.

Mr. Chairman, I think we in this Assembly must recognize that there is more to wages than just dollars. I think certainly that the definition of the word "wages" contained in the definitions section of the code should be the broadest possible definition. I believe this because of the fact that when we go on further in the Bill, in the deemed trust provisions the minister has introduced, the definition of wages does not include other benefits. The other benefits that I speak of, Mr. Chairman, are benefits that consist of pension benefits that should be held as a deemed trust and definitely, in the wages section, be included in the legislation as being part and parcel of that definition so that they do apply in other areas of the legislation. Certainly I mention that pension benefits have to be protected for those employees. Health benefits have to be protected for those employees. Dental-type benefits have to be protected for those employees. And certainly I would hope that the minister, in reviewing and viewing the amendments that we have proposed, would give some consideration to broadening the definition of wages in the legislation that we have before us.

Again, Mr. Chairman, wages is only a portion of the moneys that employees are entitled to. I would ask the minister why we would limit recovery of moneys owing to an employee under the Employment Standards Code by way of benefits. Why would the minister limit that section? I guess what I'm looking for is a logical, valid reason that the minister excluded benefits from the definition of wages as they apply in many areas, not just this one, of the legislation that we have before us.

MR. CHAIRMAN: Before proceeding, hon. members will recall that before the dinner hour the committee adopted the position that the 28 amendments proposed by the hon. member would be dealt with one at a time. Thereby it would not necessitate the introduction of each amendment However, we would vote on each amendment following debate.

Are you ready for the question on amendment 4?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour of amendment 4 to Bill 21, Employment Standards Code, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Fails.

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

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett	Hawkesworth	Pashak
Chumir	Hewes	Sigurdson
Ewasiuk	Laing	Strong
Fox	McEachern	Wright
Gibeault	Mjolsness	Younie

Against the motion:

Adair	Getty	Osterman
Ady	Hyland	Payne
Bogle	Johnston	Pengelly
Bradley	Kowalski	Reid
Brassard	McClellan	Rostad
Cassin	Mirosh	Schumacher
Cherry	Moore, M.	Shrake
Clegg	Moore, R.	Sparrow
Cripps	Musgreave	Stewart
Day	Musgrove	Trynchy
Dinning	Nelson	Young
Drobot	Oldring	Zarusky

Totals Ayes -- 15 Noes -- 36

[Motion on amendment lost]

MS BARRETT: Mr. Chairman, I'd like to move the following resolution for the remainder of this evening's consideration of committee reading of Bill 21: that upon the call for division hereafter, the bells ring for 60 seconds, whereupon immediately the bells conclude ringing, we proceed to the standing vote.

MR. CHAIRMAN: The motion by the hon. Member for Edmonton-Highlands is in order if it's supported unanimously, because it's a temporary change to Standing Orders. All those in favour of the motion proposed by the hon. Member for Edmonton-Highlands, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

AN HON. MEMBER: No.

MR. CHAIRMAN: So ordered. Motion . . . [interjections]

All those in favour of the motion by Edmonton-Highlands, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

AN HON. MEMBER: No.

MR. CHAIRMAN: Motion fails.

Amendment 5 to Bill 21 proposed by the hon. Member for St. Albert.

MR. STRONG: Thank you, Mr. Chairman. Amendment 5 seeks to delete section 2(3). Section 2(3) deals with divisions 5, 6, 7, 8, and 11 of Part 2 not applying to employees employed on a farm or a ranch whose employment is directly related to the primary production of eggs, milk, grain, seeds, et cetera.

The reason I brought this amendment forth is to suggest to the Minister of Labour that certainly it is difficult to police employment standards when we are dealing with single employees in a farm or a ranch setting. But certainly the minister has to be aware that there will be and are now larger and larger fanning corporations, farming corporations that could employ up to a hundred employees. And what I'm asking the minister to consider is legislation that would take into account the specific instance where a large farming corporation has a large number of employees, and ask the minister why he would delete from coverage in his employment standards legislation that type of employee.

Further, Mr. Chairman, it's interesting to note that the minister has now placed domestic workers under the employment standards legislation. When he did that, why didn't he also allow for large farming corporations to be placed in the same procedures as domestic workers? That's what this amendment speaks to.

MS BARRETT: Mr. Chairman, in speaking to this amendment, I've actually got some questions for the minister with respect to domestic workers. One is a question that, of course, could only be answered by the minister -- it couldn't be made clear by the Act, I believe -- and that is whether or not it is the intention of this Act now that the coverage for domestic workers will overtake coverage that currently applies to foreign domestic workers. Now, just for an issue of clarity here, the matter is that the foreign domestic workers . . .

SOME HON. MEMBERS: Good night, Sheldon.

MR. CHAIRMAN: Order in the committee, please. Hon. Member for Edmonton-Highlands.

MS BARRETT: What are they talking about?

MR. FOX: Sheldon's going home. Sheldon's going campaigning.

MS BARRETT: Good night, John-boy.

My question has to do with whether or not the foreign domestic workers will now be covered by this amendment, Mr. Chairman.

The second thing that I'd like to know is if the minister is contemplating any regulations that would consider enhancing the protection of the unique environment in which domestic workers find themselves. I'm thinking, for instance, of assured protection for a private room that currently exists in the federal program for foreign domestics but hitherto has not been very enforceable, and if the minister was looking at strengthening any of the regulations that might govern them if, indeed, this Bill is going to cover the foreign domestic workers. Maybe I'll just ask him that question first, and if he says yes, then we can proceed with some other questions.

DR. REID: Mr. Chairman, in regard to the foreign domestic workers one of the difficulties is that the federal program is there and it would be difficult to introduce provisions in the statute which, if the federal program were changed, would require

amendments to the statute. For that reason, it's left in regulation to make sure that we can mesh the two together in case the federal program is changed.

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

Hon. Associate Minister of Agriculture.

MRS. CRIPPS: Mr. Chairman, I'd just like to say a couple of words on this amendment because it is one that is very difficult for the agricultural community to accept. I know that the farm organizations and certainly our Department of Agriculture are very, very interested in assuring farm safety and assuring that the hours of work and the employees in agriculture are protected. But the members must understand that agriculture is a unique industry. People in agriculture work depending on the weather and a lot of other natural considerations which they have absolutely no control over. If they lose or miss an opportunity during harvesting or seeding, they may not get a harvest or they may not get the crop in, so they lose a year's work. It is a very difficult situation for us to accept. I do know that the employees who have a problem may apply to the Labour Relations Board and have that problem looked at, so there is recourse in situations where they do have difficulties.

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

MS BARRETT: Thank you, Mr. Chairman. With respect to the comments from the Associate Minister of Agriculture, I understand that she makes a very good point But I believe that in the government's own report it's indicated that the rural population of Alberta will decline by some 92,000 people by the end of this century. What that necessarily implies, if one agrees with the assumption that agriculture will continue to be a major industry in Alberta -- and I believe she shares that assumption, and I agree. The logical conclusion, then, is that we will be seeing more and more corporate farms. I think that's what's at issue here, and I think everybody in this Assembly wants to be reasonable with respect to this industry.

What the minister said is obviously very true, just as it is true with seasonal work in a variety of industries, Mr. Chairman. The point is that if we don't start moving towards protecting people as we go into more and more of a corporate environment what are we telling these people? Are we telling them that they're sort of different from everybody else who's working for an employer and maybe one of many, many people working for a single employer? And I think that's what's at the heart of the issue, although I think the minister's comments are at the same time balanced and take a view of what has been obtaining to date.

With respect to the comments from the Minister of Labour, he said that the federal guidelines cover the program for foreign domestic workers. Mr. Chairman, that is true, but in fact my investigation of this matter indicates that the federal guidelines are always in operation when the provincial guidelines themselves are not considered as good as the federal ones. So if the provincial government decided, for instance, to specify either by way of legislation or regulation enhanced standards for foreign domestics -- let's say a minimum wage that is above the federally set minimum wage -- the federal government always wants to see that happen. Their guidelines are to compensate where provincial government has not implemented more stringent guidelines for the protection of those foreign domestic workers.

And I'd like to make a bid here, Mr. Chairman, under consideration of this section of the Bill, that the minister at least commit himself to having a good look at a possibility I've raised with him before, and that is that when the minimum wage changes in Alberta, it apply to foreign domestic workers. The federal government would be gleeful, I can assure you, to see that happen -- or at least the people who administer that federal program -- because they're very sensitive to the needs of the foreign domestics; also, that he have a look at entertaining a program whereby for every instance where a foreign domestic is in charge of more than two preschoolers, that foreign domestic be automatically entitled to, let's say, a 5 percent wage bonus for every child beyond two that is a preschooler, because that is of course the heaviest load. The reason I make that bid is not to be facetious. Here in Alberta, but elsewhere in Canada as well, child care workers, as you know, actually on average get paid less than do zookeepers. Now, that's not meant to be an insult It is a drastic comparison. But in an environment where we say how important the family is, I think we should start putting our money where our mouths are, and this would be a good instance, a good starting point for the minister.

Now, I realize that before he gets his Bill passed, he's not about to tell us, you know, chapter and verse just which regulations he intends to pursue following Royal Assent, but I would like some sort of commitment from the minister that he's willing to look at this sort of thing, maybe even meet with these people. They would be delighted to have a meeting with him even after this Bill is passed, Mr. Chairman, to have the ear of the minister and put forward their plea for some enhanced protection and some enhanced financial benefit for the sort of work they're doing. Keep in mind that they're not just involved in the business of child care; they are also in the business of household care. It comes part and parcel with that program. They are happy to be here under the program, but they see that there are missed opportunities in this legislation and in federal legislation that would be helpful to everybody and would constitute a sufficient incentive for them to stay on for that two-year period and perhaps even beyond, as the minister knows many of them do.

MR. CHAIRMAN: Hon. Minister of Labour.

DR. REID: Perhaps briefly, Mr. Chairman. As the hon. Member for Edmonton-Highlands well knows, the federal program has got some checks built into it, and indeed they have on occasion blacklisted certain employers after abuses have taken place. Rather than have two bureaucracies chasing after the same occurrence, I think it's better to only have one.

The member herself mentioned one of the difficulties that we have with domestics, and that is the vast variance between the situations they are in. Indeed, they do not all work where there are any children at all. Some of them do purely housework. Others are largely used as a built-in family babysitting service and don't do much in the way of housework. Having spoken to some of them, 1 can assure the hon. member that we are interested in being fair, but what goes in the statute and the regulations must also be fair to the [inaudible] under the varying circumstances in which these people find themselves.

MR. CHAIRMAN: Ready for the question?

Hon. Member for St. Albert

MR. STRONG: Mr. Chairman, I didn't hear the minister say

that domestics were going to be covered under the minister's new Employment Standards Code. Is it the minister's intention in other areas of this code to eliminate them from coverage under the Employment Standards Code as it lies before us? In the regulations? Is that the minister's intention?

DR. REID: As I said, the particular circumstances that domestics find themselves in vary quite markedly, and I mentioned some of those differences. It's for that reason that rather than putting it in statute, it was felt that protection for domestics was better in regulation. So as occurrences show up or circumstances show up, it will then be possible to look at whether they need to be addressed in the regulations or not. Certainly some provisions that would normally be found in employment standards legislation may be difficult to apply for domestics, whereas other ones would be quite easy to apply. I'm afraid the member will have to wait until he sees the regulations to know what's going to be in them.

MS BARRETT: I think the point, Mr. Chairman, of the comments from both the Member for St Albert and myself was to elicit some sort of commitment from the minister that he would pay due heed to the requests of that particular community. I'm not arguing that the community should not be doing the work that it does. What I have been arguing is that there are specific circumstances to that type of employment which hitherto have not been covered and which I believe the minister is aware of. So if he would just make a commitment that he will meet with the associations and listen to them with respect to the regulations, that would be helpful.

What he's really saying up to this point is: you just wait and see the regulations. And I think the minister should show a little bit more goodwill regarding this very important community of employment.

MR. STRONG: Mr. Chairman, it would be remiss of me not to rise and thank the Associate Minister of Agriculture for offering some explanation with regard to farm workers. I would like to say to her that I appreciate the comments that she did make but again would indicate to the associate minister that my comments were geared towards large farming corporations, where there is a more realistic employer/employee relationship, where those individuals in that circumstance should be covered in the employment standards legislation that we have in the province of Alberta.

MR. TRYNCHY: Mr. Chairman, just a few words on this. I can't accept the comments the NDP just said, because nowhere in his amendment does he suggest that we should just include large corporations and not single out the small operators and the small farms. It's well for them to say one thing and mean something else. As I read the amendment, it says to strike out section (3), and that includes every employer of one employee or more and not corporate farms. So I don't think they should be hiding behind that smoke screen.

MR. STRONG: Well, I guess, Mr. Chairman, we're going to have a little debate here, because I thought that I made my comments very, very clear with respect to the amendment and offered the Minister of Labour direction, when I made the comments, that I was speaking to large farming corporations, and when he went back and examined his legislation, to take a look at legislation to accommodate that point of view in an amendment hopefully proposed by the Minister of Labour and by his department. The comments that were made by the hon. member to my left are absolute nonsense.

MR. TRYNCHY: Mr. Chairman, if the hon. member meant what he just said, why does he have this amendment before the House? Why doesn't he remove it and put in the amendment that he talks about? That's what he should be doing. He shouldn't be trying to fool somebody in this House. Because as I read this, it says strike out section 2(3). And as I read the Act that's exactly what it does for every employer of one employee or more, not corporations.

MS BARRETT: As I mentioned earlier, Mr. Chairman, the government's own report shows that 92,000 rural Albertans will not be rural Albertans by the end of the century. Perhaps that satisfies his concern.

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

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour of amendment 5 to Bill 21, Employment Standards Code, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

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

[Eight minutes having elapsed, the House divided]

For the motion:

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

Against the motion:

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

Totals:	Ayes - 13	Noes - 38

[Motion on amendment lost]

MR. YOUNG: Mr. Chairman, I would move that in the event of any further standing recorded votes with respect to Bill 21 in committee, the bells should ring for one minute, with one minute's silence, I guess. Maybe it could ring for 30 seconds, followed by one minute's silence, followed by a 30-second ring.

MR. CHAIRMAN: Which is it, hon. Government House Leader? One minute or 30 seconds?

MR. YOUNG: It would be 30 seconds, with one minute, and then another 30 seconds of ringing. [interjections] Okay; for the balance of this evening's sitting.

[Motion carried]

MR. CHAIRMAN: Amendment 6 to Bill 21, proposed by the hon. Member for St Albert.

MR. STRONG: Thank you, Mr. Chairman. Amendment 6 that I proposed was dealing with section 6(2)(c) being struck out of the legislation. Basically, section 6 deals with what's commonly referred to as notification for plant closures. When I read the minister's initial comments in regard to this section when he introduced second reading of the Bill, what the minister said was that:

> Employers are required by this code to provide four weeks' notice to the Minister of Labour of their intention to terminate more than 50 employees at a single location within a four-week period.

The minister went on to say, Mr. Chairman:

> That provision is not there for a notification purpose so much as to enable the government, when such unfortunate permanent terminations do occur, to be able to bring the employer and their employees the capability of existing government programs to aid in the adjustment of employment for those who are losing their employment . . .

Mr. Chairman, the minister highlighted this as one of the areas where things were getting better for Albertans. I was a little confused when I read his comments where he stated that it wasn't for notification purposes. Now, what we see in the legislation is that the minister in section 6(2) has basically set out conditions where the legislation does not apply. One of the conditions where it doesn't apply is listed in (a) where

> the employees are employed on a seasonal basis or for a definite term or task.

That sounds logical. In (b) he stated that

> the termination of employment is the result of unforeseeable or unpreventable cause beyond the control of the employer.

It sorted of puzzled me when he added (c) in. That states:

> it would be unreasonable under the circumstances for the employer to give the notice referred to in that subsection.

Now, that just doesn't make any sense. There is allowance in the legislation already for unforeseeable, emergency-type situations. There's allowance for other areas. Why would we put legislation forth and then basically, by leaving (c) in, eliminate any purpose for the legislation at all?

Now, this does seem rather nonsensical in my view, Mr. Chairman, because what we lose is basically any notification to those employees. In the case of an emergency such as Stelco, where they had an unfortunate accident at the plant because of weather, then certainly we can understand that there couldn't be four-weeks' advance notice because it was something that was unforeseeable, unpreventable. But where we see an employer who is going to be closing a plant and laying off more than 50 employees within a four week-period, then certainly that causes some concern to us as the Official Opposition.

Now, why don't we see in the legislation where the employees are notified? Certainly you would think that the least this government could do or the least an employer could do with a group of loyal employees who perhaps had worked in a plant for many, many years is give the consideration of some advance notice as to a plant closure. The minister did highlight in his comments and highlighted as part of the things that made the legislation better why he would put in (c), which says that it would be unreasonable to give that notice. It just goes beyond, I guess, my thought process.

I think it gets right into the question of who determines unreasonableness. Is it up to the minister to determine unreasonableness, or is it up to the employer to determine unreasonableness? Who makes the determination? What input do those employees have? What notification do those employees have? To put this particular subsection in as (2)(c) just doesn't do anything for the legislation other than turn around and say to me that the reason it was put in is for nothing, because no notification needs to be given to those employees.

I think, again, I'll state that certainly notification must be given to the minister, but why isn't there the requirement for notification to the employee in the event of a plant closure? Now, usually employees find this type of thing out through the grapevine, but you would think certainly, Mr. Chairman, that this minister or that employer would certainly give notification to those employees who perhaps could have worked in the plant for 10 or 20 years, when a plant is closing. I'd await some comments from the Minister of Labour in regards this matter.

MRS. HEWES: Mr. Chairman, I support this amendment unless the minister has something startling to say that would persuade me otherwise. I see absolutely no reason whatsoever for this particular clause to be in here. It seems to me that it does provide an escape clause for what might be, heaven forbid, an irresponsible employer.

I have expressed before my concern about this particular section, because I have no idea precisely what it will produce. I think I know what the intent of it is, and perhaps the minister himself will speak more to that. But it doesn't suggest that the minister can or may do anything. It doesn't suggest that he must do anything about it. There's no requirement in here for transition planning or even any suggestion that that is the reason it's there. There is nothing in here to say that the employer can or should or must notify the employee. So all he has to do is tell the minister. In fact, I think this could be a rather difficult and dangerous situation if the minister knows and the employees don't and the minister is not required to do anything.

Mr. Chairman, unless the minister can tell us that this section is saying something that I simply can't read in it, then I believe that (c) negates the whole purpose of the section, as it appears to me that it must be intended. I agree with the Member for St Albert; I see no reason why it should have been put in at all.

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

MR. YOUNIE: Thank you. Perhaps I'm more devious-minded than the previous speaker, but I can see a reason for it that exemplifies the philosophy behind both of the labour Bills we're looking at in this session, and that is that the intent of the government in designing these Bills has been to protect the employer, not the employee. I can see there might be some kind of strange but imaginable circumstance in which for some kind

of ulterior business reason the person closing down the plant wants to keep it a deep, dark secret from everybody including the workers until the day they quit working and the plant gets closed down. This makes sure that not even the minister and other people in his department would know to let that get out to the public and therefore into the grapevine of the workplace and let the workers find out that in the very near future they're all going to be out of work even though they may have given faithful service for 20 or 25 years. I can't imagine any other circumstance except this is designed to make sure that if there's that kind of ulterior motive for wanting to keep it a secret, this makes sure that the manager or owner can keep it a secret from everyone including the Minister of Labour.

Now, if there is some other reasonable circumstance that's in the best interests of the employees, I would be anxious to hear the minister give us some concrete examples by which we might judge this. But other than that, I have to think it's an attempt by the government to protect employers in keeping the planned layoff a real secret.

DR. REID: Mr. Chairman, the last speaker from Edmonton-Glengarry obviously was inclined to judge other people by his own concepts of behavior. The concept that he mentioned is foreign to my way of thinking. What I would indicate in relation to (c) is that whereas (b) mentions those items which are obviously completely beyond the control of the employer, it was felt that there should be some test of reasonableness for other situations where it might be difficult or impossible to give the four-weeks' notice to the government. That's all that's intended in it Perhaps some people are chasing ghosts.

MR. SIGURDSON: Well, Mr. Chairman, if the minister says that there are those other unforeseeable events that cause this particular subsection to be included in the Act, perhaps he could shed some light and provide us with some specifics. Obviously, somebody in the department said there must be an escape clause for employers to back out of this section. Now, the question is why? What are the specifics of that? Who in the department said it? We don't have to know who in the department said it, but I'd like to know what was said in the department that caused this particular subsection to be in there. I think that (b) is adequate; (c) goes too far.

MR. CHAIRMAN: Member for Edmonton-Glengarry.

MR. YOUNIE: Thank you. I would also ask the minister: who is going to judge other than, obviously, the owner of the place of business to be closed down? Who judges whether or not it was reasonable if the person doesn't have to tell the minister? Is there going to be something in the regulations that later says at least after the fact the minister must be notified and given the explanation and then the minister can judge whether or not it was unreasonable and in some way punish the former business-owner for being unreasonable and not giving the notice that he should have and so on? I'd like to know who, besides the owner of the business, gets to decide what's reasonable and unreasonable in this case?

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

MR. STRONG: Thank you, Mr. Chairman. I'd like to draw the minister's attention back to the final report of the Labour Legislation Review Committee issued in February of 1987. Basically, right back to page 85, section B, General Policies Supported by Participants, section (i). The second sentence of that opening in (i) says:

> 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.

Now, why can we not have legislation before this Assembly that deals very clearly with the issue of a plant closure? Further to that, I would like to ask this minister how can this minister police what is unreasonable? What penalty is there if the minister or the employment standards branch says, "No, it wasn't unreasonable; why didn't you notify us?" Mr. Chairman, where are the rights for employees in getting the information they deserve as long-term employees? Where are those rights?

Now, the legislation we have before us just doesn't do that, and if we examine section (b) of Bill 21, the Employment Standards Code, it is very clear what it says. The termination of employment is a result of "unforseeable or unpreventable causes beyond the control of the employee." Now, that covers it in a nutshell, Mr. Chairman. We do not need the third part, and that's exactly what the amendment speaks to. It is not necessary in the legislation that we have before us, because what it does is take away any rights to notification under this whole clause, a clause and section that this minister said would be a benefit to all working Albertans.

Now, where is the benefit when the minister slides in 2(c)? There's no benefit. What it does is totally take away from the legislation that we have before us, totally neuters it. So if this section was such a big deal and a benefit to all working Albertans, I fail to see it In my view it just isn't there, and the reason this section is in there is to totally neuter the whole of section 6 in the Employment Standards Code. It's just that simple.

MR. CHAIRMAN: Are you ready for the question?

MR. STRONG: Mr. Chairman, I thought the minister would be on his feet clarifying this. Now, I ask the minister very directly: who is going to police this provision that we have in front of us? Who is going to determine what is reasonable or not reasonable? Surely, Mr. Chairman, the minister can answer that. Where is the specific case that he is referring to?

When I went through my argument, I mentioned the Stelco plant that was hit by the tornado last July as certainly being something that is beyond the control of an employer, something that was unforseeable, that that particular instance is taken care of in the legislation we have before us. Where are these other ghosts the minister refers to, other than the ghost of really this government and this Minister of Labour introducing something that looks nice, sounds nice, and certainly gets into some verbosity in labour legislation but does absolutely nothing for working Albertans who do not enjoy the benefit of a collective agreement offering them some protection? There is no protection here at all. No protection at all.

Again, the question was asked to this Minister of Labour who is going to determine the test of reasonableness? Now, we have not heard a response from the Minister of Labour to those two or three particular questions. Perhaps the minister could answer them and justify to us on this side of the Assembly exactly where this government and this minister are coming from when we get back into what should be legislation put before the Assembly and before Albertans, Mr. Chairman, speaking in

clear English, something in writing, where employers and employees certainly can understand their rights in decent labour legislation that we should be fueling but unfortunately are not.

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

MR. YOUNIE: Thank you. While the minister is formulating answers to those most recent questions -- because I'm sure he will give us some -- I would give him another one. The previous speaker just gave an example of a circumstance that would fit under (c) for the closure of a plant that also fit under (b). Now, I can't think of a single circumstance that would justify closing down a plant that would fit under (c) but would not fit under (b), and therefore I support the argument and the contention that (c) is redundant unless its purpose is to give employers a reason or an escape clause to weasel out of the whole section, which seems to me to be its obvious purpose.

Now, the minister might be able to prove it's just that I lack imagination to think of an example that would fit under (c) but would not fit under (b), and if so, I would ask him to give me that concrete example of something that would present an unreasonable circumstance to expect the four weeks' notice but would not be something that was either an unforeseeable or unpreventable cause beyond the control of an employer, because I can't see that kind of thing.

MR. HAWKESWORTH: I'm just curious, Mr. Chairman. What is the purpose of this section? I would have thought initially that, you know, getting layoff notices could be somewhat traumatic for those who are being laid off and that if you give somebody at least four weeks' notice, it gives them some time to make preparations, get the family finances in order. We're quite concerned about the family these days, which is good, but here we have employees who might be losing their jobs and it seemed to me somewhat humane to give them some advance notice of a plant closure or a shutdown at a job site or something like that. But what I see from this section has nothing to do with giving the employees notice. It's giving the minister notice. So then the question in my mind is: is this to prevent the minister from experiencing some trauma? Maybe he can get things prepared in his office as far as how to deal with the political fallout. I guess that's maybe how this is meant That's much more important to this Bill than what the employees have to face.

But coming to this section (c), the question to me is: who decides what's unreasonable? Is it the individual who's doing the termination of these employees? Somehow these 50 or more people are laid off within a four-week period. Is it up to that employer to determine that that is an unreasonable request under his circumstances? Is that why he doesn't have to give this notice to the minister, or how is that going to be determined?

Quite frankly, Mr. Chairman, when I look at this, I don't know how many instances we've had in recent years of where 50 or more employees at a single location are terminated. Look, they could be 49 and the provisions of this section would not come into play. It might be 29 days and the provisions of this section would not come into play. Then we find that in some of those circumstances that fall within this Act, it'd be unreasonable for an employer to give notice.

Well, all I can say is that if the minister's expecting to be notified under this section, I predict he's going to be waiting a long time for his phone to ring, because there are so many exemptions and opportunities for employers to fall outside the very narrow limits of this section. I don't know when any minister would ever get a phone call or a letter saying, "Hey, by the way, we're alerting you under section 6(1) and (2) of this Employment Standards code." I don't understand why it's here. Is it window dressing, or is it just to make us all feel good that the minister's actually doing something for employees? I don't see that it does a single thing for employees, and furthermore, I don't know what it does for the minister, because I just see so many exemptions that this will never come into play.

MR. CHAIRMAN: Hon. Member for Edmonton-Belmont

MR. SIGURDSON: Well, it took a while, Mr. Speaker, but I thought I should share with the House the reason section (c) is in there. That's that during the next election campaign it's 28 days, and the electorate isn't going to give this group of characters sufficient notice to get rid of more than 50 of them. That's pretty easy.

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

MR. McEACHERN: Yes. Mr. Chairman, I want to add a particular aspect of this that bothers me. Section (c) says that it would be unreasonable under the circumstances for the employer to give the notice referred to in that subsection. Now, I'm wondering about the time factor. If an employer didn't give the notice and it's too late then -- I mean, he doesn't give it four-weeks' notice; he just announces it. I mean, even the minister wouldn't know. So my colleague from St Albert was sort of saying, "Well, who's going to police this?" Well, obviously nobody would, because nobody would know until it was too late. So any employer could use this as a way afterwards, when somebody says, "Well, how come you didn't give us the four-weeks' notice? It says there you're supposed to." "Oh well, I thought it would be unreasonable."

So how do you then start arguing about whether it's reasonable or unreasonable to give or not give notice in particular circumstances if it's already too late? Who cares? It's all academic anyway. So I really think this provision is rather ridiculous when you look at it in that light. I mean, hindsight's great but what good does that do to the people who've lost their jobs with two-days' or four-days' or two-weeks' notice or whatever?

DR. REID: Mr. Chairman, the members of the New Democratic Party have had their fun, and nothing that they have mentioned has been relevant. First of all, the situation at Stelco was one of temporary layoff, not of permanent layoff, and secondly, this is not the notification of the employees. That is found in section 55 and is in many cases, and certainly in the case of long-term employees, quite in excess of the four-weeks' notice to the government. The purpose of this is that where it is reasonably possible, the government should know so that the programs -- some federal, mostly provincial -- that are operated by the Minister of Career Development and Employment can be made available to the employer and the employee. That's all it is for.

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

MR. STRONG: Thank you, Mr. Chairman. The minister indicated in his comments that we were having fun. Let me assure this Minister of Labour that this is not fun. It's a very sad day for Albertans, a sad day.

Now, in response further to the questions that were asked, what the minister indicated is that notice is provided in section

55, and certainly for some employees notice is required. But I'll draw the minister's attention to his own legislation under 55, where it says very clearly under (d), "the employee is temporarily laid off." Okay? Now, if an employer shuts down for a period of time, and let's say that period of time is for 60 days, that employer does not need to give notification to that particular individual, that employee. Now, if that's the case -- and what I'm saying is the truth, and I know I am -- where, in the event of a temporary layoff, under section 55 is that notice required or where payment in lieu of notice would be able to be paid to the employee, who will get zero?

So what the minister is saying is partially correct and partially incorrect, because it's not covered in his legislation. Now, he should be aware of that, because if he read all of the amendments that I placed before the Assembly, that one's covered too. So let's start calling a spade a spade, Mr. Minister. Let's get back to the true meaning of fairness and equity for all working Albertans. Let's not get into creating illusion like we see created under section 6, with notification for plant closure, when it means absolutely nothing. And the minister, Mr. Chairman, just indicated that, that the notification was not there for the employees. If the notification in his labour legislation, his new and improved Employment Standards Code -- who is it there to serve? Is it there to serve working Albertans who do not enjoy the protection granted under collective agreements, or is it there to serve vested interest groups and totally ignore employees, working Albertans in this province?

Now, that's the bottom line here. Let's not create the illusion. Let's get into easily readable labour legislation in the form of employment standards legislation and make it very clear to all working Albertans just exactly what they are entitled to and what they are not entitled to. I'd suggest to the Minister of Labour that if this particular section was brought in to totally neuter the whole of section 6, then perhaps he shouldn't even have bothered wasting the ink and the paper trying to create the illusion that indeed this government and this Minister of Labour want to be fair to working Albertans in this province, because it quite simply isn't the case. But if it is the case, Mr. Chairman, then quite obviously the minister's public statements that this government and this minister truly wanted to bring Alberta into the 21st century, the forefront of labour legislation in Canada . . . The government and this minister have totally failed to measure up, because certainly that isn't happening.

Again, if this minister wanted to create that fine balance, that equal balance between rights for an employee and rights for employer, then certainly he wouldn't be getting up and stating that the notification of plant closures was not meant to inform employees of a plant closure. Now, I find that ludicrous. I would ask the minister, perhaps the next time he rewrites -- if he is lucky enough to rewrite -- the labour legislation in the province of Alberta . . . Rather than waste taxpayers' dollars putting something into his labour legislation, what he should do is be honest with Albertans and say, "We really don't care about you, and we're not even wasting the paper and the ink." Because that's quite obvious, Mr. Chairman.

MR. PASHAK: Just one other question that I'd like to address to the minister with respect to this section. I looked through the Act very quickly to see if I could find a section that would apply a penalty or a remedy if an employer violated the intent of this section, and I couldn't find one. Without a remedy it seems to me the whole section might be meaningless.

MR. CHAIRMAN: Ready for the question on the amendment?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour of amendment 6 to Bill 21 as proposed 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]

[Two minutes having elapsed, the House divided]

For the motion:

Barrett	Hewes	Pashak
Ewasiuk	Laing	Sigurdson
Gibeault	McEachern	Strong
Hawkesworth	Mjolsness	Younie

Against the motion:

Adair	Fischer	Osterman
Ady	Getty	Payne
Bogle	Hyland	Pengelly
Bradley	Johnston	Reid
Brassard	Kowalski	Rostad
Cassin	McClellan	Shrake
Cherry	Mirosh	Sparrow
Clegg	Moore, M.	Stewart
Cripps	Moore, R.	Trynchy
Day	Musgrove	Young
Dinning	Nelson	Zarusky
Drobot		

Totals:	Ayes - 12	Noes - 34

[Motion on amendment lost]

MR. CHAIRMAN: Amendment 7 in the package of 28 to Bill 21 moved by the hon. Member for St Albert.

MR. STRONG: Thank you, Mr. Chairman. Quite simply the amendment is to add at the end of the existing section 9: "or continues to operate under a receiver or receiver-manager." Quite simply the legislation we have before us does not go far enough because it doesn't recognize that receiver or receiver-manager. Certainly when a receiver moves into a business venture, it is almost the same as a business being "sold, leased, transferred or merged." If we in this Assembly and the Minister of Labour do have the best interests of working Albertans at heart, then certainly I can't see him refusing to support this amendment.

Quite simply, Mr. Chairman, the receiver can continue to operate the business venture, and what we would like to see is that those employees working in that business venture that is under the, I guess, care and direction of that receiver are pro-

tected while a receiver is there and in many cases for perhaps years where those employees are protected for vacation and holiday pay entitlements, general holiday entitlements, termination notice, and parental benefits; we could go on. But if a Thorne Riddell moved in, then certainly that employer/employee relationship should continue, and that's exactly what this amendment is aimed at.

Thank you.

DR. REID: Mr. Speaker, in regard to amendment 7, which is to section 9, it is the habit of the employment standards branch in many cases where situations like this have arisen to in actual fact regard the time of employment while the business is in the hands of the receiver or the receiver-manager, as the case may be, as continuing employment.

[Mr. Musgreave in the Chair]

In drawing up section 9, the custom of the department was kept in mind in relation to divisions 7, 8, 9, and 10, but in view of the fact that there might be some confusion otherwise, I think this amendment is quite acceptable and would suggest that it's incorporated into the Bill.

MR. DEPUTY CHAIRMAN: Is there debate on the amendment?

SOME HON. MEMBERS: Question.

[Motion on amendment carried]

MR. DEPUTY CHAIRMAN: Amendment 8.

MR. STRONG: Thank you, Mr. Chairman. Amendment 8 deals with an amendment to section 20 by adding to the section that:

> Where in the establishment of an employer the work schedule is such that the regular hours of work per week for employees performing similar or substantially similar work are not uniform, the employer shall not discriminate in the setting of wages for those employees on the basis of the number of hours regularly worked in a week-long period.

It goes further in 20.1(2) to say:

> Nothing in (1) derogates from an employer's ability to provide for different levels of pay to employees performing similar or substantially similar work on the basis of an employee's seniority, related experience, training, or additional responsibilities.

The reason that this amendment is, Mr. Chairman, is that it's in essence a tie across to section 111(1) where we have an amendment for prorated benefits. That's certainly the amendment that we've added, as 20.1 also deals with what a regular part-time employee should make in a circumstance where that regular part-time employee is doing and performing essentially the same tasks as a full-time regular employee. Now, that's what the amendment deals with and basically ties it into other areas of the legislation.

Perhaps, Mr. Chairman, one of the greatest hardships of part-time work is that it pays less an hour than full-time work. That quite simply is not acceptable. I believe that in many cases where the employer uses and abuses part-time employees by, I guess, not covering them for benefits as part-time employees is enough of an advantage to an employer who uses an abundance of part-time employees. In addition, what we see is that most women working part-time in this country earn on average 20 percent less than those in similar full-time positions. We find that totally unacceptable as well.

Now, we should not expect part-time workers to make sacrifices so their employers' benefit can be further increased by working for less than their full-time counterparts. I find it objectionable, Mr. Chairman, that people have been -- Albertans -- forced into part-time work because of the recent advent and utilization of part-time employees. I find that extremely unfair; it creates a hardship on Albertans, a hardship that should not be there. It's almost becoming the vogue where many Albertans have found themselves at the lower end of the pay scales because they are regular part-time employees, many of them having to take up to three part-time jobs in order to try and make ends meet. That is not just in the case of a husband trying to support a family. In many cases it's a husband and a wife both working at minimum wage or barely above minimum wage to earn less in a year than even what the minimum standard or poverty level is for a family of four in this province, which is almost $22,000 a year.

I think that certainly the minister, if he's as reasonable as he was on the last amendment that I proposed, can support this, because again in the minister's report is definitely the question of part-time employment. Now, that was raised at many of the public hearings across the province of Alberta by Albertans who felt they were getting used and abused and almost cheated out of what they should rightfully expect.

I think that certainly the amendment speaks in the second part to -- if the employee does not have the ability of a regular full-time employee, certainly it should recognize that they earn a little bit less than that full-time employee. But certainly that should be regulated. Again, if the minister is sincere in the comments that he's made with respect to labour legislation that would indeed take us into the 21st century and create a level playing field for all employees in this province, then certainly the minister should be able to support this recommendation and this amendment as well.

Thank you.

MS LAING: Mr. Chairman, I'd like to speak in support of this amendment. As the hon. Member for St Albert has said, we have had for a long time equal pay for equal work that has not allowed for discrimination on the basis of gender. I think we have to follow through and say that we must not discriminate in terms of pay on the basis of whether part-time or full-time work is what is being done.

This part-time work applies particularly to women. Seventy-seven percent of part-time workers are women, and 30 percent of women who are working are part-time. So they particularly suffer from this discrimination as to wages. We know that poverty is a problem for women, a particular hardship that accrues to women in the work force. Part-time working women earn 20 percent less than women working full-time, and even women working full-time face hardship because they do not get equal pay for work of equal value.

We also know that in a society, when we raise the level of women in that society in terms of their economic and social well-being, we raise the level of children. The hardship that is imposed on women is also imposed on children. The research indicates that 60 percent of families headed by women fall below the poverty line. So when we're talking about pay for part-time work, we're talking about women; we're talking about children. We're talking about their place in society. We have to

recognize that society pays a high price when children with their mothers live in poverty. In other cases, we hear where mothers have to work two jobs in order to support their family even at the poverty line. Then, I guess, in this Assembly where we hear so much about quality of life, we have to say: what is the quality of life for a mother that works two part-time jobs and then has to care for her children in terms of their economic, emotional, physical, and spiritual needs?

So I think this minister must take into account the impact of part-time work on women and the impact of part-time work on the children of those women and the families that they have created and are trying to support.

MS MJOLSNESS: Mr. Chairman, I think this is a very important amendment in that it's talking about pay for part-time workers equal to that of their counterparts who are working full time. I think that when we're talking about fairness, this amendment expresses that in every sense of the word, because we don't have part-time workers protected in Bill 21. This would certainly go a long way to at least bring about fairness, because employers are, in fact, paying different wages if they are employing part-time workers. As my colleague from Edmonton-Avonmore has pointed out, most of the part-time workers are women. So this particular amendment would affect women in a positive way.

Now, I do recognize that there are a lot of women that are working part-time that would like to work full-time. I also recognize that there are many women that would like part-time work because it enables them to have a more flexible timetable to meet the needs of their families or whatever, but, Mr. Chairman, they don't feel that they want to work part-time if they don't get the type of wages or benefits that they deserve. I think we know that it's no longer just bored housewives or students that are working part-time. We have people out there in the work force that are working part-time that have economic needs very similar to people working full-time. I don't know how many members in this Assembly have worked part-time, but I can assure you from my personal experience that part-time workers work just as hard as full-time workers. As a matter of fact, oftentimes part-time workers work full-time and just don't get paid for it because they do have flexible hours.

[Mr. Gogo in the Chair]

I would urge this government to act responsible. They're always talking about responsibility. Act in a responsible way and bring about equity to part-time workers and support this amendment.

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

MR. HAWKESWORTH: Well, thank you, Mr. Chairman. Just one note to make is that we have legislation in the province to prevent various types of discrimination from taking place, but unfortunately I can't see why we don't have some legislation to prevent discrimination on the basis of your status as either a part-time versus a full-time employee. It just makes sense. We want to make sure that no one is treated unfairly because they're a woman as opposed to a man or because they're this instead of that or for some other reason. We have all kinds of protection -- well, we have some protections; I shouldn't say all kinds. We have some protections for people in this province. But when it comes to whether you're a part-time employee, it seems that you can be paid a different rate of pay even though it may be substantially the same work as a full-time employee working next to you.

If it were a female person doing a full-time job compared to a man and it's substantially the same work, there are provisions to ensure that you're not discriminated against because you're female, but if you're female working part-time beside another person -- male, female, or anybody -- working full-time at substantially the same job, apparently there's no prohibition against paying a lesser wage to you on the basis of your status as a part-time worker. Just in the interests of fairness, Mr. Chairman, it doesn't make any sense to me that we would allow that to continue. I would hope that the minister, in collecting his thoughts, will arrive at the conclusion that it's eminently fair and ought not to be allowed to continue and therefore would accept this amendment put forward.

Thank you.

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

MR. McEACHERN: Thank you, Mr. Chairman. I just want to add a couple of points to the points already raised by my colleagues. Part-time workers can not only be as productive as full-time workers, but sometimes are more productive. I have a businessman friend who hires a lot of part-time workers, and he maintains that in the four hours they put in in a day -- because they're fresher, they've got more energy, because they haven't had to go through all the other things that we all go through every day, plus an eight-hour day on an ongoing basis -- they have more energy, more enthusiasm, and in fact do a better job. So, it is reasonable to assume that those people deserve at least as good pay per hour as those people who are full-time.

I would like to say that the idea of a wage that we refer to here is that should not be a discriminatory wage, that it should not be 20 percent lower. But we are thinking in terms of wages being like we defined earlier. I know the amendment in which we were defining wage a little differently was defeated by the government here. We think that the remuneration for work, in other words a wage, should include

> all monetary supplementary benefits, whether provided for by statute, contract or by collective bargaining agreement . . . and includes remuneration paid directly by a client, fare, or customer.

So we're talking here about the right for people who are out working part-time to not only get a dollar wage that is the same as other people that are working full-time but also the same kinds of benefits that go with that, on a prorated basis, for the number of hours they work. So it's very important that the minister look at it in that way and consider that this amendment, then, is really a very fundamentally important one that the part-time workers deserve, quite frankly.

[Three members rose]

MR. CHAIRMAN: Hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thanks, Mr. Chairman. [interjection] Fooled you.

I just want to express very briefly my support for this amendment I like it very much. I wish I'd thought of it myself. I have commented about the absence in the Bill of the benefits for part-time workers and my continuing concerns in that regard. I believe this amendment does, in fact, support new trends in the

nature of work and the nature of our work habits and in societal conditions. It supports such things as shared work and other methods that employers and employees are indicating that they like very much and want to continue. Mr. Chairman, as has been expressed, it supports the need and the desire of women -- mothers, in particular, with young children in school -- to work for a few hours a day.

We have heard many statements in this House in recent days and weeks about responsibility for family life, and we want to encourage men and women to support their families where they can, financially but also psychologically. I believe this would go a long way to do just that. Mr. Chairman, I think it's only right and proper. An hour's work is an hour's work, and it should have the same value regardless of whether it is an hour out of five or eight or three. I believe it's a good amendment. I'll support it.

MR. CHAIRMAN: Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Chairman. I rise in support of this amendment because what we see throughout North America is a trend towards the substitution of part-time employees for full-time employees in just about every world of work. It has some fairly negative consequences for society, and I'd like to suggest just how this comes about.

First of all, if I'm an employer and I'm paying my part-time employees less than I'm paying my full-time employees, then I can see an immediate financial advantage to myself by hiring more part-time people. Once I do that, it means that other firms, in order to compete with me, must do the same thing. So they begin to substitute part-time employees for their full-time people. We see this happening in particular areas of the work world. We see it happening primarily in supermarkets, department stores, and even in government employment, where you no longer have as many full-time people, for example, working for the Liquor Control Board today as once worked for the Liquor Control Board. Even in colleges and universities, the tendency there is to hire more part-time college teachers, more part-time university teachers.

Well, what are the consequences of this move towards increasing part-time employees in the world of work? First of all, for the individual, if you're working on a part-time basis at a lower wage, you don't have the same access to benefits, for one thing. In addition to that, your personal security, your sense of confidence about the future and what you can do in terms of getting married, having children, and engaging in a family life are really weakened if you're in that kind of category. In addition to that, a part-time employee doesn't have the same commitment to the organization that's employing him, so the organization loses.

I'd even suggest here, Mr. Chairman, that there's an even larger social problem that's created by this tendency, and it leads to an even further imbalance in the way in which wealth is distributed in society. That ultimately costs even the employers and the management group more in the long run. Because if you've got part-time people working at lower wages than full-time people, it means they don't have the same purchasing power and they can't buy the same goods and services from the capitalists that they otherwise might be able to. So the whole economic engine of the society slows down. Everyone begins to suffer. Part-time people can't pay the same level of taxes that full-time people do, so governments can't collect the moneys to provide the educational, social services and health services that the population has grown accustomed to. So they begin to run deficits, and higher percentages of our budgets go to service that debt, and we all pay in the long run. So here is an opportunity, if the government would embrace this amendment, to begin to at least bring some sanity to labour relations in the province of Alberta.

MR. CHAIRMAN: Ready for the question?
The hon. Member for St Albert.

MR. STRONG: Thank you, Mr. Chairman. I'd like to draw the minister's attention to some of the statements that were made by this government, statements to this effect that the government would bring in and introduce labour legislation that would be responsive to the needs of Albertans. And I'll again draw the minister's attention back to the final report of the Labour Legislation Review Committee. And it's itemized under section C, specific major concerns that were brought forth at the public hearings and brought forth in the submissions to the Minister of Labour. That's dealt with in item (iii) under those specific major concerns, where it says:

> For several reasons the number of part-time workers in Alberta is rising significantly.

Now, I'll end the quote there, Mr. Chairman, and say certainly the number of part-time employees in the province of Alberta is increasing. It's increasing for a reason. If an employer can hire somebody to work part-time for less money than what they could hire somebody full-time for in the same position, then certainly that business venture and that employer, if they're profit oriented at all, if they have any business acumen, would rather hire two part-time employees on a 20-hour per week basis where they can get those part-time employees for less money than what they'd have to pay a single, full-time employee. Now, Mr. Chairman, is that fair? And if, indeed, what we are viewing is this minister's and this government's attempt to establish and create some fairness and equity in labour legislation in this province, then certainly that abuse and that door should be closed.

We can go on further. There are basically two areas where this can be subject to abuse, and the first area that I'd ask the minister to consider is this: who is the employer going to give the maximum hours to? Certainly the maximum hours are going to be given to the employee, the part-time employee, who is working for less money and no benefits. Those extra hours are not going to go to that full-time employee because that costs money. Now, when the employer already has that advantage, why should we allow an employer to abuse an employee that, in essence, is working in that environment in that business venture, for an employer because the individual has no choice? It's a question of trying to scratch a living.

Now, secondly, if we go on and if that employee, that part-time employee, goes and asks for a raise, that employee again is subject to abuse because invariably what that employer will do is say, "Well, I can't afford to give you a raise, and if you keep complaining about it, I will not only not give you a raise; I will terminate you or cut back on your hours."

Now, certainly those are two areas that I put forth to the minister for his consideration. Why would we build in abuse in the labour legislation that we have before us? Even the possibility for abuse, Mr. Chairman. If we read on further in the specific recommendations of the final report of the Labour Legislation Review Committee, it goes on to say:

> Employees and trade unions repeatedly raised the issue of

availability of benefits and application of standards to this group of workers.

Now, I would like to think, Mr. Chairman, that the amendment that we propose is certainly an oversight on the minister's part in certainly establishing some parameters for regular part-time employees. In our view, in my view, the best area to establish those parameters in was in section 20 of the minister's legislation, where we get into definitions for those individuals.

We go on further, Mr. Chairman. It was argued that legislation does not fully address the particular needs of these workers and that changes are needed to ensure that standards for and benefits available to full-time workers are fairly prorated for those working on a regular part-time basis. Now, unfortunately, and again I'd like to think it was an oversight on the minister's part that he didn't deal with it or choose to deal with it in the legislation that we have before us. That is exactly why these amendments have been placed before the Assembly and before the minister: to allow him the opportunity to review these two amendments for his consideration into exactly what we from this side of the House are saying.

These questions were not dealt with in the labour legislation that we have before us, and we are asking the minister to examine, and examine fairly, the amendments that we have placed before this Assembly. In our view, Mr. Chairman, what we're looking at is part-time employees who are already suffering the abuse of lesser pay for doing, in essence, the same type of work, the same work -- and again it's been mentioned here -- probably in some areas more productive than some of the full-time employees. Certainly they should be treated fairly and equitably if the minister and this government truly believe in fairness and equity for Albertans, fairness and equity in creating a level playing field and creating some fairness for all working Albertans. That's why these amendments are before this Assembly for this minister's consideration, as well as all members here.

Mr. Chairman, it's unfortunate that we have some hon. members behind me laughing and yukking it up rather than paying attention to the debate that is ongoing to find out the reasons why these amendments were placed before the committee by the Official Opposition.

MR. CHAIRMAN: Order please. Excuse me, hon. member. Order in the House.

St. Albert.

MR. STRONG: Thank you, Mr. Chairman. I concluded my comments, and I await the response from the Minister of Labour.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: Ready for the question?

Hon. Member for St. Albert.

MR. STRONG: Mr. Chairman, again, we cannot demand responses from anybody, and certainly not the Minister of Labour, and I recognize that that certainly is part of the rules. But if this minister had any conscience, he would be up justifying to this Assembly and all Albertans that indeed he wanted to be fair with them, create the 21st century in labour legislation for Albertans. Why he is not doing that -- certainly I have to question the minister's convictions and the public statements made by this minister in truly representing not just an illusion of fairness with a few fine words but this minister standing in this Assembly, giving justification for why he did not deal with some of these specific areas.

Mr. Chairman, again I'll remind this minister that these issues were issues that were spoken to at the public hearings by numerous Albertans. Now, why isn't this minister responding? Is he that ashamed of the legislation he has before the Assembly? Is that the reason? Let's justify the legislation that we have here, because if I were the Minister of Labour, I would certainly be justifying to everybody that indeed I wasn't just reciting fairness and equity because it's a nice thing to say. But I would be reciting fairness and equity in attempting to justify to all members of this Assembly that indeed this minister and this government truly did want to bring Alberta into the 21st century. Mr. Chairman, that is demanded by Albertans, and certainly I'm demanding it as a Member of this Legislative Assembly representing St Albert and the numerous constituents who live in that community.

MR. CHAIRMAN: Ready for the question? Hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Well, Mr. Chairman, unless my information is incorrect, this Minister of Labour is also responsible for policing the Human Rights Commission. He's also responsible, and the duties given to him are to look after the discrimination that goes on in this province, to ensure that it's eliminated, reduced, gotten away with. I hope he believes that people should not be discriminated against for reasons over which they have no control. So we have here a Bill in which people who are working part-time, substantially the same work, substantially the same job, are unfortunately in a position where they often are paid less for that same job by working part-time than they would get for that job if they were a full-time worker. We have in effect discrimination in the workplace, discrimination in wage levels, on the basis of some arbitrary situation over which that employee has no control.

Now, the amendment says that an employer still will maintain the management rights to provide different levels of pay for employees who perform substantially similar work, on the basis of such things as seniority, experience, training, additional responsibilities. All of those are legitimate reasons for an employer to pay a different wage level to employees doing substantially the same amount of work. But where those kinds of situations are not present, I would think that the minister responsible for human rights legislation in the province would want to eliminate discrimination that might exist solely on the basis of numbers of hours that they work in a week-long period.

I would hate to think, Mr. Chairman, that the minister responsible for human rights legislation, the person responsible for eliminating discrimination wherever it might occur in this province, in the workplace or otherwise . . . I would not want to think that that hon. gentleman would condone discrimination as a basis, as an incentive for employers to go or to seek or to move towards more part-time work in the workplace because they can then buy that labour or pay that labour a reduced rate even though it's doing the same work or substantially the same work. I wouldn't like to think that our minister responsible for human rights would condone such a practice. But I can see nothing to the contrary to convince me that he is in fact opposed to that kind of practice, because if he were, I would certainly expect him to be telling us that this is a good amendment which he would support. Because this, Mr. Chairman, would have that desired effect: to prevent discrimination in the workplace sim-

ply on the basis of the number of hours that that employee works in a given week. It's eminently sensible and fair, and I'm surprised, shocked, if this government and particularly this minister would not endorse such a reasonable and eminent and fair amendment.

MR. CHAIRMAN: Order please. Before proceeding, the Chair thought perhaps the hon Member for Calgary-Mountain View used the term "irresponsible." The Chair is not certain, but perhaps the hon. member before next meeting day could consult the Blues. It is unparliamentary.

Hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. I just wanted to point out a couple of things. One is that when the economy under the capable direction of the government [some applause] really took a nosedive -- I'm glad you applauded that. When it took a nosedive -- you're responsible somewhat for that as well -- we had extraordinarily high unemployment rates. The city of Edmonton had an unemployment rate of 14, 15, 16 percent. But it wasn't equally spread throughout every constituency in the city of Edmonton. Now, in my constituency I had a number of, and still have an awful lot of, the skilled tradesmen who a few short years ago, a few short months ago were unemployed. I would say that I probably had a higher share than many other constituencies in the city.

But when they found that they were unemployed, what happened was that the spouse went out to try and work to supplement the income because they were going through tough times. Obviously, these workers who faced unemployment, some of them for the first time in their lives, had secure contracts, contracts secured through a bargaining agent, and they had access to good, quality benefits, benefits that protected them and their families. When they saw the ever increasing unemployment lines, the benefits went away. When the spouse found employment or was able to increase the number of hours worked in the local department stores, they didn't get any increase in benefits. In fact, there was no increase in the wages for the hours that were worked. They may very well have received less benefits.

My colleague from Calgary-Forest Lawn talked about the domino theory: once one employer, the large employer in many cases, starts to employ on a part-time basis, many follow suit. That's certainly been the case in the large department stores. Perhaps contributing to that is some of the wide-open Sunday shopping that we've found in our society today. We've created more employment Certainly that's an indication that comes out of the department of career development on the first Friday of a full week of every month. We do see an increase of employment, but we wonder about the quality of that employment. People are working, but they're not being paid at the same level. They're not being able to access the same benefits as those who are employed on a full-time basis. So we have to be somewhat concerned about the quality of employment that we're generating in the province of Alberta at this point in time if we have nothing but an increase in the number of part-time jobs that don't include wages and benefits that are prorated to the same degree that those who are employed full-time enjoy.

And what about that disposable income? If part-time employees have to pay all of the extras that they must now, especially if this Act goes through -- if they have to pay for all of the extras for the benefits -- then their disposable income is going to go way down. If that disposable income goes down, then we're not injecting capital into the economy, which is something we need to try and get the economy back on track.

I've got a friend in the constituency who has worked for a number of years for a very large corporation and has worked on a permanent part-time basis, week after week, month after month, and year after year, and puts in on many occasions, many weeks, more than the standard 40 or 44 hours. Yet because she is permanent part-time, she's not entitled to the benefits that those who happen to somehow magically qualify as full-time employees are entitled to. There's no sense of fairness there. There's no justice.

Now, what this amendment does is allow an opportunity for the minister to adopt this to ensure that there is going to be that sense of fairness and that sense of justice for those people that are working full-time. According to the Act they would work a full-time week of 40 or 44 hours, but because they're categorized by their employer as being permanent part-time employees, they're not entitled to the benefits. This amendment would allow and ensure that those people who fall into that category would be properly protected. That's what we ought to be doing. If there's any sense of fairness, any sense of equity contained in this Employment Standards Code, then surely to goodness that's the fust step in ensuring that that sense of fairness is there.

MR. CHAIRMAN: Hon. member, Cinderella's carriage has just turned into a pumpkin. Hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Well, I guess we've all turned into pumpkins now.

I rise to speak a second time mainly because I haven't heard anything from the minister that tells us where he stands on this, and I don't think he should be allowed to sit in silence and just vote this down without replying. Because, Mr. Chairman, this amendment gets down to the essence of what we're really talking about here when we're talking about fairness and how a labour code, the Employment Standards Code in this case, is supposed to stick up for the worker rather than do basically what this minister says. So this issue sort of exemplifies his agenda. And his agenda is not to build a fair labour code; his agenda is to set the corporate advantage for Canadian or Albertan enterprises in a competitive economy.

So, Mr. Chairman, who are we talking about here when we're talking about part-time workers? Of course, we're talking about the weakest members of our society in terms of power, either political or economic. We're talking about women; we're talking about students: the uneducated and the unskilled. They are the ones that are being taken advantage of. This idea that we have to have corporate competition -- which, of course, if it's carried very far, ends up in corporate monopolies anyway, and then the people that have to buy the produce have to pay the piper anyway, so there's no long-term advantage to the consumers. But in the name of supposedly helping the consumer and being able to compete on an international basis -- you know, the free trade and all that sort of thing -- we end up treating the workers in a shabby manner, pitting worker against worker from different countries.

Mr. Chairman, that kind of an attitude that says we should pay lower wages in this society so that we can compete with firms that can pay a lower wage in, say, Mexico or some other country that has low wages, is really to promote the zero sum theory. You talk your workers into taking a lower wage so you can compete, and then in the other societies the entrepreneur does the same thing with his workers. If you carry that process

on long enough and push the workers hard enough in both countries, eventually you end up with a few very wealthy people and masses of people that are poor and uneducated, and so . . .

MR. CHAIRMAN: Hon. member, the Chair hesitates to interrupt, but it would appear that we're straying somewhat from the amendment before us. We're dealing with Alberta and Alberta legislation.

MR. McEACHERN: But, Mr. Chairman, this legislation is geared to set Alberta in line so that we can go ahead into a free trade deal, and Alberta workers will have to compete with Louisiana workers and Mexican workers. So I think the points that I've made are germane.

If that's not the agenda of the minister, then why doesn't he stand up and tell us what is wrong with our thinking on this amendment? That's all we're asking him to do: give us the reasons why we are wrong. When he doesn't, when he sits silent and just has his large number of compatriots vote down our amendment, you know that he's speaking to a different agenda which he is not prepared to stand up and articulate before the people of Alberta. So I say, Mr. Chairman, that the minister has the duty, it seems to me, to the democratic process and to the people of Alberta to stand up and be counted and tell us why he doesn't want to accept this amendment, which is a fair and reasonable and just one for the people of this province.

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

MR. STRONG: Thank you, Mr. Chairman. Seeing as how the Minister of Labour chooses to sit and remain silent, I'll draw his attention back again to the final report of the Labour Legislation Review Committee and remind all hon. members here tonight that this minister spent half a million dollars touring the world. A lot of that money was spent in the compiling of the final report of the committee that the minister handpicked.

Now, I'll draw the minister's attention to a recommendation they made in the final report on employment standards, itemized in E, and it's recommendation 22 of the Labour Legislation Review Committee:

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

Now, Mr. Chairman, maybe the minister got too much sun in New Zealand, because there is nothing that deals with this particular problem in the legislation that the minister has before us. I'd remind the minister also that this was a recommendation of the minister's own committee. He supported this recommendation. Yet when we examine Bill 21, the new and improved Employment Standards Code in the province of Alberta, there is nothing that speaks to a recommendation that the minister made in conjunction with the committee that he traveled the world with. Certainly you'd think that they must have had some discussion and certainly supported the recommendations since all committee members, along with the minister, signed the recommendations contained in the final report. The minister ran around for months, Mr. Chairman, touting the benefits of the review process and all of the good things that he was going to do for working Albertans: again, those unfortunate enough not to be covered by collective agreements.

The Member for Edmonton-Kingsway got up and spoke to the question of the majority of people that are trapped in the lowest-of-possible paying jobs, that are treated very shabbily by many employers in that part-time employment scenario. But I would remind the Minister of Labour that not all of those Albertans are unskilled or uneducated. I don't think I need to remind anybody in this Assembly of all the graduates coming out of the universities in the province of Alberta. Some of them with teaching degrees cannot find jobs in the education system in the province of Alberta and have been trapped in some of these low paying jobs because they can't find full-time employment. Now, is it fair for this government to invoke even worse conditions on those people by not allowing for them to get the same wage and some benefits, the same things full-time employees are getting? Is that the way we treat our youth, those young adults graduating out of many of the postsecondary educational facilities in the province of Alberta? I think not.

Now, as long as the minister is going to sit and say nothing, we can also examine the area of underemployment. Certainly underemployment has been created in a great part by the utilization of part-time employees, regular part-time employees, where that employer is getting the benefit of their skills and their labour for less than full-time employees where they, as regular part-time employees, are doing in essence almost the identical job. Mr. Chairman, I would ask you and the Minister of Labour if that's what this Minister of Labour and this government considers fairness and equity in labour legislation.

As long as the minister is going to continue to sit and say nothing in support of this meagre, insufficient, and unwarranted legislation that we have before us, what else can we assume? We can't assume anything other than that what the minister is prepared to do and what this government is prepared to do when it comes to the whole question of part-time employees, regular part-time employees, is that they are continuing to do nothing to address some of the abuse that's heaped on many of these educated people and uneducated people forced to work in a part-time employer/employee relationship through no choice of their own. Again, as long as the minister sits and says nothing to substantiate his new and improved Employment Standards Code, then what can we on this side of the Assembly assume, other than that the minister is prepared to allow for the continued abuse of regular part-time employees in the province of Alberta? Because certainly that is the only conclusion that we can draw.

I'll cite the minister another example of the continued abuse of regular part-time employees. That's with the Liquor Control Board, the ALCB, who went on strike in 1986, trying to get some decent wages and some decent benefits for regular part-time employees. Prorated benefits though they might have been, Mr. Chairman, certainly that was one of the major issues in that particular strike. For the information of all members, I would like to give them some of the statistics that I got from the organization that represented those people. In 1984, when they bargained, there were almost 1,300 full-time employees within ALCB and only approximately 900 part-time employees. Now, if the information that was given to me is correct -- and the minister can check this with his colleagues -- in 1986, when they went on strike in an attempt to get some decent terms and conditions for those regular part-time employees, there were 1,300 part-time employees and only about 900 full-time employees. The tables had almost turned, with the Alberta Liquor Control Board not only enjoying lesser wage rates for those regular part-time employees but also denying them any prorated benefits.

Again, when we examine the final report of the Labour Legislation Review Committee, where certainly Albertans spent their time at those public hearings addressing many of these major concerns, it's obvious that this government and this minister

didn't bother listening past what was contained in the final report of the Labour Legislation Review Committee. What we see in the legislation that we have before us certainly does not treat those individuals with any sense of fairness or equity but continues the abuse that's been heaped on them in this province. Because, Mr. Chairman, although this minister had some nice flowing words that the code set out rules for regular part-time work and in particular the provision of applicable prorated benefits, this minister and this government have chosen to do absolutely nothing to address a major concern that was put forth to them. Absolutely nothing. As long as the minister sits there silent, then we on this side as opposition members can only assume that this minister and this government are prepared to let this abuse continue.

MR. CHAIRMAN: Are you ready for the question?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour of amendment 8 to Bill 21, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: The motion fails.

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

[Two minutes having elapsed, the House divided]

For the motion:

Barrett	Hewes	Pashak
Ewasiuk	Laing	Sigurdson
Gibeault	McEachern	Strong
Hawkesworth	Mjolsness	Younie

Against the motion:

Adair	Fischer	Osterman
Ady	Getty	Payne
Bogle	Hyland	Pengelly
Bradley	Johnston	Reid
Brassard	Kowalski	Schumacher
Cassin	McClellan	Shrake
Cherry	Mirosh	Sparrow
Clegg	Moore, M.	Stewart
Cripps	Moore, R.	Trynchy
Day	Musgrove	Young
Drobot	Nelson	Zarusky
Elliott		
Totals	Ayes - 12	Noes - 34

[Motion on amendment lost]

MR. CHAIRMAN: Hon. Government House Leader.

MR. YOUNG: Mr. Chairman, I move that the committee rise and report progress.

[Motion carried]

[Mr. Speaker in the Chair]

MR. GOGO: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bill 23; reports Bills 18, 24, 26, and 28 with some amendments; and reports progress on Bill 21.

MR. SPEAKER: All those who concur in the report, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.
Government House Leader.

MR. YOUNG: Mr. Speaker, in recognition that either this morning or yesterday was the longest day and the shortest night, or will be, I move that the Assembly rise till today at 2:30 p.m.

[At 12:20 a.m. on Tuesday the House adjourned to 2:30 p.m.]