LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Tuesday, June 21, 1988 8:00 p.m.**

Date: 88/06/21

[The Committee of the Whole met at 8 p.m.]

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

[Mr. Gogo in the Chair]

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

Bill 22
Labour Relations Code

MR. CHAIRMAN: There are some amendments: government amendments plus 55 others.

Perhaps, hon. members, before we proceed, there seems to be a fair number of people visiting the Legislative Assembly gallery. It may be appropriate to share with them what this is all about, if members would agree.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Ladies and gentlemen, welcome to the Legislature. We're dealing, as some of you obviously know but perhaps others don't, with a new piece of legislation: Bill 22, Labour Relations Code. As you also probably know, there are three stages plus committee stage in making new laws in this province. We've been through first and second readings of this Bill. We're now in the committee study where all hon. members of the Assembly have an equal opportunity to ask questions, put questions, and make amendments. We're about to enter that period of debate now where hon. members may speak as often as they wish, as long as the Chair allows it, and talk about various things as long as they're in accordance with the matter before us. We're about to start that now. The relaxed dress, as you see, is allowed when we're in Committee of the Whole, and members are allowed to remove their jackets.

The one final comment is that, historically, under our British parliamentary system 500 years ago, the King would appoint the Speaker. The Speaker was known then and was suspected to be a spy for the King. So hon. members within the Commons in England felt that was inappropriate and appointed one of their own in dealing with matters of raising money and passing laws. That's why the Speaker is not allowed in the Chamber when we deal with this stage of a Bill. Interesting piece of history, maybe even pertinent.

Hon. Minister of Labour, do you have any opening comments to committee study of the Bill?

DR. REID: Yes. Thank you, Mr. Chairman. I would like to introduce debate on committee stage of the Bill. In doing so, I would like to address, first of all, Bill 22 as it was tabled now some two months ago and then get on to the fair-sized government amendment that I filed with the Legislative Assembly earlier on today, which succeeds a proposed amendment that was made public about two weeks ago.

First of all, Mr. Chairman, without reiterating my remarks at second reading, I would like to indicate that Bill 22 is what might be called a landmark piece of legislation in that it is aimed at significantly changing the relationship in the unionized part of the work force between employees and employers. We have in Alberta and indeed in the rest of Canada inherited from Great Britain and from the United States of America a system for unionized employment which is really based upon the results of the industrial revolution, an event that didn't happen in this province because the province didn't exist at that time. Indeed, there were very few people living here at the time of the industrial revolution.

As a result of that and looking at the history of Alberta, it may be that since the first Labour Act in the province in 1947, we have indeed had legislation that was not suited to the Alberta economy or society or work force, but was more based on the confrontations that developed in the 18th and 19th centuries rather than the concepts that should have been developed in the 20th century. As a result, we have had the traditional -- and I will use the word advisedly -- confrontatory approach to labour relations. It is unfortunate, because Alberta prior to 1947 didn't have a Labour Act, although there were unions and there were collective agreements achieved. But the situation is of course that Alberta has taken the quantum leap from a largely agrarian society to what might be called a postindustrial, high-technology society in a very brief period of time, indeed in some 40 years since the first development of major oil discoveries in the province.

Mr. Chairman, in Bill 22 there is a preamble, as there is in Bill 21, and that preamble sets out the basic philosophy of the whole statute. The philosophy can be put briefly in the terms that there should be between employees and employers in the unionized sector as in the non-union sector a relationship which is to the benefit of both parties, that it does not need to be confrontatory, and that indeed, with recognition of the economics of a given entity, realizing Alberta's place in the competitive world that we export to -- and one has to remember that Alberta exports the highest percentage of its gross provincial product of any province in Canada and that Canada has got a disproportionate trade for its size compared to other countries in that we export and import large percentages of our domestic product In that context Albertans have to realize that our economy and our economic success as individuals as well as a society are based upon our relationship with the rest of the world. It also lays out quite clearly that the basis of the relationship between employee and employer should be based on open and honest communication. Now, in the traditional, confrontatory concept that communication has frequently not been open, and some would indeed on occasion doubt its honesty.

In case members are inclined to think that this Bill is based on a pipe dream, I would emphasize to members that there is a large number of successful relationships in this province which are based on open and honest communication. One can mention in the private sector Suncor and Cardinal River Coals, but in both cases it followed a six-month strike. In both cases management union, owners, and employees are now wondering why they had to go through the pain in order to learn the wisdom. The purpose of Bill 22 is to encourage in all unionized relationships in the province the kind of relationship that has developed in those two entities subsequent to the strike, without having to go through that pain.

Throughout Bill 22 there is an attempt to strike the fair balance between the interests and the economic powers of the em-

ployee and the employer, recognizing of course that there is a basic difference between the parties. Having recognized the difference, it is then the aim of the legislation to give the parties a system that they can use to their mutual advantage by dealing with each other as much as possible, given the economic realities, as equals. Indeed, throughout the Bill there exist the concepts of trying to balance one party against the other throughout, so that rather than having to disagree in order to develop fairness, they start off with a concept of fairness and then can get on with communicating to the mutual advantage of both parties.

There is a significant change, for example, in the initial process of unionization in the proposals that are in Bill 22 for certification. Those proposals emphasize that the decision to have a union and to have a union certified is purely one for the employees. It is not something to do with the union that they may choose. It is not something to do with the employer, nor with the government. It is a decision of those employees, and in order to minimize any external influences upon that decision, from the time of proclamation of Bill 22 onwards there will in all cases of certification be a secret ballot for the employees to make their decision independent of external influences.

Subsequent to that certification and in the initial negotiations between the parties and in subsequent negotiations, there is a new collective bargaining structure which is aimed not at giving a good set of rules to fight by, as they have been described in the past, but rather to give the parties the maximum chance of reaching a collective agreement without a dispute characterized by a strike or a lockout. The end result should be, if the parties work at it -- as indeed they should and as has been proven by Cardinal River, Suncor, and many others. If they put their effort into it, they can achieve settlements and agreements without the necessity of throwing weapons and threats at each other via strike votes, lockout votes, or indeed strikes and lockouts. Mr. Chairman, if the parties put the same effort into it as has been done in other jurisdictions, the number of strikes or lockouts in this province would be less than one per year, and that would certainly be to the advantage of all Albertans, including the specific parties who may be negotiating.

In addition, Mr. Chairman, the provisions for strikes and lockouts have been changed so that there will be conditions attached to reaching that part of the dispute, if indeed the parties are determined to reach it, that will necessitate the use of an outside mediator before the cooling-off period preceding a strike or lockout vote. I would emphasize that the strike or lockout vote cannot be taken until the process aimed at successful bargaining has been completed. In other words, neither party will be able to approach the table with a predetermined ability to lock out or strike, but they will rather have to go through the negotiating process before they can reach that end point.

Mr. Chairman, the function of the Labour Relations Board, an integral part of labour relations in this province for many years, has been delineated. The functions of the board have been clarified and its abilities strengthened in those aspects where it is necessary. In addition to that the Labour Relations Board will now be able to have a relatively informal process for dealing with minor differences of opinion without the necessity for the highly legalistic, structured environment that exists with the more formal hearings by the board. I would emphasize, however, that the decisions that are rulings of the board can only be reached by a balanced board with a small number of exceptions and that where those exceptions apply, the single-man board will be only the chairman or the vice-chairman; in other words, the full-time, neutral members of the board rather than the members who come either from the management side or from the organized labour side. It is the board, Mr. Chairman, that will be responsible for the taking of all votes, either by supervision or by conducting such secret ballots itself. This is to make sure that indeed these votes are held fairly and without external influences as much as possible.

Mr. Chairman, there are in Bill 22 some new provisions for the regulation of strikes, lockouts, and picketing, and I would draw those to the attention of members. I will get back to picketing when I deal with the government amendment introduced today. Essentially, in all three circumstances -- the strike, the lockout, and the picketing -- again, the legislation is aimed at as much as possible achieving fairness and avoiding undue pressures on other parties. The arbitration process has also . . .

MR. CHAIRMAN: Order in the committee please, hon. members.

Hon. minister.

DR. REID: The arbitration process has also been clarified with some changes from that which existed before.

Mr. Chairman, included in Bill 22 are provisions for emergencies as existed under the Labour Relations Act, and there are also provisions for the sectors of the Alberta economy where it is considered by Albertans that there should be limits or prohibitions put upon strike and lockout activity by employees and employers. Those provisions are applicable to three sectors: policemen, for obvious reason; firemen, for obvious reason; and the hospital service, again for obvious reason. The provisions in those circumstances have been changed somewhat, and what was regarded by the nurses in the province and by some others as perhaps an excessive degree of government involvement in the process of arbitration for those three sectors -- that government policy statement has been deleted in the new legislation. Rather, the arbitration panel will consider only the broad economic circumstances in the province, which they probably would do anyway, rather than a specific document prepared by the government indicating the government's policies. That will remove from the arbitration process what was regarded by some people as a sore point and should, therefore, encourage the use of the other mechanisms that are available for those three sectors of the economy. The arbitration process is set out once more and is not changed very much other than by deleting the specific document that. I just mentioned.

Mr. Chairman, we have retained in Bill 22 the concept of the disputes inquiry board and have indeed expanded it somewhat so that there may be a disputes inquiry board used prior to a strike or lockout, in which case there is a temporary hoist of such activity. But in the case that such a board might be used prior to a strike or lockout because of the usefulness of the disputes inquiry board mechanism, once a strike or lockout has started, the minister will in future have the ability to use a disputes inquiry board after the strike or lockout has occurred as well. There will, however, be a limit of one DIB before and one DIB after a strike or lockout.

Mr. Chairman, I would also like to mention the provisions that have been made in division 19 in the event of an illegal strike, where strikes are prohibited, or an illegal lockout in those sectors, and also the measures that are available in the event that an emergency is declared and essential services and the employees in them are ordered to return to work. In the event that they do not do so, there are provisions in Bill 22 to address those

matters by the suspension of dues check-off or, in the event of persistent problems, the revocation of the certification of the union.

Mr. Chairman, the rest of the Bill is essentially similar to what existed in the Labour Relations Act that is currently the law of the province, to do with arbitrations and the prohibited practices.

I would now like to turn my attention to the government amendment introduced today, and in particular draw members' attention to amendment N, which is that applicable to the situation of picketing. The intention of the government in Bills 60 and 22 was to continue the traditional restrictions on picketing and the prohibition on secondary picketing, but in no way was there any intention of affecting the ability of noninvolved parties to boycott, whether or not there might be an industrial difference or dispute occurring. The traditional, well-recognized freedoms and rights of assembly, boycott, et cetera, are ones that we have inherited from England, and I think that few Canadians would wish to take those away from anyone.

In view of that and in view of concerns about the function of section 81 of Bill 22, we have had further consultations with constitutional lawyers, and I would draw the attention of members of the committee to amendment N and the new section 81 with its provisions. The ability to picket is laid out, as are the functions of the Labour Relations Board in delineating picketing and, if necessary, applying suitable restrictions upon picketing. The provision has been checked with a number of advisers, and it is felt that it now recognizes the realities of the situation, maintains those traditional freedoms and rights, and is also responsive to the requirements of the Charter as well as the traditional freedoms and rights that we have enjoyed.

Starting on page 7 of the amendment introduced today is a large section, numbering some 30 pages, which applies to the construction industry. As I indicated on introduction of Bill 22 on April 15, it did not include the provisions for the construction industry because indeed there was still some hope at that time that the system introduced in Bill 53 on June 5, 1987, could be made to work to the benefit of the industry, including the unionized employees and the contractors. Unfortunately, as we all know, that did not occur, and the provisions in part 2.1 of the amendment are essentially those permanent provisions for the construction industry.

In the amendment will be found provisions for a system of trade-by-trade bargaining between the appropriate union for that trade, or in some cases unions, and the employers' organization for that trade. One has to realize, Mr. Chairman, that in the construction industry many employees do not have a single, ongoing employer and, rather, work for a whole group of employers, and that group of employers will be represented by the employers' organization. As a result, the trade-by-trade bargaining should accommodate collective agreements on a trade-by-trade basis, since the union for that trade will be dealing directly with the employers' organization of the employers in that trade.

There are provisions in the amendment to deal with the situation for the settlements across a sector of the construction industry, and such sectors will require a double-60 majority for a strike to occur or a double-60 majority for a lockout to occur. The concept, Mr. Chairman, is that for a strike or lockout to occur, there should be a majority of the unions, in the case of a strike, in favour of the strike by a 50 percent majority within in each union, but that also overall there should be a 60 percent majority of all the employees who vote in favour of the strike. On the employers' side the same thing applies. There must be a 60 percent majority of all the employers' organizations, and there must be a 60 percent majority of the total employers. The result of this concept should be the stability that is required by the investors before they invest, certainly in large projects in the province, especially in the industrial part, and we are looking at very large projects.

There are provisions for carve-outs, not limited as in the past to the tar sands and heavy oils but also to large power-producing entities, perhaps pulp mills and other significant entities.

There is provision for a jurisdiction disputes board to deal with jurisdictional disputes, and in the transitional provisions we have covered the difficulties that might exist with certifications that might otherwise lapse and with registered employers' organizations that might otherwise lapse.

Mr. Chairman, before concluding my remarks I would like to address the subject of spin-offs. In Bill 22 in section 44 with the amendments that are introduced, we have dealt with the concept of spin-offs in the nonconstruction sector. As I've already noted and as most members of the committee are well aware, the construction industry is what has been described as a different breed of cat. The spin-off provisions incorporated in the amendment for the construction industry will to some extent mirror those for the nonconstruction part of the economy, but there is an additional provision . . .

MR. CHAIRMAN: Order please, hon. members.

Hon. minister.

DR. REID: There is an additional provision for the construction industry, related to a peculiarity of that industry called project management These provisions have been discussed with representatives of both the unions and of the employers. I think it can fairly be said that the employers are not happy with the provisions, nor are the unions. But the provision that is included will in actual fact enable the Labour Relations Board on an individual basis to pick its way through the situation and decide whether a construction management or project management company is a bona fide, straight-out management firm or whether it has been used to try and avoid a contractual obligation. As I said, the provision has not been greeted with universal acclaim in discussions, but on the other hand it has not be rejected out of hand by either side also.

With those remarks, Mr. Chairman, I would recommend Bill 22 to the committee with the amendment that I introduced earlier on today. Thank you.

MR. CHAIRMAN: Thank you, hon. minister.

Before we proceed, would the committee consent to reverting to Introduction of Special Guests?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Hon. Member for Redwater-Andrew.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. ZARUSKY: Thank you, Mr. Chairman. It's my pleasure today to introduce to you and through you to the rest of the Assembly, two special guests to our province. They are Mr. and Mrs. Jan Horacek. Mr. Horacek is the president of Motokov Canada Inc., an agriculture and oil equipment company out of Czechoslovakia. I had the pleasure of meeting Mr. Horacek on

our recent trade mission with AOSTRA to eastern Europe, and we discussed some possibilities of trade with Alberta. Mr. Horacek and his wife are passing through Alberta today on their way to the Regina agricultural show and looking at some possibilities of trade with our province. They're seated in the members' gallery, and I ask that they rise and receive the welcome of this Assembly.

MR. CHAIRMAN: Any comments, questions, or further amendments to the amendment to Bill 22 and to Bill 22?

Hon. Leader of the Official Opposition.

MR. MARTIN: Mr. Chairman, just to revert, may I also introduce some people here in the gallery?

MR. CHAIRMAN: By all means, hon. leader.

MR. MARTIN: Mr. Chairman, seated in the public gallery are members from the Alberta Federation of Labour school with staff member Jim Selby. They're seeing labour laws in action: Bill 22. I'm sure they'll have their own opinion about it after, but I would wish the Assembly would welcome them here. If they could stand and be welcomed by the people here.

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

Bill 22
Labour Relations Code
(continued)

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

MR. STRONG: Thank you, Mr. Chairman. It's a pleasure for me to get up and respond to some of the comments that were made by the Minister of Labour in recommending to the committee that we accept the amendments to the legislation that he's put before us.

Mr. Chairman, I would think that the Minister of Labour would be ashamed of himself for recommending what he's put in front of this Assembly, in front of this committee. But I'd like to respond to a few of the comments that he made in his opening statements, and I think I'll start with commenting on his comment that, indeed, this was a landmark piece of legislation. I couldn't agree with the minister more; it is indeed a landmark piece of legislation. It takes labour legislation back in the province of Alberta probably 100 years.

The very underpinning of labour legislation promised by this minister and this government to Albertans was labour legislation that was going to be based on some fairness, some equity, create a level playing field, and bring Alberta's labour legislation into the 21st century. I've said it before and I'll say it again: the minister has failed on all counts. Totally failed. If we look back again -- and I've said this before, and I'll refer to it again, only different sections of it. If we look at this minister's final report of the Labour Legislation Review Committee that was offered up back in February 1987 to Albertans after all those public hearings, after this minister went on a free trip around the world at a great deal of expense to us as taxpayers, what did we get?

AN HON. MEMBER: I'm not sure.

MR. STRONG: No, I'm not sure either, hon. member. If we look at the general policies that were supported by participants that the minister even put in his own final report, what we see in front of us immediately goes wrong:

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

Yet what do we see in the labour legislation we have before this committee? We see government interference in one form or another, one after the other, continuous through the legislation that the minister has filed in front of this Assembly.

Mr. Chairman, I'd point out one section, only one section for now, of where this government has interfered, totally interfered in that employer/employee relationship, where they've stuck their noses in where their noses don't belong other than to tilt the balance of fairness on the employer's behalf or what this government views as being fair and equitable for working Albertans. The section I'll point out is section 113, where this government, the cabinet, can "revoke the certification of a trade union that causes or participates in" an illegal strike. I'd point out for all members of this honourable Assembly that the definition of an illegal strike is two or more employees walking off in concert.

It's fine for the minister to state in his opening remarks, "Oh, no, this will only be used in emergency situations where those bad unions don't listen to us." Absolute nonsense. Absolute nonsense, Mr. Chairman. We know in the Official Opposition just exactly what this government is trying to do to organized labour in the province of Alberta, and I'm sure that the trade union movement in the province of Alberta fully understands what this government and this minister intend to do to them. This is just an example of what this government intends.

This section, division 19, is totally aimed at the United Nurses of Alberta, number 1, because that determined little band of nurses had the audacity to tell this government that they were wrong in the labour legislation that they passed and had the courage to go out on a picket line.

AN HON. MEMBER: Anarchy.

MR. STRONG: Anarchy?

AN HON. MEMBER: Anarchy.

MR. STRONG: Anarchy. We've got, you know, the gum flapper over here from Vermilion, with his usual nonsense. You'd think he'd get up and start talking about right to work.

But, Mr. Chairman, what do we have? We saw labour legislation that was brought in in the province of Alberta, Bill 44. Neither the Alberta Hospital Association nor the United Nurses asked for this dismal piece of legislation. They never asked for it. They got it given to them by this government. Now, instead of this government sitting down with those two parties and establishing some rules, some format to take care of emergencies, what this government's done is bring in division 19, specifically section 113, to totally do away with anybody that doesn't bow down before this government, doesn't beg, doesn't get on their knees, doesn't comply with what this government philosophically thinks about anything. Now is that the fairness and equity that this government promised Albertans? I surely think not Mr. Chairman, and there are many Albertans that agree with me. Many of them.

What have we got? We've got this government using a sledgehammer, a 30-pound sledgehammer, to kill an ant. To

totally trample on anybody's rights. And, Mr. Chairman, I'd also ask you: under this particular section where the government has interfered, what rights are there for any poor union, such as the United Nurses of Alberta, if this government decertifies, deregisters their union? What right, what recourse, what appeal process is there for them? Is there an appeal process to the courts? Certainly not. Because cabinet information is confidential, private. What rights do they have under the legislation? Absolutely none: the same as any union in the province of Alberta that has had or could have their rights trampled on under this particular odious piece of legislation. Certainly not legislation that will bring Albertans into the 21st century.

We can go on. Again, this government promised labour legislation responsive to the needs of Albertans. Certainly, as part of the recommendations contained in the final report, standards are expected to be contemporary, easily understood, in black and white, simple English. But yet what do we have? What do we have, Mr. Chairman? In some sections of the labour legislation, Bill 22, this new and improved Labour Relations Code, we have some sections where, unfortunately, labour legislation isn't put in black and white. It's dealt with in regulations, regulations that this government can change at any time they so choose. Is that the fairness and equity that was promised Albertans by this government in throne speeches, in statements, in public hearings, in press conferences by this Minister of Labour, by this government? Certainly not. Certainly not, Mr. Chairman.

We can go on. There was a number of specific major concerns that were addressed at the public hearings by Albertans, not all of whom were organized: many submissions put in by labour unions, by union members, by individuals pleading with this government for some fairness, citing the areas of abuse that some employers had heaped upon them for years. Did this government listen? I'd like to point out some of the specific major concerns that are addressed and that were addressed by this Minister of Labour and his traveling road show, those people that were on his committee.

Now, Mr. Chairman, we look at the whole question of replacement workers, and certainly replacement workers were brought up on numerous occasions before this minister. The part in the final report that dealt with it as a specific major concern stated this:

> The use of replacement workers during a strike or lockout was consistently identified as major concern, though views differed widely on choices available to employers. Employers generally held that no restrictions should apply, while employees and trade unions felt prohibition or restrictions of various kinds should apply.

Well, Mr. Chairman, when we examine fairness and equity, fairness and equity that was promised by this government and this minister, what do we have? Whose side did this government take when it came to a question of replacement workers?

An employer utilizing replacement workers certainly is a major cause of violence on a picket line, as evidenced on 66th Street, where Edmontonians as part of their property taxes were forced to fork over over a million dollars to protect an employer that certainly, certainly was a little less than even what you can consider disgraceful. Disgraceful, Mr. Chairman. And we paid for that? That's not what I intend my tax dollars for, and it's certainly not what union members expect their taxes to go for. So certainly in our view as the Official Opposition and certainly in mine, this minister didn't listen to the hundreds of Albertans that addressed this question or the thousands and tens of thousands of union members in this province represented by unions, who put submissions in with respect to this particular disgrace.

We can go on, Mr. Chairman. We can go on to the 25-hour lockout in the construction industry that was addressed at those public hearings. Hundreds of people addressed it. Hundreds of submissions addressed it. What happened? Do we see any cure? Do we see any leveling of the playing field in Alberta for employees and employers when this government continues to allow 25-hour lockouts in their new and improved labour code? Is that fairness and equity? Is that the 21st century for Albertans? Again, this government should be ashamed of themselves for having what we view and the what majority of working Albertans view as dismal, sad labour legislation, certainly not designed to protect working Albertans. That's very evident as we go through the legislation that we have before us.

Mr. Chairman, another major concern that was addressed at those public hearings was the certification process. The certification process was addressed as a significant, major concern by numerous Albertans. Submissions were put in by many labour organizations that dealt with streamlining the certification process, making the certification process much more simplified than what it was. What do we find in the legislation? We find the Americanization of the certification process in Alberta, where even if 100 employees out of 100 employees sign cards, support cards, indicating they want a bargaining agent, a bargaining unit to represent them, they still have to go through a vote, a secret ballot vote in every case.

Now, Mr. Chairman, I would like to ask the Minister of Labour just exactly how long this process before the Labour Relations Board is going to take before the Labour Relations Board determines that there is going to be a vote. Is this process going to be delayed two weeks, three weeks, four weeks? Is it going to be delayed six months before this board makes a decision? In the meantime, will that employer be committing unfair labour practices, while this organizing drive is going on, to persuade, coerce, intimidate, and threaten their employees who had enough courage to sign a union card, to say enough's enough? Where they are going to be fired, and nothing's going to be done?

Well, obviously, in reading this minister's and this government's legislation, that's exactly what's going to happen, Mr. Chairman, because what this government did was remove from the existing labour Act the automatic certification process where an employer committed unfair labour practices during an organizational drive. Now there is no penalty. It's what you call an open door for those employers out there who do not want to allow their employees to exercise those rights that are guaranteed under the Charter of Rights and Freedoms in this country. And, Mr. Chairman, those rights are guaranteed. The fundamental freedoms: freedom of expression, freedom of media communications, freedom of peaceful assembly, freedom of association. That's recognized in our Charter of Rights. But what this government wants to do is take that right away, not only in the section that they amended, section 81 concerning picketing, but there are other areas of the legislation where they take rights away. Now, is that fair? I certainly think not.

We can go on and on and on. This minister knows full well the unfair labour practices that were committed by Mariposa during that certification drive. That is why the Labour Relations Board in the province of Alberta finally outdid themselves and gave that union automatic certification. But where did it get them? It got them absolutely no place because the employer, after they'd accommodated the first hurdle, that first 100-foot brick wall set up before them, the employer wouldn't bargain with them. Eventually, through the process of terminations,

quits, layoffs, firings, they just replaced all those employees with a brand new group. And now that one's gone by the wayside. What this labour legislation should have had in it is a process for immediate first agreements if an employer is found guilty of committing unfair labour practices by not bargaining in good faith with the union who gains certification through the process as outlined in the labour legislation.

But, Mr. Chairman, I'll go back to the certification process, a process that was supposed to be simplified. Well, if it's simplified, we're certainly going backwards, certainly going backwards here. Because it hasn't been simplified. What's going to happen is it's going to be delayed. All these unfair labour practices are going to be committed. The employer who commits those unfair labour practices: no penalty. So what we will see is more friction, more labour relations unrest in the province of Alberta, and more unfair labour practices committed by employers during organizational drives.

I find it absolutely bizarre that this minister would push back to Albertans the cost of holding votes in every certification application that is put before the Labour Relations Board in the province of Alberta, because that is absolutely absurd. The point that I had made was saying that if 100 out of 100 employees in a bargaining unit signed support cards, why should a vote be demanded where a clear majority of those employees have voted by signing those support cards to accept that union as their choice, their right to representation, to represent them in any and all matters concerning labour relations, collective agreements, and any of those other things that they have a right to as Canadians and Albertans? What this government is doing and what this minister does in proposing Bill 22, his new Labour Relations Code, is take some of those rights away or limit those rights. Mr. Chairman, that certainly isn't fairness and equity that Albertans not only demanded at those public hearings but were promised by this minister and this government. Because it just didn't happen.

We go on to spin-offs being addressed as a major concern. Certainly in his amendments the Minister of Labour has attempted to deal with this. Unfortunately, the minister just didn't go far enough. He didn't go far enough in protecting working Albertans' rights.

Mr. Chairman, I can go to letters that I've received from some of those employers -- they must be stupid for sending them to me, because I certainly don't sympathize with many of their views -- in regards to what they view as being fair and equitable for working Albertans, particularly working Albertans in the construction industry. Here we have the Calgary Construction Association supporting the philosophy of free enterprise, supporting the philosophy of free trade, and supporting the philosophy of right to work. Now, is that fairness and equity? And complaining about the very little that this minister and this government did for working Albertans in their labour legislation. It's abysmal. Because we all know -- we didn't just fall off a turnip boat -- that there are no free lunches. Certainly free enterprise is somewhat restricted, and certainly somebody's got to pay. Normally, that's working Albertans. Isn't it about time they were treated with some fairness and equity? Certainly I believe so.

Mr. Chairman, we can look at the preamble in the minister's shabby attempt at labour relations in the province of Alberta that totally failed, came up short, totally fails to measure up. Totally. Let's examine what the minister says in his first whereas: "competitive world-wide market economy." I've asked this before, Mr. Chairman. What has that got to do with labour relations? What has that got to do with labour legislation, a new Labour Relations Code? This minister commented on the philosophy when he made his opening remarks to the principle of the Bill, the philosophy that normally there is not a preamble to Bills, but there is a preamble to Bill 22 setting out the philosophy that must be kept in mind when reading every section of the statute, a philosophical statement of the government in relation to the Labour Relations Code. The first one that he jumps into is competitive worldwide economy.

AN HON. MEMBER: Shame.

MR. STRONG: It is shameful, isn't it?

Where are we going? It was always my understanding -- and I think any commonsense individual would know -- that this new Labour Relations Code should set out the rules in which unions, employees, employers, and employer associations should operate, and they should set them out in a very, very clear manner, in simple English that individuals, all individuals, can understand. Mr. Chairman, I put it to you and put it to every member of this Assembly, that competitive worldwide market economies have absolutely nothing to do with labour legislation and everything to do with economics. Normally, economics are dealt with at the bargaining table between a union and an employer, a union representing employees who voted, who chose, who had the right to have a union of their choice represent them. Now, that's what labour legislation is all about, and this minister inflicting this Conservative Party's philosophical statements when it comes to economics -- well, those are sort of convoluted too. I've listened to a lot of that, where they really don't address the point.

> We can go on. Here in the third whereas:
> WHEREAS the employee-employer relationship is based on a common interest in the success of the employing organization . . .

How far-reaching, how nonsensical, can this minister get? This isn't the Fantasyland Hotel. This is labour relations. Certainly we know that that employee does not have access, because the employee in many cases doesn't have access to the money -- the employer does -- to get all that expensive legal advice when it comes to the intent and how this labour legislation impacts on those working Albertans who made the right choice and had a union represent them. So what the minister is talking about again, is nonsense. I'm not saying that there isn't some common interest there, but that again has taken place, and it's taken care of at a bargaining table between a union and an employer. That's where it's taken care of, not in labour legislation that should set rules, fair and equitable rules, not legislated inequality as we have here in Bill 22.

AN HON. MEMBER: For unions?

MR. STRONG: Because it just doesn't cut it. It just doesn't cut it. And I wish, Mr. Chairman, the hon. member making comments behind me would get up and make a few statements. I'd love to write them down.

> We can go into the third preamble:
> WHEREAS employees and employers are best able to manage their affairs where statutory rights and responsibilities are clearly established and understood.

Does this legislation do that? We've got the preamble here. Does it do it? No. It doesn't clearly lay them out because many of the things that it does lay out are going to be dealt with by regulation, Mr. Chairman. And we in this Assembly who

will be voting on all parts of the legislation that we have before us are going to be asked to vote on this shabby piece, this ill-considered piece, of legislation without even having access to the regulations that will apply to this Labour Relations Code, the new and improved version, supposedly.

[Mr. Musgreave in the Chair]

AN HON. MEMBER: Well, give us constructive changes then.

MS BARRETT: You can get 55 of them.

MR. STRONG: You're gonna get em.

MRS. MIROSH: Oh, sure. Fifty-five constructive . . .

MS BARRETT: They have already been tabled, Dianne. Didn't you see them?

MR. DEPUTY CHAIRMAN: Order.

MR. STRONG: Mr. Chairman.

MR. DEPUTY CHAIRMAN: Order.

MS BARRETT: He's the one that was shouting at me.

MR. DEPUTY CHAIRMAN: Order.

MR. STRONG: Mr. Chairman, we also had this Minister of Labour attempt to convince Albertans that it only costs them a quarter apiece, 25 cents to travel the world to bring us back all this expertise in labour relations from these far-off foreign countries. It's been suggested by quite a number of members in the opposition that perhaps we certainly would like our quarter back and that thousands of Albertans would line up to get their quarters back because, Mr. Chairman, we certainly didn't get full value for the money that was spent by the taxpayer in allowing this minister to travel the world, supposedly to bring back some expertise in labour relations to make Alberta's labour legislation fairer.

What did we get? Mr. Chairman, I've read this legislation from the front end to the back end, studied it for hours and hours and hours, looked at amendments, numerous amendments, to try and make this disaster a little bit better for working Albertans, but certainly cannot find -- cannot find -- anything that this minister brought back from all those wonderful places he visited on his free taxpayer holiday that we paid for that made any input, any major change, to the legislation that we see before us other than that it going backwards. Totally backwards. So where and what did we get? What did we get?

AN HON. MEMBER: Americanization.

MR. STRONG: Well, yeah. We got the Americanization of our certification procedures in the province of Alberta. I mean, we got that. I guess I shouldn't complain.

The minister spoke at great length about how he wanted to encourage a positive relationship with his new and improved version of his thoughts on a communication process in his legislation covered in part 1. Again, Mr. Chairman, I've read this legislation through. I see no place, absolutely no place, where there's any input for employees. The whole communication process -- employees.

MR. DEPUTY CHAIRMAN: The hon. Leader of the Opposition.

MR. MARTIN: Thank you, Mr. Chairman. I've waited. We waited and we waited since the labour disputes in Alberta, starting with Gainers, and we were told that we would look into it; there may be a problem. We waited while he went on the world tour. Then we waited through another labour Bill that sat on the Order Paper. Finally, we had this particular Bill, and then when we raised questions in question period we were told many times by the Premier and the minister: "Well, just wait. Just wait. We'll get a chance to debate it when it finally comes back." Then we're told: "Wait for the amendments. You know, you're getting exercised and carried away. There'll be amendments and all will be wonderful. We'll all be happy."

Well, we've now had a chance to look at Bill 22, we've now had a chance to look at the amendments to Bill 22, and I think this minister knows precisely what he's doing. I have a feeling, Mr. Chairman, that this minister doesn't even believe in half the things that are in these amendments and Bill 22. I believe the right wing in the Conservative Party has taken over totally. You listen to some of the backbenchers; you understand. See, they're thumping. That's what we want to hear. That's what working people want to hear. We'll get them on record.

But the point of the matter is that these amendments and these Bills have made things worse. Now, I'm not going to go into all the details of it, Mr. Chairman, all the things I raised in second reading. I may say that these amendments do nothing, absolutely nothing, to change the focus of Bill 22. Most of them are, as I say, housekeeping resolutions and do nothing about the Americanization of certification, replacement workers, 25-hour lockouts. My colleagues already talked about that. You know, I am amazed, though, by the gall of the minister, because he actually stands up and says without even smiling how he's going to bring fairness and stability into the market He must go behind in the back there and have a good chuckle after he makes those statements. But I know that he has to try to make the case, an indefensible case, here about it.

Mr. Chairman, the point I want to make is that there's no doubt that the Peter Pocklingtons of the Conservative Party have won this round with this government I believe there are some moderate people out there, even in these back benches, that must understand what this government is doing. And make no mistake about it. They may want to put the best light on it say we're doing it for stability and all the rest of it. Their idea of stability is to get us into a situation where there is no trade union movement, where we have right-to-work states with the wages very low. That's how we're going to compete in the free trade market. Because there's absolutely no doubt that this Bill is an attempt to severely limit and, I believe, break the trade union movement in this province.

Now, if we're going to bring in the amendments, the government says -- I'm sure the minister would deny this. But we're going to bring in the amendments, some 55 of them, and we'll see how the government members vote on it. If they're unprepared to accept our amendments, then we know precisely what the agenda is. It's a right-wing agenda then, this Bill. But you know, I was looking forward to certain things we were told the other day. "Well, don't worry about section 81." Remember, we raised that in question period, and at the time he said, "Oh, that's nonsense. That's nonsense. It's not against the

Charter. It's a good Bill. This is not what we mean." Well, it's interesting that even this government finally had to recognize in some degree that they had gone too far, that they probably were, you know, violating the Charter of Rights, and the Charter of Rights means specifically the freedom of expression and the freedom of association.

But you know, Mr. Chairman, they knew what they were doing. It's just that they were so clumsy. They had to amend that particular section at the time that was going to defeat the Charter because they knew they would have lost that in a court case. So yes, they have amended section 81. It's "struck out and the following is substituted." Now, I looked at this with bated breath, just this one little section, to see what they would do, to see if they would be a little fair and even deal with the civil liberties aspect. And 81(1) looks good. If they'd stopped there, we might have been okay, Mr. Chairman: 81(1) now recognizes that in a free society people do have the right to go out and show support on a picket line and show support by boycotts, if they like, under (b), "deal in or handle the products of the employer."

But then, Mr. Chairman, their true colours come out. They couldn't leave it like that. We have to have subsection (2), and there's the kicker. What they couldn't do in a legal sense -- and they still may be against the Charter of Rights with section (2) here; it will be interesting to see -- they've tried to do in a backdoor way. They're trying to do precisely the same thing, because it says: "On the application of any person affected by the strike." Well, my God, is there ever a strike that somebody isn't affected by? The public can say they're affected; a neighbour can say they're affected if a strike goes by. I can't imagine that in any strike. So it's:

> On the application of any person affected by the strike or lockout the Board may, in addition to and without restricting any other powers under this Act including the powers of the Board . . .
>
> (a) determine whether any premises are the place of employment for the purposes of subsection (1) . . .

That'll be interesting. Then, secondly -- here's the real kicker, Mr. Chairman -- they can

> (b) regulate persons and trade unions who act in respect of activities under subsection (1) and by order declare what number of persons may act under that subsection, determine the location and time of that action and make such other declarations as the Board considers advisable.

Well, Mr. Chairman, who are they kidding? Do they think the courts are that stupid that they can come at this in the same way? So you get the board set up there by the government to say, "Oh, well, only that person who's a member of the trade union may picket." And they may say that they can't even organize a boycott, and they can only be on the picket line from 12:32 a.m. to 12:34 a.m. or 4 a.m. to 5 a.m. So who are they kidding? Do they think they're going to camouflage the reality of section 81 by doing it this backdoor way? People are not stupid, Mr. Chairman. They can read this the same as I can.

Then they go on to:

> (3) When the Board makes a determination or order under subsection (2) it shall consider the following:
>
> (a) the directness of the interest of persons and trade unions acting . . .
>
> (b) violence . . .

Well, you already could deal with violence under the court.

> . . . or the likelihood of violence . . .

Well, does that mean that if more than 10 people happen to go on a picket line, they'll say, you know, knowing the way this province thinks: "Ah, there's danger of violence out there; there are 10 people out on the picket line. Now we'll have to limit it to four people." Or:

> (c) the desirability of restraining actions under subsection (1) . . .

You know, Mr. Chairman, I suppose if we're looking at nuances, this might be slightly better than section 81 before -- slightly better, because it does say they can do it again. But we know in this province that under section 81(2) precisely the same things will happen as was their intent under the first section 81 they had in. All they're trying to do is get around the Charter of Rights and accomplish the same thing. I'm saying I doubt that this even gets around the Charter of Rights, but even at that it's wrong. If it was wrong before in terms of dealing with freedom of association, if it was wrong in terms of dealing with freedom of expression, it's still wrong.

Now, Mr. Chairman, I would have thought that this government after this section and recognizing there were a lot people concerned, would have at least said to section 81, "We are going to be fair." No, Mr. Chairman; can't even do that Can't even do that.

Well, Mr. Chairman, I don't know what to say. We can go through the whole Act and talk about all the things, as I did in second reading, that are wrong with this Bill. These amendments, as I say, actually do nothing. I have to say to this minister that when he said the other day when I was debating section 81: "Just wait We'll bring amendments in"; that we should wait for it -- well, we waited. I say to you that I'm very, very disappointed that not even this section is cleared up to my satisfaction and, I think, to any working people, any fair-minded Albertans. If they think they're going to camouflage with that, forget it, Mr. Chairman.

Now, Mr. Chairman, I want to say to this government that I think they believe -- and I suppose this happens with absolute power for too long -- they can do whatever they want we've got the majority over here, the tyranny of majority, and if we don't want the trade union movement because we don't like what they're doing and our friends in business get upset with them, well, we'll just bring in a Bill that takes away their rights. They can do this, and they can sit here with 61 votes and win that particular battle. But if they were sincerely . . . We hear all sorts of things from this government about stability and wanting good labour relations. Good labour relations does not come from taking people's rights away. I thought it would have crossed some of the thick skulls in this government that the nurses' strike -- after they took their rights away in Bill 44, they should have learned that where you have good labour relations . . . I don't know which countries they were looking at in their travels, but anybody knows where you have good working relations and where you have strong trade unions working together with government and business, that's the countries that are doing well with their economies also. That's the reality of it I've talked to businesspeople that are worried about this particular Bill, because they know that if you deliberately go after working people and create the friction out there and bring in unfair, bad, unjust laws, that is not going to create the stability this government says it wants.

The point this government should realize is that it has to be a fair process; if you like, according to their lingo, a level playing field. But this government Mr. Chairman, with this Bill -- any fair-minded people looking at it will recognize that this is not a level playing field; this is making it worse. I say to this government that if they will not listen to the amendments we're bringing in to try to make this a fair Bill, they are going to pay a price

for it -- not only them but the public of Alberta, as we did with the nurses' strike.

I remember -- I said this before -- predicting precisely what would happen at that particular time when we were debating that Bill, and they pooh-poohed it and said: "Oh, no, it won't happen. If we take people's rights away, if we make it illegal to strike, people will just buckle under and do whatever we tell them." Well, you can pass every bad, unjust, unfair law in a democracy, but people will react People will react; they won't put up with it. If this minister -- and I don't really believe, as I said, he believes this -- believes that this Bill and these amendments are the route toward peace and stability within our labour relations in this province, then he's more naive than I ever gave him credit for. I say to you that this Bill, if it passes, is a sad day for all of us, a sad day for all of us. Because we're going to be picking up the pieces for this as long as this government's in power. I say to the government: if you keep passing laws like this, the only good thing about it is that you won't be around long. Because working people aren't going to put up with it That's the reality. And that may be true even of Redwater-Andrew, a person that probably hasn't even looked at the Bill, talking. He probably doesn't understand the first word in it anyhow.

AN HON. MEMBER: Order, order.

MR. MARTIN: Ah, don't get excited. It's true.

Mr. Chairman, the point I want to make is that rather than people sitting back, they should read this. All members of the government should read this Bill and go through it and tell us if it's fair, if it's going to lead into the modern world, as they are in other countries where they were supposed to have traveled. If they can honestly say that, then I just believe they're dreaming in technicolour. They've deluded themselves about this. The reality -- what's so sad about it as I said, Mr. Chairman -- is that it's not just this government that's going to pay the price for this; it's the average people in the province. Because this is going to lead to more labour friction inevitably. Just as I predicted that back when we were debating Bill 44, I'll make this prediction now.

Now, there's still time. We were told: "Oh, this government's so fair-minded. They're going to look at all the amendments to make this fair." Yeah, they sure listened. They sure listened to all the other ones so far. But let's wait and see, Mr. Chairman. There are 55 amendments, and I doubt that some of them will even bother reading them. But we'll do our job. We want to debate them, and we'll decide who has a fair labour policy. We'll decide. The people will decide who could lead them into the 21st century. I'll tell you, this is taking us back to the 19th century in labour relations. So we've seen, I guess, the final curtain on this charade with these amendments we were told to wait for over a number of years. Really since the Gainers strike, we were told that the government was going to do a job, bring back fairness. Well, we've seen it, Mr. Chairman. What's sad about it is that I wish I had, you know, 50 more members over here. Sixteen of us have more brains in one head over here than all of them if they think they can pass this, Mr. Chairman. If they think this is fair . . .

AN HON. MEMBER: Joke. Joke.

AN HON. MEMBER: Mr. Chairman, is that a subject for debate?

MR. MARTIN: Mr. Chairman, we woke them up.

MR. DEPUTY CHAIRMAN: Hon. Leader of the Opposition, I would suggest you come back to the amendments.

MR. MARTIN: Yes, I'm trying to. I just wanted to wake them up to see if they're still alive. I thought some of them had heart attacks over there, Mr. Chairman.

In conclusion, Mr. Chairman, I will just say to the government I guess I can cajole them, insult them, anything but get them to think about the Bill. It's the least we can do at this particular time. But I would hope that this minister, who I think knows a little more about labour relations than some of the other ones, will take a serious look at what he's doing. I hope he's not like the architect of Bill 44 and pays the price later on for a nurses' strike that created the havoc. I'm just saying that if we proceed with this Bill and these amendments, this minister will be the architect of a lot of labour disputes, a lot of labour friction in this province. They still have one last chance with some of our amendments. Now, it may make it somewhat fair, but knowing the record of how this government listens, I'm not going to hold my breath.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Chairman. I'm deeply disappointed at what we've been given today. I have felt for the last few weeks that we really had something to look forward to. We had the Bill presented to us, and before then and since then we've been promised the moon. Instead we have a regressive, antiquated, and clumsy piece of legislation. I think the whole thing has been a tragic tour de force from the beginning. To be sure, there have been some improvements since Bill 60. I had hoped and looked forward to the amendments the minister indicated were coming. But still it is seriously flawed from beginning to end.

You know, I spoke on Bill 21 about the cynicism in Albertans about this whole procedure: about the trip, about the hearings, about Bill 22 and all of that we've gone through over many, many months. Then one looks at it. I had hoped that at least the minister would take a serious look at the preamble from what has been said before, that he would think through this preamble that sets, or is supposed to set a philosophical base. But, Mr. Chairman, somehow this Bill misses it all the way down the line. Legislation shouldn't lurch to accommodate circumstances. It should be fair in good times and in bad times. We need stability. We need legislation to produce an environment of fairness, not an environment that produces action on the backs of workers or employers. All of this blather about a level playing field -- you know, where is it? That's all it was: blather. This is a tilted document, as far as I'm concerned, and I simply can't accept the pious hopes of the minister that this protracted process is going to enable more agreements to be reached.

Mr. Chairman, the vast majority of collective bargaining works. It's done with good faith, good intentions, and integrity. We shouldn't write legislation to deal with a few bad ones. How do we write legislation, then, to preserve the integrity of the process? Well, as I said before, we take a trip, we write a report and we ignore both of them and do what we intended to do anyway.

Mr. Chairman, I find this preamble offensive, and I'm

astonished that the minister didn't see fit to make some adjustments in his amendments to it. It simply doesn't recognize the realities of today, so why put it in at all? It doesn't recognize the freedom to associate, the freedom to organize workers, the freedom to invoke economic sanctions, the freedom to bargain collectively if an agreement cannot be reached. It doesn't do any of those things. Therefore, the preamble is there; if it has to be there, it should be there to acknowledge these kinds of realities. The Canadian Labour Code preamble is a model and might well have served in Alberta. It's hard to understand why the minister didn't avail himself of that.

The Bill in fact, until we saw the amendments promised to us today, flies in the face of the Charter of Rights and Freedoms. We now have the amendment before us to section 81, which in my view just barely gets around, does an end run around, the legal requirements and nothing more. It's an embarrassing kind of situation where one wonders how the government could have written section 81 in the first place, but there it was, and under some strain and stress the minister brought in an amendment. The amendment really doesn't improve the situation, but I suppose it may keep the government out of court.

The construction amendment that's been put in, the process that has been placed there -- all of a sudden it's imposed on us, and I don't know how employers and employees and unions in that industry are expected to be able to react to what is being suggested in this amendment here. I'm surprised most of all, Mr. Chairman, that the minister didn't see fit to amend the section regarding hospital workers that would have revoked what I consider to be draconian legislation that doesn't allow nurses to strike. I think surely if we've learned anything in this last year about labour legislation, we should've learned that I regret that somehow he didn't see fit to change that one.

Mr. Chairman, looking at it, there are no appreciable changes in the role of the Labour Relations Board. It allows a chairman to sit alone and decide alone on certain matters. There is no quid pro quo in this section. It is not equal. It doesn't apply to employers. The board can decide whether a person is, in fact, an employee or whether an organization of employees is, in fact, a trade union. But it cannot decided whether a person is an employer or whether an organization is an employers' organization. I don't see the fairness or the equity there. Mr. Chairman, why not maintain the present methods? If we're going to make these kinds of changes into a less appropriate system, we should maintain what we've got which hasn't worked badly. Here we have a Labour Relations Board officer who investigates and reports to the board and the parties. It gives them, in our present system, an opportunity for a full hearing so that we separate the investigation and the decision-making process. Why change something if it works?

There are no amendments to the very clumsy certification process that we've spoken about before. I think this allows for maximum duress, the potential for it, from the employer. Even if 100 percent of the employees sign, we have to have a vote. I believe this is protracted, clumsy, and an invitation to interfere, and further, allows no recourse to the board to take action when there have been established unfair labour practices.

In collective bargaining, as I look at that section, it appears to me that the minister has based it on a couple of assumptions. One is that we have economic recovery, and the second is that we have better communications and relationships between labour and management Now, if these things don't come true or aren't true, I think this section can cause far greater frustration than we've had before. The construction industry is an example of it We've had seven months of talk. It's somewhat better, I suppose, than Bill 60 but still far from the mark as far as I'm concerned. The religious exemption I believe is unnecessary. I find the 25-hour lockout an offensive section and, in my view, that should have been abolished -- again, failure to act on that Mr. Chairman, I see the mandatory mediation as again a protracted process with votes, votes, votes -- five votes in all. Delays, delays -- what's it going to produce? The only vote necessary is the strike vote. I see no equity, no fairness. The employer is not required to take a vote of shareholders. Where's the level playing field? It's simply not there.

My own view is that replacement workers shouldn't be allowed, but if they're going to put them in, at least they should be paid at the same rate as the collective agreement that was in existence. The notion of a two-year time limit and replacement workers I think works totally against justice to employees. Two years and it's over. I don't understand the sense in that kind of peremptory legislation. Even after a settlement, employees are not guaranteed their job back but must apply in writing to get it back.

Mr. Chairman, the section on picketing: as I said before, I am extremely disappointed in the minister's amendment on section 81. It really doesn't address the principle here that's enunciated in the Charter of Rights and Freedoms, the freedom to associate. I can't accept that this amendment is doing anything except making what the minister wanted to do all along possible. I have an amendment before the Legislature regarding section 93, as well as many others, to give hospital workers the right to strike. That whole nurses' strike was a tragic performance. Nobody won -- not the nurses, not the communities, not the patients, not the institutions. Nobody won in that We all suffered, we all lost, and it was completely avoidable. It should never have happened except for this, what I consider to be, draconian legislation.

Mr. Chairman, again, the minister didn't see fit to change 98(a)(iii) that requires that arbitration consider general economic conditions. At least from Bill 60, he modified this one somewhat, but I believe it still renders an arbitration less than objective. I believe that removes the fairness from the whole process, and it is not what will benefit Albertans in labour relations. The idea he's left in, without amendment, that the cabinet can decertify any union they believe is causing an illegal strike, I think, too, is heavy handed, unnecessary, and totally regressive.

Mr. Chairman, as I say, I am disappointed in the amendments. I had hoped for something more. I'd hoped for something positive as a result of all the discussions and, I'm sure, submissions the minister has had since Bill 22 came out. I believe this is simply an invitation for continued instability. I don't think it's going to accomplish what I think the minister truly wants to have happen, and I see it with sadness. I see it as regressive; I don't see it as progressive. I see it as reactive, not proactive, and I don't believe it will serve the needs of Albertans for a stable labour environment Neither the Bill nor the amendments are satisfactory, in my view.

MR. DEPUTY CHAIRMAN: The Member for Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Chairman. In my opening remarks I'd like to deal essentially with the preamble, the whereas clauses in Bill 22, the Labour Relations Code, and I understand it's relatively innovative in Alberta practice to include whereas

clauses in Bills. We note that they not only appear in the Labour Relations Code but they appear in the new School Act. To begin with, then, to look at these clauses, because I think they set a framework for the rest of the legislation, or at least they should do that, and if they're not right in principle, then the rest of the Bill will fall.

With respect to the first whereas, it sets out that

> it is recognized that a mutually effective relationship between employees and employers is critical . . .

No one would disagree with that. That's fine if the sentence stopped there, but then it goes on to add,

> . . . to the capacity of Albertans to prosper in the competitive world-wide market economy of which Alberta is a part.

And I think there are considerations that go far beyond that It's not just that we have to look to the worldwide economy, because that drags us into the kind of labour relations that might exist in a Singapore or a Hong Kong or a Taiwan, where there are no trade unions, where people work for a buck a day or whatever. With that kind of addition to that clause, it moves Alberta labour relations in that kind of direction of low-wage economies.

With respect to the second whereas, again I don't think anyone could disagree with it I think it's very fine in principle, and it reads:

> WHEREAS it is fitting that the worth and dignity of all Albertans be recognized by the Legislature of Alberta through legislation that encourages fair and equitable resolution of matters arising in respect of terms and conditions of employment.

Again, no one would quarrel with that but the real problem is that the rest of the legislation that's contained in this Bill does not reflect that principle.

Mr. Chairman, the third clause says:

> WHEREAS the employee-employer relationship is based on a common interest in the success of the employing organization . . .

And the "employing organization" only; that it's

> best recognized through open and honest communication between affected parties . . .

Again, no one is going to complain about effective and open communication, but that's not the final goal of legislation. It's not to work towards the success of employing organizations. That might be part of it, and it has to be a follow-through benefit, but any legislation that's drafted in this Assembly should be drafted with the best interests of all Albertans in mind. There should be a view of the ideal society embedded in your whereas clauses, and that's sorrowfully lacking.

The next whereas, Mr. Chairman, says,

> WHEREAS employees and employers are best able to manage their affairs where statutory rights and responsibilities are clearly established and understood . . .

Well, that's not fine, because a statement like that has to be based on a further abstract principle that sets out clearly what the rights and privileges of individuals in a free society are. And that's very limiting, because we've seen that workers have had certain rights embedded in legislation, but the way those rights are applied often has to do with the way a particular court or a particular judge interprets those rights. If the people that you appoint to the Bench or to the courts are biased, if they have a Conservative bias or they're pro-management in terms of their orientation, then those laws come down heavily against workers. We've seen that in strike related situations in this province over the last number of years.

Again, I guess I could agree with the very last whereas. It says:

> It is recognized that legislation supportive of free collective bargaining is an appropriate mechanism through which terms and conditions of employment may be established.

Again, no one can disagree with that but there still have to be further abstract principles like a fairness and equity that have to be recognized in advance of the establishment of principles at that level.

For example, what this legislation fails to set out in its preamble is a recognition that people have a right to belong to a trade union, that that's an inherent part of any individual's right in a free and democratic society and that that right should not be impeded in any way. So I would suggest that the principal whereas clause in this preamble should read something like, "Whereas all workers have an unimpeded right to belong to a union of their choice," and stemming from that would be provisions in the agreement that would penalize rather severely any action that would interfere with the rights of workers to organize and to belong to unions of their choice.

If we don't have legislation like that in effect, Mr. Chairman, we're going to wind up with the same kind of labour relations you have in an Alabama, where fewer and fewer people belong to trade unions, fewer and fewer people work for anything like the minimum wage that we know. In fact, they don't even have minimum wage laws in many of the American states.

AN HON. MEMBER: Market driven.

MR. PASHAK: They're not market driven, because there's no such thing as a market except in some abstract philosopher's cranium. Wherever you have a so-called free market -- you might find something like it in a Mexican peasant economy where people bring their goods down to the market each day and compete with each other. But then the peasant that's a little bigger begins to control market share, and you no longer have a free market. There's no such thing, and anybody that knows anything about economics at all knows there's a tendency in all free enterprise type economies, if you want to call them that, towards concentration of capital, towards monopoly. And once you have a monopoly, you no longer have anything like a free market.

That of course, is the direction we've been moving in North America. We have a few firms in every key economic sector that dominate basically the means of production, and the only bulwark against that kind of concentration of capital in the hands of a few organizations is large trade unions, effective trade unions. Many countries of the world recognize that and they recognize in law the rights of trade unions to exist.

MR. DEPUTY CHAIRMAN: Order. I wonder if the hon. member could come back to the Bill.

MR. PASHAK: Well, I am on the Bill, Mr. Chairman, because I'm talking about the whereas clauses and the fact that in those whereas clauses there's a singular omission which is that workers do not have in this legislation a right to belong to unions of their choice.

What I'm trying to argue, Mr. Chairman, is that it would be in the best interests of everyone in this society, not just trade union members but all members of this society, if we had effective, well-organized trade unions that worked in some kind of co-operative and harmonious way to the extent that that's possible with employees and with large corporations. That's not an unheard of thing in western democracies. That's the kind of labour relationships you have in Norway and Sweden and in

advanced, enlightened industrial democracies.

There are two basic types of labour relations kinds of models that we could go to, Mr. Chairman. We could have the kind of labour relations that dominated North America until recent years, and the kind of labour relations that conservative governments -- whether they're the Social Credit government in British Columbia, the Conservative government in this province, the Conservative government in Saskatchewan, the Progressive Conservatives federally, Margaret Thatcher in England, or Reagan in the United States -- are trying to impose on us. They're trying to roll back the clock in terms of progressive, relatively healthy, decent labour relationships that have developed through long, continuous struggle, back to conditions that existed in the 1930s or even earlier. These are labour relationships that are based on conflict models, that engender strikes, that engender violence. They're based on the notion of master/servant types of relationships where somehow the person that owns the factory, the plant -- the shareholder, the managers of those organizations -- has rights that workers do not have, that they have the right to tell workers under what conditions and how they're going to work, how many days a week they're going to work, how many hours a day, what their benefits are going to be or not going to be, whether they can process grievances or not, and that the only rights the worker has are those rights that are . . .

MR. DEPUTY CHAIRMAN: Hon. member, we have dealt with the second reading of the Bill. We are now on specific clauses. Would the hon. member . . .

MR. PASHAK: My understanding today, Mr. Chairman, if I may, is that the hon. minister introduced a whole series of new resolutions that, in effect, open up this Bill for wide interpretation during committee stage. I'm dealing in general terms with the amendments he's brought forward, and I'm dealing in particular terms, Mr. Chairman, with the preamble to this Bill, which I think is very important. But I will try to speed up this part of my remarks and get into some further detailed examination of the amendments, if that's what you would . . .

MR. DEPUTY CHAIRMAN: The hon. member doesn't have to worry about speeding it up. Just stay on the subject.

MR. FOX: Mr. Chairman, on the point of order.

MR. DEPUTY CHAIRMAN: There was no point of order, hon. member.

MR. FOX: There's no suggestion that the sections in part 3 aren't part of the Bill, though, is there? These are whereases, preamble to the Bill.

MR. DEPUTY CHAIRMAN: I appreciate what the hon. member's saying. All I asked the hon. Member for Calgary-Forest Lawn was to come back to the Bill and the amendments thereto.

MR. PASHAK: Well, Mr. Chairman, I really think I'm dealing with the preamble to the Bill, because I think it's critical to all the other clauses that follow in the legislation that's before us.

I had just made the point that in terms of historical reference what this Bill 22 does, as set out in its preamble, is attempt to restore labour relationships in this province back to the kinds that existed here in the early 1930s or even earlier. And I'm suggesting that those relationships were particularly bitter. They were harmful to everyone that existed in society. We can only think of the bitter strikes that have occurred in North America historically, going back, I don't know -- the Pullman strike in the United States. We can go back to when the Rockefellers turned their Pinkerton's loose on striking miners in the Colorado oil fields. We can think in Canada of the Winnipeg General Strike. There were deaths and violence associated with that, and workers had to take very strong, concerted, deliberate action. They had to break the law in many instances to make the minor kinds of gains they did, and as a result of those kinds of activities, there was a progression in terms of improvement in labour law. And all of a sudden, Mr. Chairman, at one fell swoop this government wants to roll that clock back and negate those hard fought struggles on the part of so many people over a long period of time.

There is -- there has been -- a general recognition, Mr. Chairman, in North America that we have to move away from that master/servant type of law. Many courts have decided that there are principles and fairness and equity that apply to all people regardless of what a particular contract might say, and all legislation has to be viewed in that context This legislation has to be viewed not just in terms of what's just and fair for employers but also in terms of what's just and fair for employees. Those rights should be completely recognized, and those principles should be embedded in these whereas clauses.

AN HON. MEMBER: We agree with that, and it is.

MR. PASHAK: But they're not, and that's really the fault with this legislation. It's completely one-sided. It takes away workers' rights to organize in a free and collective way.

MR. DEPUTY CHAIRMAN: Hon. member . . .

MR. PASHAK: I can even go on and show you where it violates the Charter of Rights and Freedoms in innumerable instances.

MR. DEPUTY CHAIRMAN: Hon. member, the function of a committee on a Bill: I would like to read from *Beauchesne* 763:

> The function of a committee on a bill is to go through the text of the bill clause by clause and, if necessary, word by word, with a view to making such amendments in it as may seem likely to render it more generally acceptable.

So we're not talking about what's not in the Bill. We're talking about what is in the Bill, and I would ask the hon. member to please direct his remarks to what is in the Bill and what changes . . .

MR. PASHAK: Mr. Chairman, again, I was dealing with the preamble, and I was just pointing out where it's inadequate and flawed and how it could be improved. I think that if the hon. minister would care to review *Hansard* tomorrow, he'd get some really good ideas that would lead to a much better climate of labour relations in this province in the future and wouldn't be one characterized by the violence we've been seeing recently, not just at the Gainers picket line but on [Lakeside]. We've seen it on postal and railroad picket lines. All of this has to be changed, but it has to be changed in a way that recognizes the unfailing right of workers to belong to trade unions of their choice and in some way that is completely unimpeded by employers.

In any event, Mr. Chairman, there are some other sections of this Bill I would like to draw attention to that I think are clearly in violation of the Charter of Rights and Freedoms. Section 74 provides that a strike terminates two years after the date on which it is commenced, but it is extremely silent on the issues that were considered prior to the expiry of the two-year time limit So what happens in that instance, Mr. Chairman? Do workers have to begin renegotiations all over again? I think any recognition of rights would argue that that ground doesn't have to be retraced.

Sections 111, 112, 113 permit a board to suspend the check-off of union dues. That's an extremely harsh measure and again is probably totally contrary to the right of people to free assembly in this society. Section 113 was dealt with at some length by my colleague. Obviously, we see that as a response to the nurses' strike. Firemen and nurses do not have the right to strike, and they can have their certification revoked by an order in cabinet. Those are rights and privileges that should not be removed from any Canadian for any reason.

The right to association is impeded by section 145 of this proposed Bill, Mr. Chairman. Subsection (2)(c) permits an employer to verbally interfere with representatives of employees by a trade union. This is again clearly an abridgment of the right to freedom of association.

This Bill in addition, Mr. Chairman, reverses the reverse onus clause that was present in Bill 60. This, too, impedes freedom of association, because reverse onus means that an employer must demonstrate to the satisfaction of the court that an employee was dismissed for valid reasons such as poor performance rather than for union related activities.

With respect to section 97, Mr. Chairman, if you want specifics, the Chair has the power to decide whether a person is an employee or not This is completely outrageous in terms of decisions that have been made by such bodies as the International Labour Organisation, which clearly recognizes the right of all employees to belong to a union of their choice.

DR. WEST: What's the status quo?

MR. PASHAK: Just for the edification of the Member for Vermilion-Viking, who keeps wanting to speak without getting up and rising to his feet to speak, I belong to an association of Alberta community colleges, and the Colleges Act prevents college teachers from having an unfettered right to belong to a union of their choice. It gives the boards rights to determine which of their employees have a right to belong to their instructors' associations. Our provincial association took a complaint to the International Labour Organisation, and that body upheld our contention that it was unjust on the part of this province to have legislation that prevented faculty members from belonging to their association in an unimpeded way.

[Mr. Gogo in the Chair]

Now, a further concern really has to do with the general prescription for violence that this whole legislation presents to us when we look at the sum effect of all its clauses. So, Mr. Chairman, I think it's just an impossible task in some respects to go through this Bill clause by clause. We've done it We've suggested that there have to be at least 80 amendments, which would suggest that the whole Bill has to be taken back, redrafted, and brought back before this Assembly after due consideration has been given to all the recommendations that were made to it by Albertans over a period of time.

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

MR. S1GURDSON: Thank you, Mr. Chairman. I'm pleased to rise in debate, and I start off by looking at the first whereas of Bill 22, because in that first whereas I think there was something that was gained on the world tour. The first whereas says:

> WHEREAS it is recognized that a mutually effective relationship between employees and employers is critical to the capacity of Albertans to prosper in the competitive world-wide market economy . . .

"The competitive world-wide market economy." Here we're dealing, Mr. Chairman, with a Bill that directly affects Albertans in Alberta, not Albertans in a world economic situation but Albertans right here at home, and the first section, the first whereas, talks not about labour rights, not about the effect of the Bill on workers in our society here at home, but about a worldwide market economy. Maybe that's what we got for the half million dollar expenditure. Out of six countries the Minister of Labour and his entourage had the opportunity to travel to, perhaps that's what we got out of the tour.

Now, you know, Mr. Chairman, I was one of the people in my caucus and in my party that during that worldwide tour and prior to that worldwide tour wanted to give the minister an opportunity to travel and take a look at other jurisdictions, because I was hopeful. I was hopeful that we would come back with progressive pieces of information that would, indeed, take us into the next century, into the next decade even. I thought that it would be a worthwhile expenditure of a half million dollars if the minister were to come back with sufficient changes to the existing Labour Code that would take us into the next decade and into the next century. I really hoped, I honestly hoped, that that would be the case.

You know, during the time the minister was thinking of leaving, in Alberta we were having a number of problems with industrial disputes. There were all kinds of people the press could go out and talk with. I went back to some of the clippings of the news media outlets in our province, and what did some of the striking workers say about the minister's junket? Well . . .

MR. CHAIRMAN: Hon. member, the Chair is extremely reluctant to interrupt The member is well aware that the principle of this Bill has been adopted by the House. We're now dealing, really, with clause by clause of the Bill and the proposed amendments by the minister. Would the hon. member come back to at least referring to amendments that have been proposed so we get some semblance of not repeating what's already been dealt with by the House? The hon. Member for Edmonton-Belmont is perhaps one of the most experienced members on this point in the House, so I hope the hon. member doesn't think the Chair is being unduly hard on him. He simply knows better than most.

Edmonton-Belmont.

MR. SIGURDSON: Well, thank you, Mr. Chairman. I appreciate your pointing out certain rules of the Assembly, and I think if we look at *Beauchesne* 768(2), it says that

> debate on Clause 1 . . . is normally wide ranging, covering all the principles and details of the bill.

And that's what I'm hoping to address. I would hope, Mr. Chairman, I would be allowed the opportunity to make points that I believe are relevant to this Bill. So with that, Mr. Chairman, I truly appreciate the call to order that you've given me

and . . .

MR. CHAIRMAN: Hon. member, the Chair is not wishing to argue, but once a Bill has been adopted in principle, hon. members cannot argue against the principle. That's what the Chair is saying to the hon. member. The Chair was detecting that the hon. member was, in effect, speaking against principles that already have been adopted. As the member knows, that's not allowed at committee stage. The Bill has been adopted by the House. Therefore, comments opposing the principles of the Bill are not entertained. That's all the Chair was addressing to the hon. member.

MR. SIGURDSON: Well, thank you, Mr. Chairman. I'll continue then, and hopefully address my remarks that will fall within the confines of the debate that is to be wide ranging.

I wanted to go on and point out that when I was speaking with friends -- and I made a number of friends when I walked on the Gainers picket line -- when I had the opportunity to speak with them, they too were very much opposed to the minister traveling around the world. I said to them -- some of them were here earlier this evening sitting up in the public gallery -- I said to some of those folk: "Let's give it an opportunity. Let's hope that this expenditure is going to be worth while, because we don't want to be in this situation at the end of the next collective agreement." I said that because I really believed and still hoped at that point that we would be able to make significant changes to the Labour Code that existed at that time and still exists today. I still hope that out of this there still may be something good.

I traveled around Alberta with the committee. I didn't have the opportunity to fly at 30,000 feet; I sort of flew about four inches off the ground in my little car, and I hit all the spots along the minister's home review schedule: southern Alberta, northern Alberta, the major centres of Edmonton and Calgary. And I listened. I sat in the back, watched the panel, listened carefully and attentively to the submissions that were being made by Albertans, and I listened as well. I recall the kind of commitment that Albertans were making to the process. I remember, and I'm sure the minister will remember, the worker in Red Deer who made a presentation to the committee. At one point he put his leg up on the table and took a bandage off to show the injury he had been subjected to when a bus rolled over his leg on a picket line.

AN HON. MEMBER: He was in front of the bus?

MR. SIGURDSON: He was under the bus. He wasn't in front of the bus; he was under the bus.

AN HON. MEMBER: The bus went over the log and the log hit his leg.

MR. SIGURDSON: Pardon me?

MR. TAYLOR: They're used to missing the bus over there.

MR. CHAIRMAN: Order, hon. members, now. [interjection] Order please. The Chair cannot hear in stereo. One member at a time.

Hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. This worker was doing something that he should be guaranteed the right of doing: the freedom to assemble, the freedom to associate, the freedom to try and influence people from crossing his picket line. And the bus went over him -- right over. It didn't stop. The injury is going to be lifelong. What do we say to that person? He was hopeful that this review process would allow him the opportunity at a future date to be on a picket line, if necessary, to bargain collectively with his fellow workers, to try and improve his lot in life. This Bill doesn't address that.

When we were in Medicine Hat or Lethbridge, perhaps the lengthiest strike in the province is still going on. It will end soon with the passage of this Act But the lengthiest strike right now is still in Brooks, Alberta, at the Lakeside Packers plant. Those workers made a presentation to the review committee, and they were hopeful. They were making an investment of time and energy to go before the committee because they believed the process was going to work for them.

Up in Fort McMurray, we had the workers that had just come off a labour dispute. They'd just ended their picketing with the plant. They, too, had come forward to the minister's task force. They talked about the problems they had on their picket line and how at one point at about 4 o'clock or 5 o'clock in the morning, when they were out there picketing and there were few of them, there showed up three buses filled with the RCMP. There were more members of the RCM Police than there were pickets that morning. What rights did they have that day? None at all. They were carted away. Those people came out to the review process and they made a presentation because they believed, they were hopeful, and they were truly of the opinion, that what was happening, what was taking place in our province, was going to benefit the workers.

The Gainers workers in Edmonton: the picket line in the summer months was large and at times quite frightening, as scab workers came through on buses that had their windows covered with Plexiglas and wire to prevent all kinds of supposed damage. Well, they showed up in December before the minister's review committee because once again they were hopeful. Every Albertan that went before this committee -- and there were many -- every single Albertan that made a commitment of time to this process was hopeful that what they were doing would be for the benefit of all Albertans.

I remember the man that was in Fort McMurray, the big, large man -- I'm sure the minister will remember him as well -- who went before the committee and was shaking like a leaf because he hadn't spoken publicly before. But he had a message that he wanted to get across to the panel and to his colleagues that were in the back and to some of the employers that were in the back. He stood there shaking in his boots because this was a process that he was unaccustomed to, and yet because he believed in the process, because he was hopeful, he stayed and he was heard, or at least everybody heard him, but he wasn't necessarily listened to. He was let down because this Act that is before us, Mr. Chairman, denies workers' rights. It denies them the right to organize and to assemble, guarantees that are given us in other legislation such as the Charter of Rights that my colleagues have referred to previously, guarantees that say right in the Charter of Rights, in the very first part of the Charter, that Canadians -- and as far as I know we're still part of Canada. It says that "Everyone has the following fundamental freedoms," and then it goes on with a subclause about religion, a subclause about freedom of thought and belief and opinion. The next two subclauses are most important when we compare them with Bill 22: the freedom of peaceful assembly and the freedom of

association.

Well, Bill 22 is sort of thumbing its nose at the Charter of Rights. Not only is it thumbing its nose at the Charter of Rights, Mr. Chairman; it's sort of thumbing its nose at the conventions that we as a country have agreed to with the International Labour Organisation.

MR. CHAIRMAN: Hon. Member for Edmonton-Belmont, to use the term "thumbing one's nose," one cannot help but interpret the hon. member's comments as opposing the Bill. Now, the Chair has reminded the hon. member that this House has adopted the principles of this Bill, and as the hon. Member for Edmonton-Belmont is a member of this House, the member has also supported the principles of the Bill, irrespective of how the member voted at the time. So this House has adopted the principles of Bill 22, and no member will therefore be allowed to speak against the principles of the Bill.

Now, will the hon. member come back to the matters before this committee; namely, any clause of the Bill or the amendments proposed by the Minister of Labour.

MR. SIGURDSON: Thank you, Mr. Chairman, once again.

This Bill and the amendment that the minister proposes, the amendment to section 81, still takes away the freedoms that were granted us by a number of conventions: one through the Charter of Rights that this province agreed to and one through the International Labour Organization that this country agreed to. What does this Bill do? It says you don't have the right to associate. We have a section in the Act that allows for the government to decertify an entire union if they don't like the activity that is going on. The government says, "Oh, those nasty nurses had to go out on strike, had to defy an order of the government, had to defy a regulation that we've set in place to control you women." If those women happen to go out on strike again, under this legislation this government is going to be able to take away their freedom to associate.

With a single stroke of a pen, every single progressive gain that they have made at the bargaining table over the course of decades will be struck away through Bill 22. Well, Mr. Chairman, I'm not allowed to say that that's thumbing the nose so therefore I won't, but I don't know what else to call it. It flies in the face of that which we thought was precious, precious in the Charter, so precious that we were able to . . . Nine out of 10 provinces signed the Charter. That's gone. The International Labour Organisation, their guarantees of association: that too, is gone, gone with Bill 22.

Even when we have the amendment the minister presented to us that supposedly strengthens the right of those affected by a strike to go out and show support on the picket line and try and encourage those who are about to break the picket line to not cross the picket line, that doesn't address the need that workers were hopeful of when the minister went on his tour. I recall workers standing up and saying, "If you want to have a peaceful and quick settlement of industrial disputes in the province of Alberta, what you've got to do is get rid of replacement workers." Members of the committee heard it; members in the audience heard it Indeed, there were few people that came out of employer organizations that agreed with that In the history of General Motors, if they've had a strike, they've not ever hired a replacement worker. They have allowed the strike to go its course, never hired a replacement worker. We've seen in the province of Quebec, the only province that has antistrikebreaker legislation, how effective that has been in reducing the number of lost workdays due to labour interruptions due to strike or lockout It has reduced the number of lost days, lost productivity.

That's what workers told the minister and the committee. That's what workers were hopeful of. And what did we get? We didn't get that. Workers didn't secure the right to no replacement workers, no scabs. In fact what they got was a section of the Act that says that if we don't like what you're doing while you're out on strike, no more certification. Too bad. Your organization's gone. Your rights are taken away. All that you've fought for over the course of time, all that those people fought for that went before you, that's gone too. It's rather amazing, rather amazing that the principles that labour organizations have fought for since Canada became a country -- the march to Ottawa, the Winnipeg strike -- those principles that indeed people even died for are now going to be swept away with a single stroke of a pen if this government doesn't like what's going on.

This Bill doesn't deal with fairness or equity. In fact it's inequitable, it's unfair, and it's only going to further cause an abrasive attitude between employers and employees, does nothing to bring people together. In fact, it entrenches their positions further apart from one another. That's the shameful part of this Act, that of the expenditure of money. What we're going to do is see people in further corners not wanting to come together, and that's the cause of this Bill 22.

MR. CHAIRMAN: Hon. Member for Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Chairman. I'll try to keep my comments to four parts, two in the original Bill and two in the omnibus amendment that has been put forward by the government.

First, Mr. Chairman, is with respect to the preamble. It bothers me to see the philosophy of this government so clearly put forward. Statements in the preamble like "the capacity of Albertans to prosper" in the competitive world and also statements like "based on a common interest in the success of the employing organization" have no place in any kind of an agreement put together by government to cover interpersonal relationships. That type of preamble strikes and gives you the feeling almost as if you're listening to the old marching songs of the '20s and '30s, of *Deutschland über alles* or whatever the song was that the fatherland had to triumph. The whole concept here is of Alberta, a nation-state that is going to be more competitive, that somehow or another we as little elves and the management working together, are going to build a magnificent sort of empire that is going to go out and conquer the commercial world of today.

Mr. Chairman, what this completely ignores is that what we're talking about is people with dignity, with feelings, dealing with other people with dignity and feelings. That some are management and some are labour is the accident of the case. But the fact is, we're talking about interpersonal relationships, and I'm surprised that the government a Conservative government of all people, were not able to capture this. This is the type of conservatism that one would expect from the iron duke Bismarck or from some of the great what you call national socialists of the '20s and '30s, where the triumph of the nation-state was the important thing. Then, of course, it was bound to trickle down through pride of achievement to the individuals in society.

If there's anything we are in our modern democracies, it's

liberal democracies, although it may shock the MLA, for instance, for Red Deer-North to know that we're part of the liberal democracies -- that's small "l" liberal -- where freedom of the individual, freedom of association, the dignity of the individual, and all those things are the important thing, not the glory of the state. Yet we have here in this preamble something that you could lift out of *Mein Kampf* except that it uses the word Alberta. It talks about the glory of what we're going to do if we get united and get together and turn all these things into little grommets or widgets and sell on the world market. It is not paying attention in the preamble to the fact that what it should be, what we want, is happy people, people with dignity, people that are proud to be calling themselves Albertans because of the way they treat each other, not because they've invaded this market or that market or have done this or done that or had a heritage trust fund going on. Because if there's anything the liberal democracies -- I'm using small "1" again in case I send nightmares up and down the backbones of the flat earth society lurking at the back of the room over there. Nevertheless, the liberal democracies teach one thing, and that is the individual and the worth of the individual, and that doesn't show through in the preamble.

The other area I would like to touch on in the preamble: why wouldn't we mention the International Labour Organisation? It's mentioned in the government of Canada's preamble, the national government's. If we've had any problem in this province with labour or with our image in the world, if you want to call it that, it's the fact that we often contravene ILO, and the International Labour Organisation is not some pinkie Commie outfit that sneaked into the east side of New York and is trying to subvert the minds of all true-blue Canadians or Albertans. The International Labour Organisation is an organization built up of free-thinking people and people that are interested in promoting the whole cause of people working for their daily bread, and yet there's no mention in the preamble that we should be working.

I like the fact that I caught their attention. When you mention daily bread, even the leanest of the Tories shows interest.

But the fact of the matter is, Mr. Chairman, that the International Labour Organisation has a convention and has a list of conventions that we could tie our labour Act to in a preamble, which would be very handy indeed.

I've noticed there, Mr. Chairman, I'm getting violin signals made at me from the opposition, whereas in fact I always thought the Tories used an accordion, because they like to squeeze things back and forth, and I'm going to play on the strings.

Mr. Chairman, the third part I wanted to touch on was in the amendments themselves. I'm disappointed that some sort of hanky-panky seems to be have been used in section 81(1), (2), and so on to get around the fact of sympathetic picketing, or the right for any individual in our society to go down and pick up a picket sign or just to walk along sympathetically with someone who is demonstrating either against their employer or against an unfair practice or maybe foreign grapes or whatever it is. This government would try to set up a sort of padlock law or a sort of Court of Star Chamber where we would appeal or they would have a board that somehow or another would be appealed to that would have the right to come out and say, "Thou shalt not walk with thy neighbour in any demonstration, whether it is picketing or whether it's at marketing." That has to be without doubt one of the basic infringements on our liberty, and no matter how we flimflam and change it around, no matter how much the minister would try to pull a Pontius Pilate and wash his hands of one of the dirtiest tricks you can do today, and that is stop people from freedom of association, there's no way that that minister or this government will be able to get away with it in the future.

And I can tell you this, that we're one party that will challenge them on the very first strike. Now, it may not take much room in jail to keep four Liberals. After all, you tried to keep us in a basement washroom when we first came into the Legislature, Mr. Chairman, or the government did, so now we're not going to be too afraid of the jails that our minister might think of . . .

MR. CHAIRMAN: Hon. member, the Chair is somewhat reluctant to interrupt, but the Chair would interpret referring to an hon. member as a Pontius Pilate as perhaps not the most complimentary term.

MR. TAYLOR: Oh, it was very derogatory, Mr. Chairman. I intended it to be.

MR. CHAIRMAN: Well, the Chair sort of understands that, hon. member, and the Chair would interpret Standing Order 23 with perhaps imputing a false motive to the hon. member.

Now, would the leader of the Liberal Party perhaps carry on, bearing in mind the admonishment of the Chair.

MR. TAYLOR: Well, Mr. Chairman, maybe I could entail the help of another biblical scholar on the other side, the Member for Red Deer-North, but Pontius Pilate was not a bad man. He was a little simple; that was all. And all I did was compare the government over there not to having bad motives -- they just didn't understand what they were doing -- and then now they're washing their hands. Now, I don't want sound like a minister of the gospel; far from it. But all it means is that they're trying to get out from the blame, trying to get out from the blame by appointing a board that will decide that you cannot walk with your neighbours. And maybe the Member for Red Deer-North will get a chance to fill in on that later. I know that Pontius Pilate is derogatory, but it does not mean as bad as you might think. It just means a little bit maybe not altogether with it when it came to working out the fine details of what was going on.

Now, Mr. Chairman, if I may go on a bit, the other part, to move along fairly fast -- I know some people have violins to play when they get back -- is that I wonder why that 33-page construction industry labour relations section that's put in here. I would like to suggest to the minister -- mind you, my suggestion will probably fall on really deaf ears after calling on Pontius Pilate, but on the other hand, it may have got his attention -- that the minister should do some heavy thinking about lifting it out, putting it aside for about six months. Because if there's anything -- and I'm sure the minister's had many calls on it -- that both labour and capital or management and labour, whatever way you want to call it, are confused and mixed up about, it's what the intent of this passage is, 33 pages that are difficult to follow and to understand just what it would do to the whole construction industry. Much has been said about labour relations in this province, but the construction industry seems to be making a comeback. It seems to be working its way out of its hole between labour and capital, and I have a feeling that this is going to complicate it or do much more damage. I would like to respectfully suggest to the minister and the government that they pull this aside and put it on the bench for another six months.

Therefore, Mr. Chairman, those are the four. The preamble, which completely ignores that their lot in society is one of inter-

personal relationships and is not one that's built on the principle of economic gain; it's built on the principle of dignity and respect for each other and happiness. The International Labour Organization: why it was left out in the preamble. The picketing, as I mentioned, was a rather sneaky, roundabout way of trying to stop sympathetic picketing, albeit, I think, brought on by the Gainers thing last year, but I think an unnecessarily draconian type of method of trying to handle the whole problem of sympathetic picketing. And lastly, the unnecessary interference, particularly by a Conservative government, a government that has a tendency to know better or likes to say that if it's not broke, don't fix it. Why 33 pages of the most complicated gobbledygook I've seen in some time, referring to the whole labour construction industry and which will take even the smartest lawyers years and years to put in? If I didn't know better, I would suspect that the hon. minister has set about to try to give business to lawyers for the next 50 years.

Thank you.

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

MR. McEACHERN: Thank you, Mr. Chairman. I can't help remark -- I do say that I'm glad to be able to stand up and speak on Bill 22 tonight at Committee of the Whole reading. I'm also glad to note that we now have some Liberals showing up to get in on the debate. I would point out to them that it started two weeks ago, and we saw a five-minute speech by the Member for Edmonton-Gold Bar during 15 or 20 hours of debate on second reading of this Bill. So I'm really glad to know that the leader of the Liberal Party is prepared to go to jail on behalf of working people. It's about time he showed up.

Mr. Chairman, the minister that introduced this Bill said that it was landmark legislation and would take Alberta into the 21st century. He maintained that the 1945 Labour Act -- I guess it was the basis of the present one, with probably a number of amendments -- was not suited to Alberta, and so he's had to change the direction. He says that the 1947 Labour Act was too confrontational, that it set out a confrontational approach for labour/management relations. He thinks that Bill 22 is any different? He's got to be dreaming. The minister says that we're now moving into a high-tech society, which implies that some changes are going to be needed. We're moving into worldwide competition, and of course that's true, with the Mulroney trade deal. So he brings in a preamble, the first whereas of which is:

> WHEREAS it is recognized that a mutually effective relationship between employees and employers is critical to the capacity of Albertans to prosper in the competitive world-wide market economy of which Alberta is a part;

Well, Mr. Chairman, I thought this was supposed to be a Bill of rights for workers, not a declaration of war for conquering the international markets of the world.

Yes, Mr. Chairman, we're moving into a world of corporate takeovers of small firms, of the big giants swallowing up little companies. We're moving into the world of the United States. After all, we're going to have this common market, the right-to-work legislation of some of the southern states, states with no minimum wage or mostly with a low minimum wage. We're going to find ourselves in competition with the workers in Mexico, where United States corporations, even Canadian corporations and Japanese corporations, are setting up so-called factories -- mostly they're assembly plants -- in northern Mexico, paying the Mexican workers 65 cents an hour. That's the world we're moving into. We're going to have to compete with that. How are we going to maintain the dignity of the workers in Alberta if we're competing with that?

Now, Mr. Chairman, I wouldn't mind so much if those people in those little eight-by-10 shacks that they're building for them had a decent living, if they were paying them a wage that was improving their standard of living. Well, I suppose maybe it's better than slumming in the streets of Mexico City, but the fact of the matter is, it's not a very decent life for them or their children. There's no chance for further education, no chance for advancement They're just living in little ghettos, producing goods for the benefit of major corporations that wheel and deal and treat workers like this government wants to treat workers: with no respect whatsoever.

Mr. Chairman, we're moving into a world of competition all right, where the big boys are playing off workers against workers. The common goal or at least the end result will be poverty for all working people. If we carry this far enough in trying to compete with Mexico and Louisiana, the workers in Alberta will end up in the same state they're in, in poverty. We'll end up with many, many poor people and a few very, very wealthy people.

European society gradually developed in such a way that we ended up with a middle class; we ended up with an educated class. Some of the workers have gained some rights over the years, and we've spread the wealth around from all these great new technological changes that we've had through the industrial revolution and the new changes that are coming now. But this government is intent on moving us in the other direction, setting worker against worker, so that we have to compete all over the world with nations whose workers are very poor. It isn't that I would mind if we put a factory in one of those countries and it would help the workers, but that's not the aim. The aim is to pit worker against worker and cut the working man out from having a decent living so that a few people at the top can manipulate incredible amounts of wealth.

Mr. Chairman, the Employment Standards Code and the Labour Relations Code are not going to protect the workers, which is what they should be doing. The preamble sets it out very clearly that that's not the agenda. The agenda is to make Alberta a competitive worldwide market economy.

MR. HERON: Point of order, Mr. Chairman.

MR. CHAIRMAN: Hon. Member for Stony Plain.

MR. HERON: I'd like to draw your attention to section 309 of *Beauchesne,* reading; and section 23(d), relevancy. I say "reading" because I can't come to any other conclusion, Mr. Chairman. I look at *Hansard* last evening, page 1889, and the hon. Member for Edmonton-Kingsway says, and I quote:

> Alberta workers will have to compete with Louisiana workers and Mexican workers.

The speech follows almost verbatim the one that was delivered on Bill 21 last evening. So I appeal to your sense of good judgment Mr. Chairman, to try and save us from some of that repetition.

MR. CHAIRMAN: On the point of order, Vegreville.

MR. FOX: On the point of order, Mr. Chairman. It's nice to know that the Member for Stony Plain is paying attention, but with respect, this is a separate question. That was in second reading of the Bill. This is committee stage, and it's a different

matter. The Member for Edmonton-Kingsway is developing some arguments which he and I and our caucus colleagues hope will be compelling enough to convince the members to look at some of the amendments that we'll be dealing with as we proceed through committee.

MR. HERON: Sorry, Mr. Chairman; there was an error there in what the hon. Member for Vegreville just said. It wasn't in second reading; it was Bill 21 discussed last evening in Committee of the Whole. And he's delivering exactly the same speech for Bill 22 in the same committee.

MR. CHAIRMAN: Order please. Thank you, hon. members. It was dealing with a different Bill, and the House is dealing with it this time. However, the Chair is cognizant of the fact that *Beauchesne* deals with the matter of reading of speeches. However, that's similar to *Beauchesne* 299, relevance; it's extremely difficult to interpret by the Chair as long as hon. members refer to matters other than the material in their hands.

Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Chairman. Yes, I would point out that Bill 21 . . .

MR. CHAIRMAN: Order please. The point of order has been dealt with.

MR. McEACHERN: Oh, okay. Thank you, Mr. Chairman.

I guess I would just remark that it's funny he didn't stand up earlier when there were a lot of people in the gallery . . .

MR. CHAIRMAN: Order, hon. member. The point of order has been dealt with. Now, let's come back to the business before the committee.

MR. McEACHERN: Okay. What I was just pointing out was that in fact these codes do not protect the workers but in fact set an agenda for making Alberta competitive in a worldwide economy. So the agenda of this government legislation is quite different from what it should be.

The minister said that these Bills would bring in fairness and equity, but I would point out that inequities still abound and are allowed by this legislation. For instance, we still have the use of scabs being legal. We still have the 25-hour lockouts. We still have spin-offs in the construction industry. We have the new rules of certification which in themselves could take a fair amount of discussion and will, doubtless to say. This government has taken sides, Mr. Chairman. They have not taken the side of the workers to bring in fairness and equity for the worker; they have taken the side of the entrepreneurs. Even section 81, which has been amended, still has some problems with it.

Mr. Chairman, the minister said that the present legislation in Alberta has led to a confrontational approach to labour relations between unions and management over the last number of years in Alberta. I would say that that has gotten a lot worse since the Tory government brought in Bills like Bill 44 and tried to bring in Bill 110, which was ruled to be in nonconformity with the ILO conventions. So this Bill is probably in contravention of the Bill of Rights, so this minister is not reducing confrontation in the employer/employee relationships but increasing it.

Yet he talks about developing a new partnership between employers and unions and government. In fact, on page 9 of the Bill, point 7, at the bottom of the page it says:

> The Minister shall, from time to time, convene a conference consisting of representatives of business, trade unions, the academic community and any other groups he considers advisable for the purpose of developing a general understanding of Alberta's economic circumstances and those factors critical to continued economic growth.

A worthwhile aim, one that would fit nicely into the idea we put before this committee every year for probably the last six years, an idea that the Alberta government should set up an Alberta economic council that would take a look at the economy and decide where it was going and what could best be done with it to assure prosperity for Albertans. That's what should be done. This particular point in labour legislation is a rather odd place to find that kind of an idea, but I suppose if you thought in terms of the three partners the minister mentioned, unions or working people, employers, and then government, and government representing the public in general, some kind of a tripartite arrangement might not be such a bad idea. In fact, it's quite a good one and an idea that some European countries have used very successfully.

But, Mr. Chairman, you have to have some kind of basis on which you can build that coalition of those three groups. In Alberta -- and in North America generally, it's probably fair to say -- the kind of trust that's needed between unions and employers and between government and unions has not developed. The reason is simply the attitudes of people like Peter Pocklington and other people who bring in strikebreakers and try to break unions, and governments like this government of Alberta.

Even the committee that the minister set up, the nine representatives, was made up of three groups: the workers, the employers, and the general public. But they were all handpicked by the minister, so they were loaded against the unions in the first place. There was no representative of the Alberta Federation of Labour or some of the other major unions in Alberta on there. They should have been allowed to choose their own representative for that committee. But, no, the minister handpicked them all. Even so, they brought back a much better document, a much better report than what this minister brings in as a Bill. As the Member for St Albert has shown over and over again, many of the provisions or suggestions in the report from the committee were much better than were the provisions of the Bill. So the government has regressed from what that committee, even though he handpicked it, recommended.

Now, if we're going to have this idea of some kind of tripartite working together, you might wonder: well, why will it work in Europe but not in North America or not in Alberta? It may work here eventually one day, but not if we move into the next century with this present legislation, Bills 21 and 22. In Europe the fact is that the employers accept trade unions as a given, and they sit down and negotiate in good faith with them. The unions know that, so there is not a great deal of strife and strikes in labour management relations in Europe.

Governments, all governments -- governments of the moderate left, governments of the moderate right governments of the centre -- accept trade unions in their role. Old Ma Thatcher is quite far right and has not accepted trade unions in the way they should be and has had a great deal of confrontation with unions in Britain. But nonetheless, by and large, governments of Europe have accepted the role of the trade unions. So the trade unions can sit down with these other two partners and feel like they can negotiate on an equal basis with them in a respected manner and a manner of mutual respect What we get in North America, and it's quite understandable, is that a union is not pre-

pared to sit down with a government in Canada, whether it be a Liberal or a Conservative government, and the employers because they know they would be outnumbered two to one. This is not a game of sharing and mutual respect; this is a game of confrontation, of seeing who can take who for a ride. I mean, that's the way the name of the game is in North America.

So, Mr. Chairman, the government is going to have to change its legislation, change its method of handling and working with unions for a number of years before it can build the kind of trust that's needed to bring in a tripartite co-operative system of labour, management, and economic planning.

The problem with Alberta -- and in much of North America, for that matter -- is that we get entrepreneurs like Peter Pocklington, who is so confrontational that he upset even most of his own friends. Most of the employers out there know that you have to have some kind of labour peace if we're going to have a sound economy. They know that you have to make some kind of accommodation to the rights of ordinary people. But, no, you get a few of the type of a Peter Pocklington and then you get a government like the government of Alberta backing them up all the way, and then you wonder why we have confrontation. Union busting is becoming a way of life in much of the United States, and this free trade deal will bring that into Canada in a much bigger way. Just for example, in the new certification rules there's a step in that direction to make it easier for these consultants, as they call them, who are really union busters, to help employers avoid having a union shop.

So, Mr. Chairman, as long as we have Bills like Bill 44 and these present Bills, Bill 22 and Bill 21, we're not going to get that kind of understanding and that kind of partnership that we could have in labour/management relations in this province.

I mentioned the preamble, the whereas number 1, to say that that's the agenda of this government. I wanted to say that whereas number 3, which talks about "open and honest communication between affected parties," is nothing more than a sham. It's nothing more than the minister trying to bilk the people of Alberta into believing that somehow he really seriously wants labour and management peace in this province. We all know what his agenda is. It's to break the unions and to allow managers and corporations to wheel and deal as they see fit and to compete in a worldwide competitive economy and to hell with workers' rights. Basically, Mr. Chairman, that's what Bill 22 does, and that's the minister's agenda.

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

MR. MITCHELL: Thank you, Mr. Chairman. I rise to speak against the amendment to section 81 as proposed by the government. There are a number of issues that this particular amendment addresses. It addresses an issue of workers' rights, labour union rights, versus the rights of business. It also addresses the question of rights simply more generally.

It is a fact that this particular amendment at the first level is directed at one specific objective, and that is to redress the balance that has been struck over years of tradition in collective bargaining, to redress that balance and create an imbalance in favour of business and against labour unions. It always strikes me as very, very odd that this government would choose sides in this particular effort to strike an imbalance, as it were, of one set of interests over another set of interests.

I ask the question frequently: how would it be for this particular government to find its interests being subjugated unfairly and arbitrarily to another set of interests in our society? Clearly, what government has to attempt to find is an equal balance, a fairness between those two sets of rights, the rights of labour unions and the rights of business.

Implicit in what they are doing is an assumption that somehow business has a prior right to existence over unions. Try as I might, I have never been able to find anywhere that that kind of prior right can be substantiated. Neither one of those things is written; neither one of those particular social institutions, labour unions or business, is established, for example, in the Bible, which might give it some kind of basis in moral self-righteousness. Certainly the fact of the matter is that these are arbitrary institutions, both established as a result of the developments in our society. They have an equal and equivalent right to exist, and they have an equal and equivalent right to expect that one set of interests will not be imposed arbitrarily and unfairly on another set of interests, to the detriment of that latter set of interests. Clearly, this particular amendment strives, as does much of this labour legislation, to structure an imbalance, which is unfair to labour unions and to their existence and to the interests which they represent in our society.

But I believe there is even a broader issue, and that is the issue of how this particular initiative can affect personal rights more generally in our society. I'm not surprised, I must admit, to see that the government would take steps such as this particular amendment to erode rights that are called for, established, and protected in Canada's Charter of Rights. They have in the past set precedents which would indicate that this is not inconsistent with legislation and with policy that this government has produced in the past.

One incidence in particular is relevant to this case, and that is the case of the 1983 labour legislation that took away the right of nurses to strike. There is not a clear-cut case to be made for taking away that important right. That's exactly what we did. We took away the right of what has now become 11,500 employees . . .

MR. CHAIRMAN: Excuse me, hon. member. The hon. member is dealing with a Bill, I understand Bill 44, dealt with some years ago by this House. That's not Bill 22 before us. Unless the hon. member can bring his debate back to the Bill, then his comments are not in order.

Edmonton-Meadowlark.

MR. MITCHELL: If you would bear with me for just a few moments, Mr. Chairman, I'm building a case here.

MR. CHAIRMAN: Hon. member, the Chair has been bearing all night. Please come to the matter before the committee.

MR. MITCHELL: I will. The point . . .

AN HON. MEMBER: Don't make him grouchy before I get up, eh?

MR. MITCHELL: He's never really grouchy. He just puts it on to gain credibility with those guys over there. Sorry, that was uncalled for.

The point that I'm making . . .

MR. CHAIRMAN: Anything that's uncalled for, hon. member, there's a remedial course of action the member can take.

MR. MITCHELL: Sorry. Excuse me; now I've lost my train of

thought. I withdraw that comment, and I apologize for it too, sincerely. I do sincerely apologize for that.

The fact of the matter is that that particular piece of legislation set a precedent It took away the rights of a very important segment of individuals, of employees in our society. Not only did it do that, but once it took away those rights, it did not take the care and attention that a society such as ours should pay to protecting the fairness with which people in that kind of circumstance would be treated. Instead, that piece of legislation imposed arbitrary guidelines, government guidelines, on the negotiation and arbitration process so that those particular employees, nurses, would not be treated fairly, would have a right taken away from them, and would not have the compensation -- if it could be construed as being sufficient under any circumstance -- of ensuring that the negotiation and arbitration process would be fair.

This amendment, this particular piece of legislation, simply furthers that initiative on the part of this government This piece of legislation attacks the foundations of the Charter of Rights which has been designed to protect Albertans' and Canadians' rights: rights to free association, to freedom of speech, to freedom of expression. And not only that . . .

MR. CHAIRMAN: Order in the committee, please. Sorry, hon. member. Order in the committee, hon. members. Please tone tilings down within your conferences.

Edmonton-Meadowlark.

MR. MITCHELL: Not only that, but perhaps it underlines the tiredness, the cynicism of this government to see the extent to which they would go to manipulate the wording of this amendment, to manipulate, therefore, the wording of their piece of legislation to try and get around the issue of confronting rights, eroding rights, that are so clearly established and so clearly protected in our Charter of Rights.

Mr. Chairman, this particular amendment goes far beyond the realm of reasonableness, goes far beyond a question of poor judgment on the part of this government. This particular amendment is an aggressive, calculated attack against rights enjoyed by people in our society, by people in Alberta today. It is without credibility. It is, in fact, Mr. Chairman, quite dangerous. It cannot be supported by any reasonable, fair-minded member of this Legislature as it is not, I am sure, supported by the broad spectrum of people in our province today.

MR. CHAIRMAN: Hon. Member for Edmonton-Mill Woods.

MR. GIBEAULT: Mr. Chairman, I have to get on the record some concerns that many of my constituents have brought to my attention about Bill 22, the new Labour Relations Code that is before us. You know, everybody in the province knows about the minister and his friends that went all around the world looking at labour legislation. At least that was what they told us they did; we had their Labour Legislation Review Committee's report and so on.

But you know, Mr. Chairman, the countries the minister probably should have gone to, if he needed to go somewhere to look at labour legislation that is effective and works well in the interests of employees and employers, is some of the Scandinavian countries. I'm talking about Sweden and Norway in particular. If he had the opportunity to visit some of those countries that are renowned for their progressive labour legislation, for laws that protect the interests of workers as human beings, I'm sure he might have learned a lot, because in those countries the unionization rate is somewhere in the neighbourhood of 80 percent -- far, far above what it is here. And yet there is a sense of enlightened self-interest on the part of management in the companies that are so successful in countries like Sweden, companies that export all over the world. You've got several international enterprises there that have some of the best labour relations going. Mr. Chairman, even a lot of the supervisory and lower management staff are part of the union. We have there one of the lowest rates of unemployment, one of the highest rates of good employee relations, labour relations; we've got one of the lowest rates of lost time due to strikes, lockouts, and other labour disruptions. So if the Labour minister really was concerned about some examples that might have been of some value, he might have wanted to take a look at the Scandinavian models, and particularly the Swedish model.

It's regrettable that he didn't choose to do that But you know, those labour laws and people like the Swedish consul and resource people like that are available right here in the city and in our Legislature Library in terms of the legislation that's on the books there. I would like to suggest that the minister might avail himself of those resources, because there is a lot to be learned in an environment like those, where the whole labour environment and the employer/employee environment is so much more progressive and ahead of that that exists here in North America and in particular here in Alberta.

Now, one of the things that this Bill 22, the Labour Relations Code . . . For all its 70 pages here and many sections, it still doesn't address one of the very key problems that faced the labour relations environment of the province of Alberta for many years. It was most graphically brought to the public's attention during the Gainers dispute in 1986. It is the question that there is no antiscab provision in this Bill, still none. I don't know how long it's going to take this Labour minister and his government, how many confrontations on picket lines, how many evening news broadcasts on television where we've got police vans, clubbing of workers -- the kind of pictures we commonly associate with South Africa or Poland or Chile.

If this minister is really serious about improving the labour relations climate and environment and creating that level playing field, to use an expression so dearly loved by the members on the other side, then let's get in Bill 22 a serious no-scab provision. That is really what we need, because you cannot have a level playing field, you cannot have any sort of equality of economic interest and influence when employees go on a strike and the employer says, "Well, to hell with you guys; we'll just truck in replacements, scabs." I mean, as long as the employer can continue to have those people coming in to keep the production line rolling, there is virtually little or no influence on the employer to come to terms and negotiate in good faith with the union representing the employees of the enterprise that's involved.

Now, they've got that kind of a provision in Quebec, Mr. Chairman. They've had it for a long time, and it's because of many of the violent confrontations that took place on worksites there over the years. Now, hasn't the Labour minister learned anything after Gainers and Zeidler and Lakeside Packers and a lot of the classic disputes that have taken place here in Alberta, that we've got to have, if we're serious about some fairness and some equity for the working people of this province, to protect their interests in a legitimate and reasonable way, some kind of an antiscab provision in Bill 22? We've got to have that, and until we have it, we're not going to have labour relations in this

province worthy of the name.

Another provision that's not provided for again in all these pages of paper here, some 163 sections: there's still no section in here about spin-offs. So you've got in the construction industry the situation where it's absolutely bizarre. The construction industry employer that wants to terminate a contract locks out his employees . . . Pardon me; that's the related one I want to come to. But in terms of the spin-offs, just spins off a related company to handle the similar work with non-union workers. So as long as you have that kind of an environment where an employer can really ignore basically, if you like, a union contract that's not to his liking, just spin off the business to a non-union affiliated company, you're never going to have labour relations as well that are worthy of the name.

And the other one, of course, is that whole issue of the 25-hour lockout, another major problem in the construction industry and another major failure of Bill 22, this Labour Relations Code. Maybe if the dinosaurs on the back bench would look at some of these provisions here and pay a little attention here, if they don't want to have 10,000 workers on the steps of the Legislature sometime later this year or next year when there's a major confrontation on the picket lines of a Gainers or another plant, they'd look at putting in there a provision that deals with some prohibition against that practice of the 25-hour lockout. Because there is no question that by not having that kind of provision in the Labour Relations Code of the province of Alberta, we're simply trying to destroy the unionized construction industry sector entirely. And that's really the bottom line there.

We've talked a little bit as well, Mr. Chairman, about the infamous section 81, the anticonstitutional provision, the provision that was brought in that the minister, I guess, has finally realized after a lot of badgering that it couldn't be left as it was. But what did he give us? 81(2) and (3) talk about how they're going to restrict and limit secondary and solidarity picketing on picket lines and labour disputes. Now, you don't see anywhere in section 81 or in the amendment any reference to the concept of solidarity picketing, because I would suggest this government doesn't understand the meaning of the word "solidarity" to start with. So it's not in there, and they don't understand that.

They talk in this amendment about how the board has to consider violence or the prospect of violence. Now, Mr. Chairman, if the government is serious about prohibiting violence on picket lines, we've got to come back to those earlier comments that my colleagues and myself have repeatedly tried to bring to the attention of this government without success yet, but we're going to continue to do it as long as it takes. We've got to have antiscab provisions in here. You start having people crossing picket lines stealing your job, and it flames people's passions. I wouldn't appreciate it a bit if I was in a strike position and other people crossed the line and basically said, "Well, we're going to ignore this process of a group of people who have formed a union and have made democratic decisions about going on strike after considering all the economic factors and so on that are involved, the ramifications for the families." Then other people just bust in to take those jobs and continue production and weaken my position entirely. Perhaps I'll be out there on the picket line for months, maybe years: the old Zeidler or Lakeside Packers routine. No wonder people get excited and concerned, Mr. Chairman.

So instead of a foolish provision here in this amendment about having the board trying to determine how many people should be on a picket line and what time they should be there and whether or not there'll be violence on the picket line, let's get rid of that nonsense and let's just get in there a single clause that says, "Scabs will not be tolerated in disputes in the province of Alberta." And that would solve the problem. It's as simple as that.

If the government does not go in that direction and if they continue to try to allow employers to continue with scab workers, Mr. Chairman, I would like to hopefully see, whether it's the trade union movement or the legal profession, someone taking an action against this government for aiding and abetting violence. And that's exactly what they are doing by creating that exact climate. It's disgraceful, and as long as those kinds of provisions -- provisions that don't deal with scab workers, that don't deal with spin-offs, that don't deal with 25-hour lockouts, that don't allow for effective solidarity picketing on the picket line -- are not in there, you can be sure that my colleagues and I in the New Democrat caucus are not going to support this piece of trash.

MR. CHAIRMAN: The hon. Member for Edmonton-Glengarry.

MR. YOUNIE: Thank you, Mr. Chairman. I do have more than just a few concerns about this piece of legislation so aptly described by the previous speaker. I remember . . .

MR. CHAIRMAN: The Chair is again reluctant to interrupt Just to remind hon. members that -- order please -- when a Bill has been adopted at second reading, the entire House has adopted that Bill, irrespective of how an individual member voted. The Chair would simply draw attention to the hon. member's comment that the matter which the hon. member voted for was trash, and that's properly not a very appropriate term.

Edmonton-Glengarry.

MR. YOUNIE: Thank you. I didn't make that choice for them; they made the choice. They'll have to live with it and they'll have to live with it when it results in the kind of picket line violence that it undoubtedly will, if it goes through in the form it's going through. So I will not try to defend their choice for them and will describe in what words I have to the horrendous nature of the Bill and the kinds of problems it is going to lead to.

I think the best place to look at some of the problems that we're leading into is right in the preamble itself, which is, as I've been told, the part that will help courts and legislators decide how to interpret an Act So let's take a look at some of the preamble provisions and see where they're leading. I'll start at the bottom and work up. The last whereas says:

> WHEREAS it is recognized that legislation supportive of free collective bargaining is an appropriate mechanism through which terms and conditions of employment may be established.

Well, the fact is that this piece of legislation is designed to do exactly the opposite. It is designed to make free collective bargaining difficult. It is designed to lead to confrontation between employer and employee. It is designed not just to perpetuate the confrontational, we/they enemy attitude we presently have in our labour management and relations; it's designed to make it even worse. So that whereas really doesn't sum up the legislation at all.

The second last one:

> WHEREAS employees and employers are best able to manage their affairs where statutory rights and responsibilities are clearly established and understood.

Well, the fact is that once people start understanding what's being established in this legislation, they see that in fact the legislation is going to make it very difficult for employees and em-

ployers to manage their own affairs because of the level of interference there will be from the government and various boards it has influence over.

Another one:

> WHEREAS the employee-employer relationship is based on a common interest in the success of the employing organization, best recognized through open and honest communication between affected parties.

I don't see much in this legislation that is going to foster open and honest communication -- not when the employer can consistently, time after time, go to the Labour Relations Board and make it impossible for union members to actually conduct the process of negotiating and bargaining, not when the system is going to break down over and over again because of stumbling blocks that are in there.

Another one:

> WHEREAS it is fitting that the worth and dignity of all Albertans be recognized by the Legislature of Alberta through legislation that encourages fair and equitable resolution of matters arising in respect of terms and conditions of employment.

Well, it would be nice if this and its companion piece, Bill 21, were designed to create that equity. The fact is that it is not. It is not designed to create a level playing field. It's designed to make sure employees are playing on a half of the field that's got lots of potholes and ruts and is designed to make sure that the employers have easy sailing and a green light every direction they go. So it is not designed for that kind of equity.

[Mr. Musgreave in the Chair]

When you get to the first part of the preamble, you get to see what the real aim of the legislation is:

> WHEREAS it is recognized that a mutually effective relationship between employees and employers is critical to the capacity of Albertans to prosper in the competitive world-wide market economy of which Alberta is a part.

Well, the fact is that the Labour Relations Code should not be designed for that purpose, but it is. It should be designed to make sure that labour relations run smoothly, that workers are treated fairly, and that labour and management have the best possible atmosphere in which to settle their problems. What we have here is a Bill that is designed and says in its first whereas in its preamble that it is designed to make sure that whatever is the lowest wage and lowest standard and the most despicable working conditions anywhere in that North American market, that is what Alberta will have to descend to to stay competitive in a business sense.

Now, that may be all well and good in terms of free trade and the kind of trouble Brian Mulroney is trying to get us into on that front, but it is not what is good for the workers of Alberta. Now, if this government wants to be brazen enough to get up and actually say, "Yes, we believe in this whereas in the preamble; we believe that the purpose of a Labour Relations Code is to make sure that whatever the worst conditions are in Mississippi and Alabama, Alberta better have it so they can compete," then let's hear some of the members opposite get up and actually have the courage to say that. As far as I'm concerned, that is exactly what this Bill is designed to do.

Just to look at one portion of it that seems to be tailor-made for it -- and we have an amendment from the government on it -- and that is section 81. Now, I've had people say -- and I think they're right -- that if you look carefully at this Bill and you look carefully at the recent labour history of Alberta, what you can find in this Bill is a way to take back, to destroy, or to make impossible in future every victory the labour movement has made in recent history. This Bill is designed to make sure that whatever victories they've had they can't repeat in the future, because management, on one side of it, which is the group that pays the election expenses of the party in power, tells them: "We don't want that happening anymore. We don't want these little victories on the part of working people. They're inconvenient. We can't stay competitive with southern states, perhaps, or other areas where those kinds of upsets in labour relations just aren't allowed to happen, because workers are kept in what management sees as their place."

So the government just in section 81 brought in something that would make sure that the kind of victory Gainers workers got, through a very hard fight, through organizing a very effective consumer boycott -- we have section 81 saying that you can't have sympathy or secondary picketing; you can't organize boycotts. That worked too well in the past, so we're going to take that tool away from you. We argued -- in fact, we argued long enough that the government brought in closure -- that in fact that was dead wrong; it was even so wrong it was unconstitutional.

AN HON. MEMBER: Order.

MR. YOUNIE: Just be patient, Les. We'll get to it.

MR. DEPUTY CHAIRMAN: Hon. member, I pointed this out earlier in the evening; perhaps you weren't here. The function of a committee on a Bill is to go through the text of the Bill clause by clause and, if necessary, word by word with a view to making such amendments in it as may seem likely to render it more generally acceptable. The hon. member is using the same line of debate that he used when second reading was being given. So I would ask the hon. member to please come back to the Bill or the amendments.

MR. YOUNIE: Thank you. On the point of order . . .

MR. DEPUTY CHAIRMAN: The point of order has been decided by the Chair. The hon. member will now proceed.

MR. McEACHERN: Mr. Chairman . . .

MR. DEPUTY CHAIRMAN: Hon. Member for Edmonton-Kingsway, please resume your seat. Thank you.

MR. YOUNIE: I will try, in the manner in which I taught my English students, to take a minute or two to develop an example and get to the point Hopefully, I'll be allowed to do so.

What we have now is . . .

MR. DEPUTY CHAIRMAN: Hon. member, I would like you to stay with the Bill or the amendments. I don't want you to lead me anywhere; I just want you to stay with the Bill.

MR. YOUNIE: If I may, Mr. Chairman, that's precisely what I was doing, halfway through the first sentence when I received the second interruption in a 30-second example, which I would have failed a student for using because it was totally inadequate and too short but which seems in this Legislature to be much too long for the patience of the Government House Leader and the Chair. For that I apologize. That notwithstanding, common procedures of public speaking say you have to have sufficient

time to elaborate on an example and make the point.

The point is we now see an amendment from the government, which is the point I did want to get to, which admits that we were right in saying that it was unconstitutional and finds a rather slithery backdoor method of achieving the same goal in a way that they hope they can sneak, through constitutional lawyers somewhere. So they say, for instance, in the first part of it that

> during a strike or lockout that is permitted under this Act anyone may, at the striking or locked-out employees' place of employment and not elsewhere . . .

And so on and so forth:

> (a) enter the . . . place . . .
>
> (b) deal in or handle the products . . .

What they're saying is, "Yes, you can have the secondary picketing, and you can arrange a boycott if you do it at the place of employment." You can't do it at the place of business where somebody is using the products, however, which makes a consumer boycott rather difficult. But nonetheless, it sounds very magnanimous on the part of the minister to be saying, "Well, okay; anyone can do these things."

Then in clause 2 we see the sort of sneak attack from behind, which is that

> On the application of any person affected by the strike or lockout the Board may, in addition to and without restricting any other powers under this Act . . .

And it goes on to explain how the board can decide that the secondary picketing isn't good, that the consumer boycott isn't good, and so on and so forth. So really what it says is that instead of the government saying you can't do it, we'll set it up so the Labour Relations Board takes away those democratic and constitutional rights. Now, it seems to me it doesn't matter what mechanism the government used to steal my constitutional rights; if they steal my constitutional rights, then that is ethically wrong. I don't care whether you do it through the Labour Relations Board or anywhere else; it's wrong. It should not be done, and it should be argued against in every way.

They give the excuses underneath. "The directness of the interest of the persons and trade unions acting under" this subsection. Well, I could argue very strongly that I had a very important interest to defend when I walked on the Gainers picket line, the interests of every working person, of which I consider myself one, of which actively as a union member at some future point I may be one, of which my children may be one. There was a fight there for basic democratic rights, and I felt I had an obligation to support that fight.

It says that if there is "violence or the likelihood of violence in connection with actions under" the subsection. Well, it seems to me very straightforward that there was only one cause of violence on the Gainers picket line, and there is almost invariably one cause of violence on any picket line, and that is when scabs or replacement workers cross the picket line. As was pointed out, Quebec brought in antiscab legislation. They did it for some very good reasons. They were having problems with violence on picket lines, and they were smart enough -- which, obviously, this government hasn't been -- to figure out that it was occurring when scabs crossed the picket line. So they decided they'd do something about it.

Now, the minister can't claim ignorance, because in fact a representative from Quebec was brought down here and appeared before the minister's panel of experts and explained to him that in Quebec when they brought in the antiscab legislation, the incidence of violence went down, the duration of strikes went down, but the settlements that workers were getting did not increase unfairly. So it could not be argued that getting rid of replacement workers hampered management's ability to settle the strike. They proved, in fact, that without hampering the kind of agreement he could get with his workers, he would have a shorter strike, with less violence on the picket line outside his place of business.

So it seems to me quite obvious that if the government and the Labour Relations Board and anyone else wanted to do something about violence on the picket line at Gainers, somebody should have told Peter Pocklington: "You can drive your busload of replacement workers anywhere you want in the province of Alberta except down the street that leads to your plant to go through the picket line. Because if you drive them there, it's going to cause violence. So you can drive them all over hell's half acre; just don't take them there. It's going to cause violence."

MR. DEPUTY CHAIRMAN: Once again the hon. member is talking against the principle of the Bill. I would suggest he come back to the Bill or the amendments.

MR. YOUNIE: I thought I was talking against the principle of the amendment and why we shouldn't support it.

MR. DEPUTY CHAIRMAN: The hon. member knows very well what he was talking about.

MR. YOUNIE: That's right; I was talking about what's wrong with this amendment and why it's going to infringe on the rights of workers and why it's going to increase picket line violence, why it's going to increase the duration of strikes, why it's going to make the labour scene in Alberta worse than it is now, if you can imagine that, when a government with any kind of sense and any sense of responsibility and any sense of the worth of working people would see how wrong this is and see what they have to do to improve relations between management and labour. Part of the problem is, perhaps, that the government chose not to go to the right countries in finding out what they needed to bring in.

On that point I would perhaps await the minister's responses or other speakers, maybe even some Conservative speakers.

MR. DEPUTY CHAIRMAN: Hon. Member for Athabasca-Lac La Biche.

MR. PIQUETTE: Thank you very much, Mr. Chairman. Bill 22 is really an affront to democracy in terms of freedom of association, in terms of the minister's lack of competence in terms of listening to the concerns that have been brought before the Labour Legislation Review Committee. Tonight I'd like to address some of the concerns that I have, starting off with the preamble on Bill 22. Instead of invoking a basic commitment to collective bargaining and protection of the rights of working people, the government's preamble uses such phrase as "prosper in a competitive world . . . market" to indicate that its purpose is not to protect workers but to make labour relations seem secure for the business sector of the provincial economy.

The intent here in the legislation, as we go clause by clause, is really to appear to provide to the business sector a calm before the storm, I guess is how perhaps we can define that. Because it's really going to be, for a while, covering up some of the inequities that will strain the relationship between employers and employees. But on the whole, when you look at the entirety

of Bill 22, it's going to be, in the end, exacerbating the kind of confrontation that will exist if the pressure cooker in terms of the negotiation process is so loaded against the workers that finally what it will actually entail as a result will be the opposite of what the minister is attempting to do, which is to create a secure climate for the business community so that our economy can diversify and expand.

References to the competitive world markets are totally out of place in an introduction to a labour code, which should legislate not the entire economy but the relation of working Albertans and their employers. I don't believe when we're setting forward legislation we should, you know, be making laws for our workers which reflect the situation that exists in Korea, for example, or Mexico, or whatever. We have a living standard here to protect. We have a government who is here elected to represent the average workers out there and the employers. For the government to be making their statement of purpose really to be addressing the relation of our workers to the entire economy or the global economy is really taking things out of perspective.

Really, the result of that whole labour legislation committee was to take a look at what can be done to make sure the Alberta workers are fairly protected in the new Labour Code and that for sure has not been met by the many sections of this Bill 22. These statements imply a willingness to lower the general level of employment conditions to the abysmal level that's necessary to compete with such countries as South Korea, Taiwan, the Philippines, and the right-to-work states of the United States. The preamble to part 4 of the Canada Labour Code is recognized as a far superior statement of the goal of labour relations legislation.

One of the things -- you know, we are supposedly in a democracy -- that we are very proud of is simply in a democratic state that the right of freedom of association, the right to free expression, the right to be able to form one's self in terms of bargaining, if you wish to use that mechanism in terms of negotiating wage settlements, or the option of simply not being organized and doing that on an individual basis, has to be, really, the cornerstone of our democracy. But what this Bill attempts to do with the whole aspect of decertification of the union for an illegal strike, which can be at the whim of the government, because it really defines . . . If you look at a definition of strike, it could be only a few workers who go on strike and the minister leaves himself the whole option of decertifying that union if it was the action of a few.

We have the 25-hour lockout. Again, an attempt to minimize the choice of people to further associate in a union to have their bargaining position represented in that kind of an association. It weakens that position with the 25-hour lockout.

It allows the replacement workers. I mean how in the world . . . What bargaining position does the worker have if you have a company or an employer who is basically on the very confrontation type of situation and does not want to settle a strike or to even negotiate? You take, for example, the Zeidler company right now in Slave Lake, who was allowed by the government to basically not negotiate. Now what we have is basically the continuation of Zeidler here in Edmonton doing the same exact replica of bringing in replacement workers and in effect thwarting the attempt of the employees to arrive at a fair and equitable solution to the problem. It takes away whatever power those employees have in terms of arriving at an equitable agreement So the whole question of replacement workers, you know, is really inserted by the minister or by the government to basically demean the whole freedom of association, the whole role of using that as a way of achieving equity in the workplace.

We have certification votes. We have all kinds of conditions for the certification votes, where even though 100 percent of workers may have signed up to join the union, the labour employment board can delay the votes to a future time, whereby it allows the employer to use intimidation factors or threats to the employees or to divide workers against workers with the fear of loss of jobs, without any penalties to be imposed. I mean, again, a whole Bill set up to basically take away the rights of workers to freely associate and to have any effective means of bargaining or to allow even the creation of new unions where people wish to use that democratic option to associate and organize . . .

MR. DEPUTY CHAIRMAN: Hon. member, I hesitate once again to remind you that you are supposed to speak, not against the principle of the Bill, which you are doing, and that you are to deal with specific clause-by-clause . . .

MR. PIQUETTE: I'm going section by section.

MR. DEPUTY CHAIRMAN: I haven't heard what sections you're dealing with, hon. member.

MR. PIQUETTE: Well, I could go through -- I mean I could be quoting section 3. I didn't want to repeat, you know, but all of these are dealing with various certification, replacement workers, the 25-hour lockout: these are all sections under this Bill. So they're not . . .

MR. DEPUTY CHAIRMAN: But during the debate, hon. member, would you please refer to the specific section you're talking about so the Chair can determine whether or not you're staying within the rules of procedure of the Assembly.

MR. PIQUETTE: Again, we deal in this Bill -- regulation which allows the creation of spin-off companies. Again, an attempt to divide and conquer, to set one group of workers against the other by circumventing the ability of workers to freely associate in order to achieve free and collective bargaining.

Rather than the government moving into a very forward type of labour legislation which Japan, for example, has introduced, and Sweden and other very industrialized countries which have higher per capita income than we have here in Canada, whereby we have attempted to get away from this confrontation tactic in the labour force, where they've basically treated the worker as a part of the whole aspect . . .

MR. DEPUTY CHAIRMAN: Hon. member. Hon. member. Would the hon. member please refer to the specific clause that he is speaking to.

MR. McEACHERN: Point of order, Mr. Chairman. Section 768 of *Beauchesne* says, and I quote:

> This delate on Clause 1 (if it is not the short title) is normally wide ranging, covering all the principles and details of the bill.

That is what the speaker was doing. So he does not have to get to the details yet at this stage, because he's on clause 1.

MR. DEPUTY CHAIRMAN: I would point out to the hon. member that the person debating is not to speak against the principle of the Bill.

MR. McEACHERN: That's different than having to be so

confined.

MR. DEPUTY CHAIRMAN: The Chair does not happen to agree with you.

Hon. Member for Athabasca-Lac La Biche.

MR. PIQUETTE: Freedom to associate and to act collectively are basic to the nature of Canadian society and are root freedoms of the existing collective bargaining system. Together they constitute freedom of trade union activity to organize employees to join with employers in negotiating a collective agreement . . .

MR. DEPUTY CHAIRMAN: Hon. member, would you please refer to the specific clause that you . . .

MR. PIQUETTE: What I wanted to mention about the kind of labour relationship and business that exists, is a company that I spoke to a few days ago here. That is a company that is locating in my constituency. That company has seen the real power to make sure that labour peace exists between himself and his company by making sure that the workers are part of the company in terms of even owning shares in the company, making sure they have the kinds of services, medical services, et cetera, which ensures that the confrontation which is very often part of labour and employee/employer relationships is absent from his company. He told me one thing, that it took him many years as a company president to realize that the key to this company's success is really the kind of loyalty that his employees have to his company. For many years he thought that to be a boss, a president of a company, that it . . .

MR. DEPUTY CHAIRMAN: Hon. member, if you are not going to deal with the specific clauses or the amendments, I will recognize someone else.

MR. PIQUETTE: I'd like to conclude by saying that the minister has missed the mark on Bill 22 in terms of fostering peaceful association and freedom of association for the workers of Alberta who wish to use that as their democratic right in order to achieve equity in the workplace.

AN HON. MEMBER: Question.

MR. DEPUTY CHAIRMAN: The question has been called on the amendment. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Opposed.

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:

Ady	Fischer	Pengelly
Bogle	Fjordbotten	Reid
Bradley	Heron	Schumacher
Brassard	Hyland	Shaben
Campbell	Jonson	Shrake
Cassin	McClellan	Stewart
Cherry	Mirosh	Weiss
Clegg	Moore, R.	West
Cripps	Musgrove	Young
Day	Nelson	Zarusky
Elzinga	Oldring	

Against the motion:

Ewasiuk	Mitchell	Sigurdson
Fox	Pashak	Strong
Gibeault	Piquette	Taylor
Hewes	Roberts	Younie
McEachern		

Totals: Ayes - 32 Noes - 13

[Motion on amendment carried]

MR. YOUNG: I move that debate on Bill 22 be adjourned.

MR. DEPUTY CHAIRMAN: It has been moved by the Government House Leader that debate on Bill 22 be adjourned. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Opposed? Carried.

[Mr. Gogo in the Chair]

Bill 37
Soil Conservation Act

MR. CHAIRMAN: There is an amendment. Hon. Member for Chinook, any comments to the amendment?

MRS. McCLELLAN: Mr. Chairman, the amendment is a very simple, one-line amendment which clarifies the Act with the Land Surface Conservation and Reclamation Act so that the two Acts do not duplicate services.

[Motion on amendment carried]

MR. CHAIRMAN: Bill 37 as amended: are there any comments, questions, or further amendments to this Bill?

MR. FOX: Thank you, Mr. Chairman. I would like to address a couple of concerns in Bill 37, the Soil Conservation Act As I indicated earlier, it's an initiative that we in the opposition are pleased with and very supportive of.

I raise a concern on behalf of a Mr. Jim Serediak, who wrote to me one day and asked if some consideration could be given in the future to ways in which this Act could be applied to preserve soil loss, and I'll outline his concern to the Member for Chinook. He's concerned that the loss of trees and the subsequent shelter that they provide is causing a real loss of topsoil in his area and, indeed, in many areas around the province. Farmers have been encouraged over the years by a need to expand production and enhance their profitability to clear land and fill in sloughs and get rid of the shelter belts along the roadsides in order to gain more acreage. We even have government programs, both at the provincial and federal levels, that offer an

incentive to farmers to clear land to make it more productive so they can gain whatever subsidies may accrue to those acres. He feels that in some ways this is a destructive practice. He recognizes why it's been done and doesn't dispute that, but he thinks that we ought to take a serious look at the results of that. I agree, because we only need to have a year or two like this one, where there's a distinct lack of moisture in the early part of the season, severe winds in many parts of the province, and soil erosion becomes a very, very serious problem.

So the people who are destroying these shelter belts, doing a lot of back-sloping along the roads, do it with the best of intentions, but when you add it all up, what we end up with is an unacceptable degree of soil loss and perhaps an impact on the moisture conditions overall because there isn't anything to trap the snow and improve the moisture conditions come spring. It's his suggestion that the government ought to look at some sort of program that would encourage people to plant shelter belts, that if we could offer some sort of incentive to take this land back out of production and put it into shelter belts, there would be benefits not only to the aesthetic value of land and habitat for wildlife, but it would have a very distinct impact on soil conservation.

I bring those concerns to the Minister of Agriculture and the Member for Chinook for their future consideration, and I point out to the hon. Government House Leader that that's three and a half minutes.

MR. PIQUETTE: I just wanted to point out, you know, just to pick up on the Member for Vegreville about the need for shelter belts and in terms of the whole soil conservation aspect, that I just received a letter the other day from Mr. Bill Stillwell, who indicated that where we used to provide trees free of charge under the shelter belt program for farmers to put around their property in terms of preventing some of the soil erosion, now we're charging such a significant fee that when he received a bill, he said that he sent it back because he couldn't afford to pick up the order. I think the member who introduced this Bill should be looking into that as very much an important part.

We've got to get back into a situation that unless farmers are compensated or have incentives to create shelter belts within their land, we're going to be facing a situation where very few farmers in the future are going to be interested at all in preserving some of the shelter belts or creating new ones. I think that should be addressed by the government in terms of creating creating that kind of a program of incentives.

MR. CHAIRMAN: Are you ready for the question?

[The sections of Bill 37 agreed to]

[Title and preamble agreed to]

MRS. McCLELLAN: Mr. Chairman, I would move that Bill 37 be reported as amended.

[Motion carried]

Bill 57
Alberta Agricultural Research Institute Amendment Act, 1988

MR. CHAIRMAN: Bill 57, moved by the hon. Minister of Agriculture. Are there any comments, questions, or amendments to this Bill?

[The sections of Bill 57 agreed to]

[Title and preamble agreed to]

MR. ELZINGA: Mr. Chairman, I move that Bill 57 be reported.

[Motion carried]

Bill 58
Water Resources Commission Amendment Act, 1988

MR. CHAIRMAN: Bill 58, moved by the hon. Minister of Agriculture. Are there any comments, questions, or amendments to any sections of this Bill?

[The sections of Bill 58 agreed to]

[Title and preamble agreed to]

MR. ELZINGA: Mr. Chairman, I move that Bill 58 be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. GOGO: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bills 57 and 58; reports Bill 37 with some amendments; and reports progress on Bill 22.

MR. SPEAKER: Those in favour of the report, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. So ordered.

[At 11:49 p.m. the House adjourned to Wednesday at 2:30 p.m.]