

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Thursday, June 23, 1988 8:00 p.m.**

Date: 88/06/23

[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. YOUNG: Mr. Chairman, I move that further consideration of any or all of the resolutions, clauses, sections, or titles of Bill 22 now before the committee shall be the first business of the committee and shall not be further postponed.

MR. WRIGHT: On a point of order, Mr. Chairman. I repeat the point of order that I took in the same circumstances last week: that one clear day's notice has not been given. The reply then made by the Speaker was that it's the custom of this House, in effect, to disregard the Standing Orders, because of the custom of the House. I have notified the Speaker that I would raise this point tonight with the Chairman or the Speaker, if the motion was made before him, without repeating the arguments, just in case in the interim the Chair or yourself or other people involved had taken time for consideration of the point. It involves the Chair differing from its previous rulings, but the Chair can do that.

I did not get answers on certain crucial areas of my argument, particularly with respect to its relationship to Standing Order 38 and for other reasons. I hope, Mr. Chairman, that you will see your way to realizing that the limits on free speech, which are reasonable in certain circumstances, which is why we have closure motions, are such that any restrictions on that must be carefully interpreted, restrictively interpreted, and a clear day must mean exactly what it says: one clear day between the giving of the notice and the action of which notice was given.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you. The Chair's almost ready to rule on the point of order.

Government House Leader.

MR. YOUNG: Well, Mr. Chairman, just on the point of order. I would just remind all hon. members that the Assembly as an Assembly has deliberated upon this same point and a ruling has been given. Without going into all of the arguments before, I believe the precedent was reinforced with that ruling. Mr. Chairman, I believe that should resolve the matter.

MR. CHAIRMAN: Thank you, Government House Leader; the Chair was about to rule. The Chair is bound by the Speaker's ruling; therefore, there's not a point of order.

Having heard the hon. Government House Leader's motion,

all in favour please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Motion carried.

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

[Eight minutes having elapsed, the House divided]

For the motion:

Adair	Heron	Pengelly
Bogle	Isley	Reid
Bradley	Johnston	Schumacher
Brassard	Jonson	Shaben
Cherry	McClellan	Shrake
Clegg	Moore, M.	Sparrow
Cripps	Moore, R.	Stewart
Day	Musgreave	West
Downey	Nelson	Young
Drobot	Oldring	Zarusky
Elliott	Payne	

Against the motion:

Barrett	Martin	Strong
Gibeault	Mjolsness	Taylor
Hawkesworth	Roberts	Wright
Hewes	Sigurdson	Younie

Totals:	Ayes - 32	Noes - 12
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[Motion carried]

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

MR. STRONG: Thank you, Mr. Chairman. In consequence of certain decisions made Tuesday night, I rise to seek the unanimous consent of the Assembly to withdraw certain amendments I'd previously proposed -- namely, those numbered 4, 8, 12, 33, 46, and 54 -- and replace five of them.

MR. CHAIRMAN: Hon. Member for St. Albert, I think we're dealing with two separate motions here, but is the Chair correct in the understanding that 4, 8, 12, 33, 46, and 54 are withdrawn?

MR. STRONG: Then replaced. Fine.

MR. CHAIRMAN: Having heard the motion of the hon. Member for St. Albert, all in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no. Motion is carried.

MR. STRONG: Mr. Chairman, I'd like to move my amendments and suggest that they be dealt with as a package, including all of the amendments.

MR. CHAIRMAN: Moved by the hon. Member for St. Albert that all the amendments submitted be considered as a single package. Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: Those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no. Motion carried.
Hon. Member for St. Albert.

MR. STRONG: Thank you, Mr. Chairman. I'd be remiss in my remarks if I didn't make some comments on what the Minister of Labour talked about. He indicated that it was a long, arduous task, a very difficult two years in all the public hearings, touring around the world, the process of bringing new labour relations to the province of Alberta for working Albertans. Well, the process was long and arduous, and when it started I had some hope that this government and this minister would recognize the error of their ways and meet the commitment they gave to working Albertans. Obviously, I was fooled again. At least I think I fooled myself into believing there was some hope for us poor working Albertans in making labour legislation proper and correct, righting all those wrongs that were in that old labour legislation and that what we would see before us in this Assembly was labour legislation that indeed would take us into the 21st century, create some fairness and some equity and a level playing field for both sides, employers and employees, in the province of Alberta. But that did not happen.

What this minister has before us is at the least the most offensive piece of legislation that I have seen introduced in this House in the two years plus that I have been here. It is the most offensive and sad piece of legislation that I have seen or heard about, in all of my short 41 years, introduced in this Legislative Assembly for Albertans, because certainly this isn't in Albertans' best interests and certainly doesn't guarantee them any fairness, equity. Nothing. Mr. Chairman, this legislation is worse than the legislation we had previous to this.

I'd like to remind the minister and make some comments in regards to the Charter of Rights and Freedoms in this country, Mr. Chairman. That Charter of Rights and Freedoms guarantees in law the freedom of association. What that means is simply this, and I'll say it for the minister's sake because obviously he doesn't understand what that freedom's all about. That freedom gives every working Albertan the right at law to choose a union of their choosing to represent them in collective bargaining. That's a law. It's a right. What do we see from this government? We see legislation brought forth, supposedly with a view to righting the wrongs that were perpetrated on working Albertans for how many years? Five years, 10 years, 15 years? Did it get any better? Again not, Mr. Chairman.

This minister keeps looking at his shoes. If I was this minister, I'd look at my shoes, too, because I'd be ashamed of myself for bringing legislation to this Legislature as shabby and offensive as what we see in front of us. Guaranteed rights: one of the promises this minister made. Fairness: where's the fairness? What he promised were all those nice things that say things were going to get better. He was going to recognize working Albertans. That was the purpose of the world tour that he spent half a million of our tax dollars on. That was the purpose of all the public hearings, that he was listening to Al-

bertans; he was concerned with Albertans; he had a commitment to Albertans. Well, this minister of big business certainly wasn't committed to Albertans.

We know who we side with. We spent many, many hours going through this legislation, hundreds of hours in conjunction with the best legal expertise at labour relations that the province of Alberta has to offer. What did we get? Closure, Mr. Chairman. Another offensive piece of work behind the scenes.

This minister promised fairness, yet when we examine this labour legislation and examine the certification process, what a dismal effort this minister made. I guess that's what he brought back from Washington: the Americanization of our certification process in Alberta. But I guess he brought it back to make things simpler, Mr. Chairman -- simpler for Albertans to understand that they did have a right to join a union and that there was going to be some fairness in that certification process.

But what did this minister do? If this minister bothers to take the time and look at the package of amendments that was proposed by the New Democratic Official Opposition and myself as Labour critic, he will see that we at least have made an attempt to write properly what he wrote improperly, and that's decent labour legislation for Albertans, a decent certification process, a certification process that indeed is simple and does guarantee that right of freedom of association, not some convoluted process that is going to encourage coercion, intimidation, threats, firings, and an employer beating on those poor employees to say this, Mr. Chairman: "If this nasty old union certifies us, I'm going to have to close the doors, and you're all going to be unemployed."

Even with the Americanization of the certification process, what else did this minister do? What he did, Mr. Chairman, was eliminate -- eliminate -- any penalty for an unfair labour practice committed during a certification drive by taking out immediate, instant certification on an employer who interfered with that employee's right to join a union. That's what he did. And if the minister examines the amendments that we put forth, he will find that one in that package, too, to say yes, there should be immediate certification. Why did you change the labour legislation if you wanted to be fair with working Albertans? What an illusion. This legislation is a joke. The unfortunate thing is that the joke's on working Albertans. That's who the joke's on.

AN HON. MEMBER: A cruel joke.

MR. STRONG: Yes, Mr. Chairman, a cruel joke, a cruel joke. A sad day for Albertans to look at the offensive piece of literature that we have staring us in the face called Bill 22, the Labour Relations Code, the new and improved version. New and improved version of what was there prior, never fixed a thing, made it all worse, and made it more difficult.

You look and examine that certification process, you will find that what the minister has done, what this government has done, is support the Mariposas of the world. Because for one of the few times in the province of Alberta we saw an immediate certification under the Labour Relations Act for an employer who did commit many unfair labour practices during a certification drive. Because of that there was instant certification. If this minister had any integrity, he would have left 16(2) where it was with immediate certification and also included in that immediate first agreement, arbitrated first agreement, for an employer who further than that commits unfair labour practices by not bargaining in good faith with a union that the employees choose. But did he do that? Sure didn't. Sure didn't. I guess

because he exercised a penalty on Mariposa, they thought: "Well, gee, that's bad legislation, so we'll take that little segment out. We're doing a review." That's exactly what happened. Ashamed, ashamed: that's what that minister should be.

Two years in a review process, and what do we get? Worse than what we had before. Certainly not justice, fairness, equality, level playing field, 21st century: none of those things. What we got is a union-busting government. That's what we got, Mr. Chairman. It's just that simple. That's what we got. We know who this minister sided with; he sided with his cronies in big business, the Al Olsons of the world. But I guess if you campaign for the Premier, you've got an in the door. Forget about the other 95 percent of the population because they don't count. That's what we got from this minister: absolutely nothing. A certification process that is going to cost the taxpayers of the province of Alberta tens of thousands, hundreds of thousands or more dollars in listening to all the unfair labour practice complaints that come in. What they're going to do is that the employer's going to commit all these unfair labour practices, and this Labour Relations Board is going to say: "What can we do? Bad, bad boy." Nothing. What that's called is legislated unfairness. That's exactly what we have in Bill 22, the Labour Relations Code: legislated unfairness.

What'd we get? You look at the preamble in this minister's Bill; it is absolutely ridiculous nonsense, Mr. Chairman, absolute nonsense. What this minister got up and said the other night was that we have labour relations with an economic flavour. That's exactly what we have. It's like vanilla ice cream or chocolate ice cream, only this has an economic flavour.

AN HON. MEMBER: Arsenic?

MR. STRONG: Well, it is arsenic for the working class in the province of Alberta. That's what this is: arsenic. Now, where is this minister's fairness? Why do we see in the preamble "competitive world-wide market economy." What's that got to do with labour relations? What's that got to do with a set of rules for employers and employees to operate under? Where does that fit? Where does that fit in the scheme of fairness for working Albertans? Where does it fit in the scheme of equality for working Albertans? Well, Mr. Chairman, it just doesn't fit in, because labour relations and a labour relations code or a labour relations Act in any province in this country -- in this country, Canada -- does have some fairness and equity for working people.

If this minister would check my amendments again, what the amendments give him is some sense of fairness and some sense of tone of what should be in labour legislation, not vanilla ice cream, Mr. Minister. Some fairness and justice for working people specifically in Alberta -- the Albertans that you gave a commitment to represent and aren't doing a very good job of. Just that simple. Mr. Chairman, I have to be frank. What government would spend two years bringing forth labour legislation for fairness and then turn around and invoke closure and not want to debate it? What government would do that, you know, and then add insult to injury . . . [interjections]

MR. CHAIRMAN: Order, hon. Member for St. Albert. The subject is Bill 22 amendments, not closure. Would you please come back to the matter before the committee?

MR. STRONG: Mr. Chairman, it is certainly germane to the

topic because there is no way in four hours that we can go through about 60 amendments that we proposed, that we spent hundreds of hours on, because of what this government did. Now, is that fairness? It falls under that topic. But certainly I'll get back to speaking to the amendments that we filed.

Again, one of the specific major concerns of Albertans -- and I'm reading out of the final report of the Labour Legislation Review Committee. Here's what it says. It said that one of the specific major concerns was replacement workers. If this minister would examine the amendments that were put forth, what he will see is an amendment to do with that. And, Mr. Minister and Mr. Chairman, what that amendment deals with is the outlawing, the banning of replacement workers. Because we all know -- at least anybody with any common sense would know that replacement workers are the cause of picket line violence. But did this minister do anything about that? Again, Mr. Minister, read some of the amendments. Create some fair and decent labour legislation for working Albertans. Attempt to be fair. Don't just try and create the illusion of being fair. Let's get some action. Let's get some progressive conservative over on that Conservative side instead of the regressive conservative.

We can go on further. One of the major concerns that was addressed -- and if this minister would examine again the amendments that we put forth, he would find an amendment or a few of them that deal with eliminating the 25-hour lockout in the province of Alberta. What did this minister do about that? I was at those public meetings. I heard hundreds of Albertans. This minister got how many submissions? Dozens of them that dealt with replacement workers. Did this minister bother listening at those public hearings, or was he sleeping? Read the amendments that I proposed, Mr. Minister. It solves the problem of replacement workers. It does away with them the way any commonsense and fair-minded government would have done away with them if they indeed wanted to fulfill a promise of bringing labour legislation in the province of Alberta into the 21st century. Because you failed. You failed totally.

Replacement workers. You know, it's as bad as these Liberals over here on my right. What they're proposing is that replacement workers get the same money as what the union members do when they go out on strike. Isn't that ridiculous? That is ridiculous. At least the minister recognized that. Or did he?

Go on further; go on to spin-offs. There's an amendment on spin-offs in my package, too, one of the major concerns of the construction industry, a concern that caused no end of grief to 50,000 to 60,000 construction workers in the province of Alberta and their families, Mr. Minister. Did you do anything about that?

AN HON. MEMBER: What about their families?

MR. STRONG: Read the amendment. Hey, those families that lost their homes, many of them that broke up, many of them skilled tradesmen that moved out of the province of Alberta . . . Did you pay any attention to the statistics that were given to you by the Minister of Career Development and Employment: the thousands of Albertans that moved out of Alberta, hey? Those people that brought and established their families and themselves here in homes -- how many homes did we build?

Because you didn't do anything about spin-offs. And what we find in this minister's proposed amendments and what we found in the amendments that he proposed were certainly significantly different, Mr. Chairman, certainly different. What do we have? I know what we've got. I read; I get some of this

mail. Here, for the minister -- pay attention, Mr. Minister; listen up. I'll tell you where the facts are and what's fair and equitable in the province of Alberta for working people. Ninety-five percent of the population of this province are working people. This legislation affects probably 99 percent of them. Where are we going, backwards? Certainly are. You want to talk about spin-off legislation? Read the amendment.

I'll read you a little bit here sent by some of my favourite people, George Akins, the acting secretary for the employers' federation. Your Bill 53 bargaining scheme that failed because you didn't have the jam to see it through to the end, here's what it says. I'm going to read it word for word. This is what they proposed that employers put on their letterhead to lobby this government. I guess they don't give them enough money in political contributions. Should have come and seen us for decent labour legislation. Hey, if you want money for it, we would have paid for it, lots of money. It's cost us that much money in legal fees fighting with the nonsense. The lawyers are having a field day, and they're going to have a bigger field day with this labour legislation that we're looking at. You know that.

Where's the fairness? Where's the promise that you made? Certainly didn't hold your end up. We spend hours and hours and hours filing submissions with you, coming to public hearings. We wanted some fairness on spin-off legislation. What'd we get? I know what we got; I'm going to read you what we got. Right here:

Finally, we have been repeatedly assured by the Minister that the rationale in the Stuart Olson decision would be codified in legislation.

Wonderful, wonderful. What do we have? Mr. Minister, be fair. Read the amendment that we put forth and fix what's wrong. Make it right. It's incumbent upon you, as a representative of the people of this province with a commitment, to change it, make it right. Quit lobbying those contractors. They'll vote for you forever anyway. They're so far right they don't know what left is. If they were driving a car around the block, all they could make was right turns; they wouldn't bother with any left ones. That's what we got.

Hey, this minister, you know, talking to the building trades, saying, "We want a unionized construction industry." Isn't that what you told us, Mr. Minister, on the 14th or 15th of March when we met with you? No, it was the 14th, 1988. In the meantime he's talking in the backrooms with all these enemies of the trade union movement these people that through creative application of the law invented all these spin-offs. Hey, we've given you rhyme and reason until Hades wouldn't have it. What have we got? Worse than what we had before. You never fixed a dam thing. So don't try and fool the people. It's almost as bad as Nick trying to fool them, saying, "Hey, we're with you," when he turns around and votes against a 40-hour workweek. We don't want to be fooled. We're not stupid; we know what's going on. So what have we got in our labour legislation? I'm going to run through it for the minister, because I want you to read the amendment that we put forth. It's just this simple. I'm going to give you an example of how your spin-off legislation is going to work.

We've got Industrial Power. They used to be a union contractor. They spun off. They've got HBD Management. HBD Management bids all their construction projects, but they don't employ any employees. If you look at the amendments that we made, Mr. Minister, we took care of that little problem. We did, because it's in the amendment package, and I'd sure like you to

look at it; it'd make some fair labour legislation. Because what HBD Management is going to do is not hire any employees; what they're going to do is they're going to subcontract every contractor successful in bidding. No union will ever be able to certify them. They're fireproof. They don't have any employees, and they'll subcontract to Vondella. They'll subcontract to Newland. This minister even went further than that. He gave the spin-offs a year free. It's almost like a year's vacation in Hawaii, all expenses paid.

Unfortunately, Mr. Chairman, because this minister did not address the spin-off legislation and right what was wrong, right the wrong perpetrated and committed on working Albertans, tradesmen, thousands of them in the construction industry, what do we have? We've got worse than what we had before. It was tough enough before; it's ridiculous now -- hardly even worth trying. I guess what the building trades are going to have to do is contribute a whole pile of money to supporting political parties rather than spend it on lawyers, trying to beat something that they can't beat. Because what this minister has done through his amendments is legalize spin-offs.

Mr. Minister, please read my amendment. Please be fair to Albertans. Please make some decent labour legislation in the province of Alberta. Where is your commitment? Where is it? Obviously, with Mr. Olson. Obviously. Come and see me; I'll give you more money than he'll give you.

Another major concern, Mr. Chairman: registration. Did this minister fix registration? Read my amendment, Mr. Minister. It fixes registration. It makes it fair. And you know, because I've told you before, I certainly support registration in the construction industry. It's a good thing. It was a good thing until George Akins and the Construction Labour Relations -- An Alberta Association made it a bad thing. I guess it's what George called his creed of application of the law. Those employers had to survive. They were cutting each other's throats, and some of the bigger ones sure did a good job on those smaller ones, Mr. Minister, because many of those family businesses don't exist any more. But because you protected . . .

MR. CHAIRMAN: Order please. Order please, hon. member. Please use the normal parliamentary form of address.

MR. STRONG: I apologize, Mr. Chairman. I'm getting carried away.

But certainly what we expected two years ago when this government promised in the throne speech in 1986 a complete review and something that would be responsive to Albertans' needs . . . I feel compelled to tell people in this province just exactly what this minister really did do. If this minister looks at, you know, all these amendments that I propose, he could write himself a pretty good labour Act something that would truly be fair and truly take Alberta into the 21st century. Obviously, by -- well, I can't help but say it -- invoking closure, I guess he didn't agree with any of the amendments that we put in. So we're stuck.

Registration. Read, Mr. Minister; try and understand. If you don't believe me, I've got lots of people that you can talk to that will show you how to make your legislation fair. Take the protective shield of registration away from those employers. Because they haven't had very nice things to say about you either. But I see what you did in your amended amendments -- not the ones that you dropped off and tabled here, because those got changed. Because what you gave them was exactly what they want legalized . . .

MR. CHAIRMAN: Hon. member. Now, the hon. member knows better than to use terms like "you." We have a system here of addressing hon. members. Please use it.

MR. STRONG: I just can't help it, Mr. Chairman.

MR. CHAIRMAN: The Chair can understand the excitement in the hon. member.

MR. STRONG: Again, I apologize, Mr. Chairman.

MR. CHAIRMAN: Thank you, hon. member.

MR. STRONG: If this minister would read the amendments, Mr. Chairman, the whole package of amendments proposed by the New Democrat Official Opposition, we would indeed have some decent labour legislation in the province of Alberta, not just in 22 but in 21 too. Now, please read them. Maybe when we come back here . . .

AN HON. MEMBER: For third reading.

MR. STRONG: Well, not even for third reading, because I think it's too late for them, but maybe when we come back in the spring next year. That's if this government's got the courage to go to the polls. If they don't have the courage to go to the polls, maybe by some stroke of luck this minister will have spent his summer holidays reading all my amendments, and maybe he'll have new labour legislation to propose in the spring of 1989. It might take the minister that long to get through those amendments and reason them out -- reason them out.

You know, how could this minister, if this minister had any intent on . . . Here's a commitment that this minister gave on spin-offs. He gave it to the Canadian federation at their last convention in Red Deer. This is off the tape of that convention. This is what he said when asked by the business manager for the IBW, Vair Clendenning, about spin-offs and making things fair. This is what this minister said: that nobody should be able to get out of any civil contract, including a collective agreement, by reorganizing their company affairs. The same people who may be trying to do it through spin-off legislation are the same people who would object to their client reorganizing their affairs so that they got out of the contract to build the place, and the same principles should apply. In other words, you should not be able to break a civil contractual arrangement, which is essentially what a collective agreement is. You shouldn't be able to break that arrangement by renumbering a company, to take it to the extreme.

Well, Mr. Chairman, what has our Minister of Labour done? He has recognized in his legislation the Stuart Olson decision. Al certainly supports this government. Now where is the fairness? Did this minister look at the spin-off? Did he really look at it? Or did he have difficulty with his government caucus and didn't have any choice except quit? And he should have done that. I've suggested that. Because if this minister had any integrity, he would resign. He wouldn't have brought this legislation forth in this Legislative Assembly. He wouldn't have done that. What has he done? He's got legislation . . . Again, read my amendments, Mr. Minister. You don't by cabinet decision in a backroom terminate a union's rights. You don't terminate them out of existence. I mean, God, you got the nurses for -- it must have been close for a half a million. Be fair. Go and talk with people; find out what true labour relations are. It's sitting

down in open discussion with people and discussing everybody's concerns and trying to find someplace in the middle. If you read my amendments, you're going to find that middle ground. Mr. Chairman, I am sure this minister can find the middle ground.

MR. CHAIRMAN: Order please, hon. member. The Chair will recognize the leader of the Liberal Party.

But before proceeding, with regard to amendments submitted by the hon. Member for St. Albert, the Chair has checked the amendments submitted. Amendment 54, hon. member, if you wish to check it: items A(a) and (b) -- that's amendment 54 -- are out of order. They propose to strike out and replace subsections on the government amendment that had to have been carried by the committee. So those two are not acceptable. Perhaps the hon. member would make a note of it, and the Chair would send a note.

MR. STRONG: Mr. Chairman, I thought all those amendments were approved by Legislative Counsel. If there is a particular problem with the one section of that, then certainly we can delete that one section that is not in order.

MR. CHAIRMAN: The Chair will send notice to the hon. member.

The leader of the Liberal Party on the Bill 22 amendment.

MR. TAYLOR: Thank you, Mr. Chairman.

MS BARRETT: Gonna vote for the 44-hour workweek, Nick?

MR. TAYLOR: Ha, ha. I don't know where the 44-hour workweek worked in. I've never seen an NDPer work more than four hours, let alone 44 hours. I know they spent four hours debating on trying to reduce the 44 to 40 hours.

MR. CHAIRMAN: Hon. member, Bill 22 as amended.

MR. TAYLOR: Okay; I just have to take a kick at my friends over on the left sometimes. They get a little sanctimonious, and the halo slips down and chokes them now and again.

But speaking on the Bill and the amendments, Mr. Chairman, certainly you could start right out in the preamble stage. As my hon. friend from St. Albert said, the preamble is not something you would expect in a labour relations code. As the preamble of a Bill on economic welfare -- if you want to call it that -- a trade pact recognizing the ultimate reason to have a labour relations code as being due to creating an efficient trading position, an efficient producing capacity in industry, is just absolutely without precedence. There's no question that if anything has survived over the last hundred years, it is the development of trade unions or labour unions or the development of labour and capital working together; it's been the recognition of the dignity of each individual's position, whether it's the capitalist or the labourer.

The idea that any Act should be put together to try to make the province more efficient or the manufacturers more efficient or to compete in free trade flies in the face of what the modern -- if you'll pardon the expression -- liberal democracies have worked out in the last hundred years, which is that if you have people who have this pride and respect and dignity working together, negotiating back and forth, then that will be the ultimate best for society. It's only in *Mein Kampf* and other great

philosophers of the middle '20s and '30s in west Europe, which many of our government people seem to have rediscovered, that you get the idea that the fatherland or the all-encompassing state is served by hundreds of little peasants all out there working for the glory of the fatherland. Yet somehow or other that has crept back into our preamble here and is something that sets your mind in place when you go to read the rest of the regulations and the rest of the Labour Act.

[Mr. Musgreave in the Chair]

It's unfortunate that closure has been moved. I can recognize that the government must feel fairly annoyed when you get an opposition like we had last night speaking up to three times each on an amendment from 44 hours to 40 hours when it could easily have been voted on and settled in a hurry. Nevertheless, recalcitrant oppositions, or oppositions that are hard to get along with, are something the government should be able to learn how to handle and work at. The solution, Mr. Chairman, that they've chosen, of voting closure, has to be reprehensible, has to be a trick that's pulled by only those that are starved for any idea on how to cope with an opposition.

After all, even in the heyday of this party, when they thought God walked the land hand in hand with them and angels danced from shoulder to shoulder as they pointed out \$35 oil for them, to be sold on the world markets and to be pocketed off in the heritage trust fund, even in those days 40 percent of the population of this province said that they wanted an opposition, wanted something different. Now, of course, even the most wildly optimistic Tory will admit that over half the population -- I wouldn't go so far as to say hate your insides. But they would certainly think that the government is maybe not doing the job it should. So why an opposition has to be muzzled, be shut down, when we have the kind of majority we have over there to discuss the Act is absolutely beyond me.

I may move on a bit, Mr. Chairman. It is a bother, areas like religious exemption. I don't understand why the speaker said that somebody suddenly felt the spirit upon them, that God again touched them on the shoulder and that they shouldn't belong to a union, that they can get away without belonging to the union. That was worked out way back in the 1920s and '30s. Justice Rand at that time worked out the Rand formula and said that if a person in a labour group was benefiting by what the labour union had negotiated for them, was benefiting from all the things of collective bargaining, that that person didn't have to participate in a union, didn't even have to carry a card, but had to have the dues and the fees necessary to run the union, voted by the union, deducted from his or her salary or paycheque. It seems to me that would have been very reasonable.

But we've made a break here, and I think it cost us a long ways. I don't know whether the minister was thinking that through carefully, but even my friends in the NDP seem to have missed that. I think that's a gaping hole, that somebody can suddenly become converted to a religion that allows them not to belong to a union or to exempt out of the union. That's the right-to-work legislation coming back under the guise of religious freedom. Mind you, this is a province where nearly every religious kook west of west Europe has existed in one form or another, and we've had probably more troubles with what people concede as religion and freedom of religion than anywhere else. But to put this hole in the legislation, Mr. Chairman, I think asks for trouble.

Another area, of course, that the hon. Member for St. Albert touched on is the present access. If 40 percent applied to have the union, you have to take a vote. Well, I can see a certain amount of logic in that. Maybe I might have trouble with my NDP friends, but certainly after 67 percent we'd like to see, surely, that no vote should have to be taken. If over two-thirds of your employees have joined the union, it's rather ridiculous to say that a vote has to be taken. All that is is an open invitation to the employer to use goon tactics and what other tactics they can to try to break the formation of the union.

Now, getting on to that, we had other sections that we'd like to amend. As a matter of fact, Mr. Chairman, if you don't mind taking a moment, if the pages could distribute, possibly, with your permission, the amendments that we would have proposed, it is something that could be distributed to all members. They can look at it. The NDP can look at it and see what an enlightened opposition would do. The government can look at it and decide that maybe you have missed something. Maybe you have been too autocratic and high handed, and indeed there is a sensible middle course that doesn't call for the confrontation tactics that you're now displaying over in the government and a sense of paranoia that seems to prevail in the government, that somehow or other, by amending Bill 21 or Bill 22, creeping Communism is going to come in to seize you by the throat during the night and maybe ruin the future of this province, its competitive position in the so-called Mulroney trade pact.

But we could go on and note there are many other areas that unfortunately weren't touched. The whole area of picketing. It was rather shameful the way the hon. minister did an end run around the whole principle of freedom of association, because if there was ever anything that set Bill 21, or Bill 22 particularly, aside as probably some of the most regressive legislation that's ever been introduced in a democracy since the 1930s, it had to be where sympathetic picketing . . . You could be jailed for walking a picket line with a friend. Now they've come around in a long, roundabout way and in effect turned the right to whoever can walk on a picket line over to a so-called independent board, all of whom have been wearing blue and orange underwear or at least carrying blue and orange membership cards. This, Mr. Chairman, is nothing more than a direct attack on the freedoms which many people -- members of unions, members of management, even Tories -- fought in the last war for and the war before that. Yet to toss it all aside and say that if you're caught walking with what is considered the enemies of society, you're going to be put in the clink, has to be without doubt one of the most reprehensible and backward pieces of legislation that I've seen or heard about in some time.

My work as a marine geologist carries me to many areas of the world. I've worked in many areas where saying the wrong thing could end you up in jail. One of the things I've always prided Canada on was the fact that you had freedom of association. Certainly nobody knows more than the leader of the Liberal Party in a province like this over the last 14 years how it is to be on the minority side at times. Thankfully, like everything else times change; the skies are opening up on this horizon and that horizon. In fact, I get feelings at times that maybe I'll be answering some questions over on the other side of the corridor. Nevertheless, I do know that one of the things Canadians have always prided themselves on is their tolerance. We, for instance, never even banned the Communist Party when many western democracies would. We traded with Red China when many of the peoples of this world felt it was impossible. Yet to walk on a picket line with a friend . . . This government, of all

governments, has had the gall, the nerve, to repudiate what was undertaken dozens of years and two world wars to fight for, toss it aside and say, "Ah, we don't want you walking with people that might threaten the government." How awful.

Now, we can go on, Mr. Chairman. There are many areas to touch in the amendments. The hon. Member for St. Albert, much as we sometimes disagree in detail, we certainly can agree on principle. Even little things like saying that a strike terminates after it's been on for awhile. Well, that's nothing more than an invitation for well-heeled corporations to go into a war of attrition, and then the strike is over after so many years. As far as that's concerned, that had to be nothing more than a method of trying to reward some of the largest financial contributors to the Tory Party.

We have the case of replacement workers. I know my NDP friends laughed at our solution that the employer would have to pay as much as for the labourers who had just walked out. But we're presupposing that the people who have walked out were a heck of a lot more efficient in their work, in carrying out their job, than scab labour would be brought in and replacing it. So when the employer is faced with the choice of making a better deal with the workers he already has, workers that he or she knows are doing well, or taking in a bunch of workers that he or she would have to pay as much for -- and workers who are scabs, inefficient, drop in and out . . . I know as an employer that there's no question. That's a terrific pressure to try to reach an agreement with the labourers. No way do you go out and hire replacement workers overnight who are better than the ones on strike. So I think that was sufficient. I don't think we had to say to the employer that you have to shut down and, if you're in a financially strapped position, go under. Because the workers may, in an abundant economy, be able to go on and hold jobs anywhere else. I think it was a fairly reasonable position to take between capital and labour.

We in the Liberal Party don't pretend to be elected on behalf of labour unions, nor do we pretend we'll ever be elected on behalf of capital. As a matter of fact, if we get both sides of the House shooting at us, as we are now, it sort of indicates that possibly we're in the right position. We are trying to negotiate a position of common sense in between the two sides.

Finally -- I know we circulated our amendments -- we are going to propose on third reading and also, Mr. Chairman, through you to the House leader, give him advance warning that on third reading we are going to move an amendment to hoist the construction portion of the amendment for six months. We're going to do that on third reading. We feel it's quite all right. We've checked it out all right. Just now I notice him peering over his glasses at me. But I thought it was only fair at this time to tell you, before I pull the pin out of the hand grenade, that I was going to throw it. Consequently, Mr. Chairman, you can expect that on third reading you are either going to have to use closure or common sense. What we're hoping is that common sense will prevail and that closure will not continue to be the dope or the addiction this government is developing and seems to need to do every few days.

With that, Mr. Chairman, I will now sit down, after saying I've often accused the NDP of filibustering unnecessarily. Having made our points, we'll now sit back in the calm light of reason and listen to some other points being made.

Thank you very much.

MR. DEPUTY CHAIRMAN: Member for Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Chairman. I'd like to address my remarks particularly to the amendment which restates the preamble. Before I review that, though, I'd like to make note that the proposed amendments the leader of the Liberal Party has handed out are verbatim ours on this issue, except they added one part which we fought at second reading, which was that we denied reading of the Bill because it didn't conform to the International Labour Organisation conventions, to which Canada is a signatory. I note also that they've proposed a Rand formula instead of legalizing the closed shop concept. When it comes to certification, they want to make it worse than it is right now. They propose that instead of having 50 percent plus one signed up on the card system, we go to the 67 percent formula. I say that's turning back the clock and doesn't deserve any more comment.

Mr. Chairman, I'd like to propose a set of concepts that I believe need to be explored in determining the importance and validity of our view of the preamble to this legislation, which sets the tone for the entire legislation. I ask the people in this Assembly, who tonight are going to have to vote at midnight on this issue at committee reading, why labour laws really should exist at all, what they're really about. I believe labour relations statutes reflect or should reflect a public policy that favours fair and equitable collective bargaining, and the policy should support the formation of unions. This is a constitutional right, and I think we need to make that clear right away, right in the preamble, to set the tone for the rest of the legislation. That, by the way, is why we have prepared amendments even to the preamble of this legislation.

Now, people say: "Oh, well, you know, unions aren't always good. Unions used to be good in the old days when we needed them, but they've overgrown their need any more." Well, I just disagree with that fundamentally. People have the right to bargain collectively. That's what makes us strong, Mr. Chairman, that's what makes us a fair and democratic society, and I believe . . .

MR. DEPUTY CHAIRMAN: Order. I wonder if we could have a little order in the committee, please, so we can hear the hon. member.

MS BARRETT: I believe that even those who must believe, as the Conservative members opposite must believe, that unions are not in the best interests of Albertans are misguided, because they haven't even looked at the alternatives. The alternatives have never been demonstrated to be viable. Now, individuals should have the right in a fair way to decide if they want to pursue collective bargaining. We have sponsored an amendment in that section of the Bill that basically stacks the deck against the construction of any new division, any new collective bargaining unit any new union itself in this legislation. I cannot believe the horrendous attitude the government has taken in this regard. I ask the government to seriously consider: are there viable alternatives? Or is it their clear intention to reduce our society to a bunch of atomized individuals who shall never stand together on an issue-by-issue basis and shall never enjoy the company of one another when it comes to bargaining? That is clearly the intention of this legislation. I don't think anybody on the government side would deny that Mr. Chairman. If they were able to deny it, they couldn't deny it in the context of the Bill that we're now contemplating for a brief few hours in committee reading on a clause-by-clause basis.

Now, I think it is clear that the collective bargaining process

has actually won universal acceptance from workers, and I do mean all workers, Mr. Chairman. I don't mean those who currently have the benefit of collective bargaining. I mean all workers who understand that it's their right to bargain collectively even if, in some instances, they choose not to exercise that right. But it is less a perspective shared by the employer. That is why legislation needs to set out some assurance that those who choose to exercise that option will have the ability to do so. That ability has been removed; there is no doubt. The certification process the government is embarking on will guarantee no new collective bargaining units in Alberta, period. And the Liberals' so-called solution wouldn't do it either. It wouldn't do it at all. You have to have the right to sign those cards, and if 50 percent of the employees plus one have signed those cards, they should be entitled to certification. Let's not make any bones about it.

I remind hon. members that it was 20 years ago already that the Woods task force on industrial relations issued its historic report. We should be reminded of what it had to say in that report. This is 20 years ago. Surely we shouldn't have to turn the clock back to pre-1968, which evidently is the intention of this government. I want to quote one section from that report -- well, I have it as 275, but it may not be that. It's a paragraph long. Please indulge. It's worth listening to.

On balance, we do not believe that most employers have a very positive orientation toward trade unions and collective bargaining. Although employers in general are prepared to accept the fact that these institutions are indispensable instruments in a modern industrial liberal democratic state, the majority would be more than pleased if they were to restrict their activities or confine them to enterprises other than their own.

That's known as the NIMBY concept: not in my back yard. To carry on the quote of the paragraph:

To the individual employer, activities of unions are seen as one more force, along with some of the activities of suppliers, customers, government officials and politicians, making business more complicated. It is, therefore, not surprising that at the enterprise level employer reaction toward unions and collective bargaining should range from positive approval, through reluctant acceptance and grudging toleration, to outright rejection.

It is the latter concept, "outright rejection," to which the government has now subscribed in its Bill 22, Mr. Chairman, unless it gets amended tonight.

Now, I believe that instead of invoking a basic commitment to collective bargaining and a protection of the rights of people -- we're not forcing unions on anybody. We're allowing them to develop and allowing people to decide if they want to engage in collective bargaining. The government's preamble, using such phrases as prospering in a competitive world market, indicates that the priority of this Bill is, in fact, not to construct the basis upon which people can make a choice fair and square. It is to set the tone which says that if you want to prosper in this competitive world, you will have to agree to work without protection collectively bargained for -- you buy your unit -- and you will have to agree basically to wage reduction incrementally over the years and further erosion of other fundamental rights at the workplace. Mr. Chairman, that preamble belongs in the Economic Development minister's portfolio, not in the Labour minister's Bill. It is completely wrong to have it there.

We proposed to amend it so it says -- and I want to read this into the record because I think all fair-minded Albertans will agree with this -- that instead we wipe out the government's preamble and set a new tone, a fair tone, by saying:

WHEREAS there is a long tradition in Canada of labour legislation and policy designed for the promotion of the common

well-being through the encouragement of free collective bargaining and the constructive settlement of disputes; and WHEREAS Albertan workers, trade unions and employers recognize and support freedom of association and free collective bargaining as the bases of effective industrial relations for the determination of good working conditions and sound labour-management relations; and

WHEREAS the Legislature desires to continue and extend its support to labour and management in their cooperative efforts to develop good relations and constructive bargaining practices, and deems the development of good industrial relations to be in the best interests of Alberta in ensuring a just share of the fruits of progress to all;

BE IT RESOLVED . . .

And then we go into the Bill itself, which we are also attempting to amend.

I am of the view that it is profoundly wrong and manipulative to play divide and rule when it comes to basic rights. I believe, Mr. Chairman, that the people represented in the galleries tonight and many like them throughout the province have the ability to turf this government out of office if they so choose. I believe they can be provoked and will be provoked into doing just that unless the amendments we propose are accepted tonight. The reason I believe that is because I know all working people, whether they're in unions or not in unions, understand that in a postmodern industrial democracy the cleverer thing to do is to work together and co-operatively. The stupider thing to do is to play divide and rule. The stupider thing to do is to tell people that they so-called have a constitutional right and then take it away by backdoor legislation, which is precisely what is being done here tonight unless the opposition New Democrat amendments are agreed to by the Assembly.

I don't think the Alberta Assembly should be stuck in a position of having to review a federal report tabled 20 years ago and ask ourselves why it is we're violating the concepts recognized in that report instead of moving forward. I believe the task force recommendations in two other areas are extremely worthwhile listening to. With the indulgence of the committee, we'll read two more very brief paragraphs. One says:

Freedom to associate and 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 the employer in negotiating a collective agreement, and to invoke economic sanctions including taking a case to the public in the event of an impasse. Collective bargaining legislation establishes rights and imposes duties derived from these fundamental freedoms just as legislation in other fields protects and controls corporate action. Most of our recommendations relate to these derivative rights and duties which are susceptible to review and emendation.

The second says:

In order to encourage and ensure recognition of the social purpose of collective bargaining legislation as an instrument for the advancement of fundamental freedoms in our industrial society, we recommend that the legislation contain a preamble that would replace the neutral tone of the present statute with a positive commitment to the collective bargaining system.

Twenty years later, we are taking legislation which had a . . . I will concede that it had a more neutral tone to it, Mr. Chairman, and making it worse. A friend visiting me, a guy I worked with nine years ago, observed to me earlier this evening that the automatic reaction of the Conservative mentality when faced with any crisis is to move to the right. I want to try to convince hon. members here tonight that that is not a solution. It would show unbelievable good faith in human nature and in the nature of Albertans, individually and collectively, to tell them that we have faith in the collective bargaining system.

That system rests upon negotiating. It doesn't rest upon each party having a hammer, one larger than the other on subsequent occasions, with which they can smash each other. That is not the purpose. The purpose is to negotiate what is fair. What we believe to be fair changes from time to time. We as legislators shouldn't be telling them what is fair. Let them decide. Let us show our commitment to believing that they know what is fair by setting a tone to this legislation which revalidates the system that has been so successful and to which no other can compare itself.

I remind you that 90 percent of working people in Sweden are unionized -- 90 percent -- and they have good labour relations in Sweden. I'll tell you why. It's because the 10 percent that are not unionized are usually not unionized because they belong to a shop where there might be one or two individual employees and it really isn't worth their time or effort to join a collective bargaining unit. But what they have done in Sweden is when they arrange and negotiate collective agreements with large employers, the small employers, who may have only one or two employees, automatically extend the benefits that were won for the unionized shops. They have worked in such a way that labour is automatically consulted on every decision that is going to be made which affects their individual microcosm at the workplace or which may affect the long-term changes in the industrial direction the country may take, including technological change and worker displacement.

I use that euphemism "displacement" when we have a co-operative environment -- if we ever get one in Alberta, and I'm not so sure. But when we have a co-operative environment that says, "If your job is to be made redundant by technological development, we shall work towards new jobs in emerging industries and emerging businesses to compensate," they do that. They do that because they understood the consequences of what came with the industrial revolution, Mr. Chairman. They understand that technology is going to go forward whether we like it or not. You can't put a lid on people inventing things, and we ain't never going to do that. What we can do and should do is encourage people to think creatively and co-operatively through the union movement as they choose to participate, so that they themselves can determine new economic directions which will provide work for those people. I believe it is incumbent upon government members to contemplate the serious schism they are about to promote in sponsoring this Bill, Mr. Chairman.

I was present up there in the galleries every day when Grant Notley and Ray Martin fought Bill 44 and finally convinced the former Premier, Mr. Lougheed, to at least conduct public hearings on the floor of this Assembly. I was their researcher at that time, and I prepared a lot of documentation. Sure enough, the government at least had the guts to ask people to come in. They set up chairs right there where the Sergeant-at-Arms ordinarily sits, and they set up desks. They asked people to come in and make their presentations to the government. In one way it was a bit of a charade, because they stacked the deck on who they invited. They made sure they had more people in favour of Bill 44 -- that is, the employers -- than against. Nonetheless, they at least had the guts to do that.

I ask: where is the conviction in this government when they will not only not do that, not only will they not have the public hearings, to which we are entitled under the Legislative Assembly Act and our own rules, but they will not even carry on the debate on a clause-by-clause basis of the most important legislation since then? I even commend the government; they realized they couldn't push through Bill 110 and they let it die. It didn't

work, Mr. Chairman. It had the same effect. Once they had acknowledged the legitimacy of the 25-hour lockout as a loophole through which unconscionable employers could crawl -- and I do mean crawl -- in order to break extant contracts, for heaven's sake, they at least knew they couldn't come to the Assembly and ask the Assembly to pass it. It would be sheer hypocrisy. It would be lying. It would be putting the lie to any verbiage they hitherto may have let out of their lips that said, "We're not against a trade union movement." Because that legislation was clearly against the trade union movement, and it remains so because, in fact, the 25-hour lockout and the spin-off companies are still allowed.

It remains the fact that this government has never even overturned one part of Bill 44, which could have made an incredible difference to the attitude of all working people here in Alberta. They wanted to not only tell people who work in hospitals and other public sectors that they didn't have the right to strike but, on top of that, tell them they had to face a stacked arbitration process. How fair is that? How fair is it that we tell people on one side of our faces -- and I shouldn't say "we"; I do mean "they", Mr. Chairman, the Conservatives -- that they believe the Constitution is the right thing to have, it is the right supreme law of Canada, and then tell people through this legislation that an appointed board will have the right to tell them whether or not, where or not they may picket or call for boycotts of goods of employers that they believe to be bargaining in bad practice, instead of referring the matters at least to a court with respect to picketing and dropping altogether the notion of control over boycott, which is still implicitly there with the government's amendment? Where is it fair that people can be bullied into not joining a union because they had to go through a two-balloting stage process instead of having the 50 percent plus one card system, which had hitherto assured them certification?

I'll tell you why it's unfair. It's because this government itself has set the tone for its own legislation in a preamble that says the almighty buck is now the equivalent of God. I disagree with that concept, Mr. Chairman. I believe that people are worth more than that. The dollar is an invention of human people. We are not an invention of the dollar or the yen or the pound. Societies have existed without currency. They have existed without monetary trade. They have existed co-operatively and made rules whereby people and future generations could exist co-operatively. I remind you, before you take the vote tonight, to remember something that happened in 1984 when the Catholic bishops of Canada got together and prepared a document which in short form is known as "Ethical Reflections." What they argued was this: no matter how much of a crisis you are in, individual people and people as a collective component within society should in all instances be recognized as fair and validated components of our society. Their rights should come first. The rights of the almighty dollar and the rights of capital should come second.

I urge you, Mr. Chairman, in contemplating this amendment, the preamble, to remember that if people do work co-operatively, prosperity does follow. Ask the people in Sweden. Ask the people in Japan. Ask the people where there is good legislation and almost no unemployment. Ask the people where they are mainly unionized and work together with government and with the private sector to ensure that we move forward, not backwards. Ask yourself about the primacy of the human being and the fundamental right to associate, and put that before you put pursuing economic prosperity in an ever increasing competitive international environment. And you know what, Mr. Chair-

man? The people up in these galleries here and working people like them throughout Alberta will raise their hands, saying "hallelujah," and they'll do just that.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you very much, Mr. Chairman. I'm pleased to be able to stand up tonight and take my place for the last time on committee stage of Bill 22. I wish we'd had more time to debate the other 50-plus amendments the New Democrat Official Opposition has put forward, but the government, not in its wisdom but in its strength, has introduced closure and this is it.

Well, there are a number of issues that are important to us in the Official Opposition, to the Liberal opposition, and I'm sure to the Representative Party in opposition, and to workers in our province, Mr. Chairman, that have not been addressed by the introduction of Bill 22, could have been addressed with the amendments to Bill 22 that we had put forward but regrettably will not ever see the light of day.

I want to go back a wee bit, if I may, to what's contained -- I don't have to go back that far actually, because it's still current -- in the current labour code regarding the provision that allows for automatic certification where the Labour Relations Board deems there has been an unfair labour practice committed by the employer. We've got that right now. Now, a short while ago I remember the Minister of Labour not only standing up in this Assembly and around the Legislature Grounds and in press conferences throughout our province, but standing up and saying that in Alberta there is not a level playing field. That was the terminology we seemed to hear day after day and week after week for the period of time the minister was contemplating going out on and coming back from his world tour. Not a level playing field. Something was out of balance; something was out of whack. So off we went on this tour around the world to six countries and throughout the province of Alberta to find out from people in other jurisdictions and find out from Albertans what it would take to try and balance, to try and level, that playing field.

Now, when one side in an organizing drive does something that is contrary to the wishes of those who want to join a bargaining agent, I would have thought if there was that automatic certification which is in the current Act, if that is violated and automatic certification takes place, that would sort of level off that field. I would have thought that would be a good provision to have in place -- indeed, it was good enough for it to be in the existing Act -- but what do we see? We see in Bill 22 that provision for automatic certification gone. It's no longer there. Do we have the assurances from employer groups in this province, do we have the assurances of the minister or of the government that there are not going to be bad employers any longer in the province of Alberta? Are we no longer going to need that provision of automatic certification because there are no more bad employers in this province? That would be a balance. I would accept that if the minister and the government or the minister on behalf of the government would stand up and say: "No more bad employers in Alberta. They're gone, and that's the reason why we no longer have to have automatic certification." I don't think that's going to happen. I honestly don't think that's going to happen.

The other day, when I was speaking on a different Bill, I told the story of a particularly rotten employer. I don't propose to

tell that story again tonight, but let me assure you, Mr. Chairman and members, that there are still in our province some rotten, miserly employers who will not give in, who will not surrender to the democratic wishes of their employees who want to join a bargaining unit. We don't have to flip too far back in the archives of newspapers in our province to find one or two of those poor employers. Mariposa comes to mind straightaway. And what do they do? What makes them particularly bad? Well, intimidation. Intimidation. That's perhaps one of the greatest tools available to those who happen to control the levers of power. Intimidation. Well, how can you intimidate somebody? Surely to goodness you've got some rights. Well, what will an employer do? Threaten to fire? Of course, given some of the conditions some of the workers are suffering with, perhaps firing wouldn't be so bad. However, given the economy, any job is better than being unemployed. So threaten to fire, threaten to reduce the hours of work -- that's a favourite -- change the shifts around so that you can't accommodate the needs of your family. If you change the shifts sufficiently and often enough, the frustration level goes up, and perhaps you'll quit.

Perhaps, as they did with the case of Mariposa, the employer will make some rather impossible demands upon their employees, such as you have to increase sales in a short period of time as long as the number of staff has gone up, so everybody is competing for the same customer that comes through. This happened not that long ago. It indeed even happened in the unionized sector with Mr. Peter Pocklington, where he had threatened to shut down plants, where he had threatened to change the hours and the conditions of work. But you know, what was amazing about that is that the union united together, got through the phony arguments, got through the rhetoric, and got through a strike to gain some measure -- regrettably, however, they couldn't do it at the negotiation table; they had to do it through the picket line.

There are still in Alberta employers that are not the best, some rather mean and nasty individuals. I daresay there might even be one or two right in this room, judging from some of the comments we've had from some of the members of the Assembly. Some would far rather pay more money to lawyers and the management consultants, et cetera, to keep the union out than pay a slight increase either in wages or benefits that they would have to pay if their employees were unionized and they had a collective agreement. Now, what would happen with that? Who gets the benefits? Well, the employees get the benefits when there's a collective agreement. They get an increase in wages, they get some of the benefits, and why shouldn't they? Why should they not? It would improve their life. It improves the quality of their life. It improves their ability to go out and take extra discretionary income and spend it and put it back into the economic circle that keeps our province going. I would think if they were able to do that, improve the family life, this government -- for all of its pronouncements recently about how it supports the family -- would be well in favour of certain provisions that would guarantee first contracts and automatic certification. Certainly the Premier has said recently that he's in favour of the family, yet we don't see this. We don't see this coming forward with any benefits for the workers. Where there are no benefits for the workers, there are not too many benefits for the families either.

A level playing field: that's what the minister said he wanted; that's what the minister said the government wanted. Well, you know, I guess we've found that level playing field in

a way, because after all, even when the *Titanic* was going down, there were partitions in the great luxury liner that were level, and that's what we see here: a sinking ship with some degree of balance.

When we speak of the need for automatic certification, Mr. Chairman, we have to point out the reasons why it's important to keep that provision in the proposed Act. We know full well that when unions go out on an organizing drive and sign up a number of employees that become members of the union at the worksite, that become part of the bargaining unit, between the time the application goes to the LRB and the time a vote is conducted, even if it's only a couple of shifts, even if it's only a weekend's worth of shifts, there is an intimidation process that can -- and I say "can"; it's an optional process, because there are employers out there that would welcome a bargaining unit; not many, but some -- take place in a very short period of time. In that very short period of time an employer or his delegate on behalf of the employer can be most effective in destroying the bargaining unit that has been set up over a 60-day campaign.

In a short period of time the employer or his representative goes out and talks to the people who are on shift about how the plant may shut down, how there's no more money available to go to the workers for an increase in wages or an increase in benefits, if they have any benefits at all. And boy, if they join that nasty union, what's going to happen? The plant will shut down, or maybe they'll transfer out, pack up, leave the province, leave the city, and then where will you be? Out in the cold. Out in the cold with all the other unemployed people in Alberta. Those are the kinds of threats we often hear of from the employers who don't want the unions, and it seems to be effective.

There have been, on occasion, times when there have been sufficient numbers to gain certification. The union takes the application in and wants to win. Yet when they go to a vote, what do they get? Thirty-five, 40 percent support. That's because the employer has been effective in keeping the union out through a process of intimidation. That's also why in this new Bill we need provision for first contract implementation. Because on those occasions when we do have certified unions, where they have gone to vote and they have been successful in becoming a bargaining unit and going to the table for negotiations, the employer can, for an extended period of time, sit down and talk about things that are of no interest at all to the people who were trying to better their lot by joining the union. It's not uncommon to see an employer drag out the negotiation process by talking about language of the contract. Instead of talking about monetary value of the contract, he talks about language of the contract. Well, they didn't join a union or a bargaining unit to hear about language in a contract; they joined the bargaining unit because there was going to be a monetary benefit. And what do we have through the negotiation process? We have chat across the negotiating table about language. Well, that's rather uninspiring stuff for the employees who thought they were going to get something and were hoping to have it in rather quick order.

But with that discontent that's built up through the negotiation process, the employer has other little tricks he can utilize, and they're not uncommon tricks. Those who were in favour of the union have to wait in order to get a contract before they get their benefits. Those who were opposed to the union or didn't sign the contract or the union card, well, they've got a slight increase in pay, or they're going to have extra time off, or they're going to have all of the better scheduling. They're going to make sure they've got a wee bit of overtime, if they want it.

They're going to make sure certain favouritism goes along with it. But not so for those who had the courage to sign a card. They don't get anything; they're penalized. And that increases the level of frustration those people who participated in a democratic exercise would have. The level of frustration goes up while the employer sits at the negotiation table talking about language.

What happens? What happens when you're with a small -- or even a large -- firm, and you've joined a union so that you've got a collective benefit, you've got something, strength in numbers, and the people you've worked with over the course of time, even in management, suddenly turn against you? How do you feel about that? We're all human beings working together, not necessarily for a common end, but we work together. And when those people you've worked with, side by side, day after day, start to reject your offers, you feel rejected in short order. Before you know it, you start to feel that maybe joining a bargaining unit wasn't worth it, maybe belonging to a union wasn't worth it. So through the certification process your interest drops, and it drops in great leaps at a time.

[Mr. Gogo in the Chair]

If we get beyond that process, if we do manage to get beyond that process and get to the point where the union representative still feels there is sufficient strength left in the unit and asks for and succeeds in getting a strike vote, what then do we have? We have a strike vote that either can be used as a method of showing power at the negotiation table, if you've got sufficient numbers, or you may in fact have to go that extra step, those many extra steps, on the picket line.

Well, of course, if the employer didn't want to have a union in the first place, he's not going to worry too terribly much about having replacement workers cross the picket line. We've pit worker against worker in a very unfair situation: those who are on the outside, unemployed, wanting to get into an employed situation versus those who are in an employed situation who are trying to better their lot in life. When those who are on the picket line see those other replacement workers cross the picket line, the frustration level increases even more. The frustration level goes to the point, I regret, of being at times violent. And then we all know what happens with that. We all know what happens when there's violence on a picket line: the media attention is drawn, sympathy pickets come out, we get more media attention, more news focused in on a group of people that have tried to secure contracts. And everybody starts to look for somebody to blame, tries to find one group -- a small group of people -- and it's usually those who have joined the union that are blamed.

Say it can't happen any more? Say it hasn't happened recently? We don't have to go too far back in history to remember the Parkland nursing home strike where that very thing happened. Employees organized, tried to get a contract, didn't get a contract, took a strike vote, went out on strike, and the strike was crushed through replacement workers and through the inability, the insensitivity, of the employer to respect the democratic wishes of the employees who had joined the union. It has happened. It happened recently, and that was with the current Act where the minister said it wasn't level; there wasn't the level playing field he was looking for. So that provision is now gone. The provision for automatic certification is now gone. Has that leveled the playing field? No. In fact, it's probably made it weighted in the other direction, against the employee

and in favour of the employer. So no doubt it's going to happen again. We'll see those picket lines swelled in number, the police going to escort the replacement workers through, and the violence, because we don't have that level playing field.

Mr. Chairman, I would suggest and I would hope that the government would take a look at the amendments to Bill 22 that have been offered, that even address some of the current provisions we have with the labour Act, a labour Act that hasn't addressed the needs of Alberta workers but nonetheless is better than we're getting with 22, because there are unfair labour practices. And where there are unfair labour practices, surely then there is that need for automatic certification. Because what we have in Bill 22, the provision in 22 that says, "You nasty employer, you've been bad; you're going to be fined," isn't going to have too many employers too terribly concerned. Not only will they only be fined, they won't have to -- they're probably going to end up saving money by having only to be fined. They won't have to pay the lawyers and the management consultants, all the high-priced payments to find ways and methods in which to keep the union out. They'll be able to violate the process time after time after time, and all they're going to have to do is pay some fine. That's no big threat. I would hazard a guess that some of the folk in the chamber of commerce are dancing in the streets with that provision. What a deal: they're going to save in legal fees.

Is it fair for the workers? Of course not. I don't think it was ever intended that this Bill would be fair for the workers. Is it fair for the employers? It's even better. It's even better; they get a lot of breaks with this. So no more automatic certification, violate the contract. With that, we don't have an imposed first contract. We addressed that in our amendments. We suggest there is the need to have the first contract imposed on occasion so that you get rid of the opposition to a democratic choice, a democratic choice made by workers on the site. But that won't happen either. The Labour Relations Board will no longer have the power to have automatic certification. And it should retain that power. In fact, it should go a step further and join other progressive jurisdictions that have been able to . . .

MR. CHAIRMAN: Order please, hon. member.

MR. SIGURDSON: . . . also impose a first contract.

Our amendments, I would suggest once again, would make the playing field level. This Bill doesn't do that. It won't do that, and all we're going to have is even more labour unrest in our province in the not too distant future.

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

MS MJOLSNES: Thank you, Mr. Chairman. Bill 22 demonstrates very clearly to me and to the Official Opposition and to many of my constituents, many working Albertans, exactly who this government represents. Bill 22, this labour legislation, the legislation this minister has said will take us into the 21st century, should represent fairness and equity for all working Albertans, and clearly it does not do that. Also, to me this Bill demonstrates a mismanagement and misspending of taxpayers' money. It's shocking, Mr. Chairman, how flippantly this government can waste taxpayers' money, because they have endorsed the spending of half a million dollars by this Minister of Labour in coming up with his committee that eventually came up with this labour legislation. And what did we get for the money that was spent? Well, we have a Bill that doesn't even

reflect the recommendations that were made in the final report of the Labour Legislation Review Committee.

Mr. Chairman, this Bill does not treat working Albertans with the fairness they deserve. Not only does it not give working Albertans fairness; it takes our rights away, our basic rights: fundamental freedoms that are guaranteed to us under the Charter of Rights. It takes away freedom of expression, freedom of peaceful assembly, and the freedom of association. When one reads this Bill, one would think this minister is attempting to deal with some kind of animal that has rabies. I would say to the Minister of Labour that working men and women of this province are not our enemies. Whether they are secretaries, nurses, janitors, teachers, plumbers, construction workers -- whatever profession, whatever work these people do, they are Albertans and they are contributing to the prosperity of our province and also to the richness of this province. I would say that they deserve to be treated with fairness and with equity by this minister, by this legislation, and by this government.

I would say that this government knows very little about labour relations, Mr. Chairman, because it's evident throughout the Bills, especially in the preamble where this government talks about a "competitive world-wide market economy." I think it's also evident that the government knows very little about human relations, because you cannot achieve control over workers, which is what I believe this government wants to do with these Bills, and you cannot achieve labour stability in a province by taking people's rights away, by taking our fundamental freedoms away. It just won't work, Mr. Chairman.

If we look at Bill 22, under section 113, we will see that this section takes away the freedom of association. Mr. Chairman, this government will have the power to arbitrarily decertify a union if that group of workers decides to go out on a strike, if that strike is illegal. But it's illegal because this government has said that strike would be illegal. Now, we know this government enjoys power, and they don't appreciate when this power is challenged. I would say that we all know this section is referring to the nurses when they defied a law that was in place because they felt they were fighting for what they deserved, because this government, under Bill 44, which was a very regressive piece of legislation, took away people's fundamental rights. Now, we know this government is a slow learner. It was told to them in the debate on Bill 44 that it wouldn't work, that these workers deserved their rights, and that this Bill would not eliminate strikes. Mr. Chairman, we have seen that that is exactly what has happened. As pointed out by my colleague from Calgary-Forest Lawn the other night, labour relations are not brought about by a notion based on master/servant. It just won't work. This is not how good labour relations are achieved.

Also in Bill 22, if we look at section 81, this clearly violates the Charter of Rights. Now, the government has attempted to correct this section by bringing in an amendment so this particular section would not be challenged by the courts. But in section 81, which was attempting to restrict those who could join a picket line, this was clearly denying the rights of people to the right of peaceful assembly. So what do we get in the amendment? Well, now it would not only limit the numbers of people that would join the picket line, but the location and the time that people can picket would also be determined. Well, Mr. Chairman, I think this is shameful.

I can't help but think of a few years ago when I was teaching in Jasper. We had a small clerical staff in that school. After considerable deliberation they decided to go out on strike. These women had never been on strike before. It was a very

difficult decision they made, and it was most difficult because they were living in a very small town. Now, Mr. Chairman, I joined those women on that picket line, as did my colleagues that were teaching at the time in the schools, to show our support. I would say that with this legislation we could have been arrested, and in fact all we were doing was exercising our right, a right we have under the Charter of Rights.

I think this is appalling. It's not only appalling; it's also frightening, because this government is not only taking away basic rights through this Bill, but they won't even allow us to debate the rights that are being taken away from us. They won't allow the democratic process to take place, Mr. Chairman. I would say that if they can so easily take our rights in this Assembly, if they can so easily take away rights with these Bills, then where is the limit? I would say that it frightens me to think other rights could be taken away, and I would like the minister at some point to comment on this. Just where will this government stop when it comes to taking people's rights away? I think a lot of Albertans are wondering about this: just how far will this government go?

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

MS MJOLSNESS: I would like to illustrate, Mr. Chairman, how hypocritical the government is and how unbelievable some of their statements are, because -- and this is an example -- when the Official Opposition brought in a Bill that would protect our very young people in this province and ensure they have proper care and proper protection and are cared for in a very responsible way, we are told no to a Bill such as this, because this is a free province. Yet this government has absolutely no problem in introducing legislation that blatantly takes rights away. I would say that this is some free province we live in. I'm offended by this and the attitude of this government with this Bill, and I would say so are working men and women of this province. It's hard to believe, Mr. Chairman, that in 1982 this Labour minister supported and, in fact, spoke very enthusiastically in agreeing that our laws must be upheld and maintained, the fundamental freedoms enjoyed by other Canadians. I would say: what other provinces would bring in legislation like this?

Another serious concern in Bill 22 is that this government is doing everything it can to obstruct the certification of a union. That whole process is under threat. They have set up obstacles that are totally unfair and clearly favour the employer. Mr. Chairman, section 30 opens up and also encourages employers to harass and threaten employees who are deciding that they want to unionize. I say "encourages," because they have removed the penalty given to employers if they, in fact have committed any type of unfair labour practice. They've also extended the time limit before certification can be granted. To me that's very clear that this makes it almost impossible for any union to become certified.

I would ask this minister and this government: what would they like to see for this province? What do they envision this province becoming? Because with this Bill we are going to see lower wages. Evidently, if this Bill passes the way it is, Mr. Chairman, I can only assume that this government wishes increasing numbers of people to live in poverty, because with lower wages this is exactly what's going to happen. I'm appalled to think that this government is proud of the fact that we now have hungry children going to school, we have food banks. It seems to me that if this is part of the agenda, to increase the

number of people living in poverty, then rightfully so we bring in a Bill like Bill 22. Apparently, that's what this government must envision for Albertans and working men and women of this province.

Mr. Chairman, I would ask: does this government support and enjoy the fact that people will be harassed and threatened? Because that's exactly what will happen. It's happening in the United States. We've heard from the Member for St. Albert that we've adopted an Americanized process of certification. Surely we can learn by example. I know that the minister traveled down to the United States. He could see very clearly what was going on there. Is this what we want for our working men and women of this province? Does this government does this minister, want our employees to live in fear, fear of their employers?

Mr. Chairman, I guess what really offends me is that the minister has said that this labour legislation will take us into the 21st century. In all of the years that I have been involved in politics, I have heard a lot of things about Conservatives and a lot of things about Conservative governments, but I'm quite appalled with legislation such as this. When I do hear some of the comments forthcoming out of the corner over here -- and I have the special privilege of sitting back in this corner, Mr. Chairman, and hearing the kinds of comments that come out of this corner -- I'm appalled and I'm very surprised that we have come as far as we have. But in all of the years that I have been involved in politics, I would say that I just can't quite believe that this government would be prepared to pass, to even introduce, a Bill such as Bill 22, because this Bill is very regressive. It's taking working Albertans' rights away.

Indeed, Mr. Chairman, this is a very sad day for Alberta. I would suggest that there are many constituents of mine who object very strongly to a Bill such as this, as does the Official Opposition. I would really -- encourage is not the right word because I know what we're up against here. But I'm just trying to plead, I guess, that we do not pass this Bill as it now stands.

Thank you.

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

MR. GIBEAULT: Yes, Mr. Chairman. I want to make some comments on this, the evening of the Last Supper, I guess we could say, before the final hour arrives on Bill 22. It's indeed a sad occasion for me when something that is so important to thousands of Albertans and so many of my constituents in terms of Bill 22 and all of the amendments that my colleagues, particularly the Member for St. Albert, have proposed that would improve Bill 22, is being ramrodded through here without proper consideration for the impact it's going to have and the kind of concerns that working people have expressed on the extensive revisions in the Bill.

I want to comment a little bit about that. The first amendment Mr. Chairman, that my colleague the Member for St. Albert had proposed deals with the very beginning of the Bill, in the whereas in the preamble. When someone looks at a piece of legislation, you take a look at the whereas and it gives you a pretty good sense of the flavour and the tone of the Bill, because it sort of sets out the philosophy of the authors, in this case the government, in Bill 22. You will notice the very first whereas in Bill 22. The most important concept here is the concept of the "world-wide market economy of which Alberta is a part." It's clear that that tells anyone who cares to read the Bill what will be coming afterward, that the most important thing to

the authors of this Bill is the concept of the market.

In fact, Mr. Chairman, we could really call this a good enunciation of the religion of our PC friends across the way, that we've developed this religion called "marketism," that we worship the market. We're even prepared to make human sacrifices to the market. Nothing is too great to sacrifice to this god that we've created, the marketplace. It doesn't matter if people get laid off, if they're unemployed, if they're intimidated or harassed at the workplace, as long as the market is served. Mr. Chairman, that is not the way that members of the Official Opposition New Democrats look at workers in this province.

If you take a look at the amendment, and I draw to the attention of the minister -- I hope he's paying attention this evening -- and to all the members on the other side there the first amendment that we have proposed, my colleague the Member for St. Albert, you don't see that reference in there, Mr. Chairman, because we don't look at human beings as workers, as part of cannon fodder for the market. We look at workers as human beings who have families, people who are mothers and brothers and fathers, people who are a part of our community and our neighbourhoods. We don't see them as simply cogs in the marketplace machine. And if you look at the whereas that we propose there, the very last one, the third one, says that

WHEREAS the Legislature desires to continue and extend its support to labour and management in their cooperative efforts to develop good relations and constructive bargaining practices, and deems the development of good industrial relations to be in the best interests of Alberta in ensuring a just share of the fruits of progress to all.

Now, Mr. Chairman, I think that's very clear. And we don't see in the government's Bill 22 any reference to justice, to solidarity, to fairness and equity. Where is that? The main emphasis, the very first whereas, is that above all, the highest priority is that god that has been created, that religion the market, marketism.

So it's a very different philosophy, a very different philosophy indeed. And for those who look at people as disposable items in the marketplace -- sort of like a Kleenex, you know: you use it once, and when you're finished with it, you throw it away and don't think about it again. And that's kind of approach we've got here in Bill 22. It doesn't talk about people as human beings, their family needs, their needs as people. The main overriding emphasis is how they fit into the market. And we do not accept that Mr. Chairman. We categorically do not accept that.

Mr. Chairman, I want to talk about the second amendment my colleague the Member for St. Albert introduced, talking about bargaining collectively. And what we're talking about there is negotiating in good faith. We've got all kinds of examples of employers in this province who don't understand, or don't want to understand, what negotiating in good faith means. We've got the example of Mariposa, and that's probably only the best -- or the worst, depending on how you look at it -- of bad faith negotiations: all kinds of examples of intimidation of the employees by the employer. And there are examples like that everywhere.

If any particular sector needs the benefits of organization, of a union, it's clearly retailing. I worked in the retail sector on a number of occasions. I worked for an outfit called 7-Eleven, which is owned by that giant Southland Corp. of Texas, and those folks, I can tell you, Mr. Chairman, are not friends of the working people of this province.

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

committee, please.

Edmonton-Mill Woods.

MR. GIBEAULT: There is no end of compromising the benefits that workers were entitled to in that particular experience. It took me six months, Mr. Chairman, to get them to pay me my vacation pay, for goodness sakes. And there are examples like that -- we could go on and on and on. The whole retailing industry is one that cries out for unionization.

The whole question of certification is another very key element in Bill 22. If we take a look at amendment 18 that my colleague the Member for St. Albert proposed for the consideration of the members tonight, it talks about the process of certification. Now, Mr. Chairman, if we were really concerned about the interests of workers, what we would have -- what I would certainly like to see -- is that all enterprises would automatically come under union jurisdiction. And if, for whatever reasons, employees decided that no, this union wasn't meeting their needs and their requirements anymore, then they could put forward an application to decertify that union or to go to another union that might better represent their interests. But no, what have we got here in Bill 22? We have a Bill that says very clearly in its whole thrust that unions are a nuisance. They're a thorn in your side. They're really not a part of the economic system. They don't fit into that market model very well. And we only barely tolerate them, but only barely, and we put in all kinds of roadblocks to try to make sure that the organizing drives fail. And this government has been very successful, if you want to put it that way, in making sure that in many cases the roadblocks are such that organizing drives fail.

Now, I propose, and many people who have analyzed this -- labour, legal counsel, people who are active in the trade union movement -- have said that it is clear that if this Bill is passed as it is, it will make organizing drives virtually impossible because, as my other colleagues have indicated, the taking away of 16(2) will remove the last restraint that existed on employers, that automatic certification provision that existed in the case of unfair labour practices. With that out of the way, Mr. Chairman, the road is paved -- and I suppose this fits in with the government's plan across the way for us to dovetail in with that Mulroney/Reagan trade deal, make sure that our labour laws are just like those of Alabama. But on behalf of my constituents, we don't accept that. That is not good labour law for the province of Alberta. It is not good for the families of Alberta, and for a government across the way who just loves to revel in the rhetoric of the family and how they're profamily, this Bill is the most antifamily Bill I've seen tabled in this Legislature in the time I've been here, in the whole last two years.

Mr. Chairman, this Bill and its emphasis, the total orientation of trying to accommodate that sacred concept of the market is one that Ronald Reagan would be proud of. It's one that Margaret Thatcher would be proud of. We know that the two of them have done their damndest to put union organizing and the interests of workers in those two countries back as far as they could. [interjections] Mr. Chairman, we've got some of the ostriches and the dinosaurs over there who are applauding, people of Reagan's and Thatcher's ilk. But we'll be watching in November to see if the people of the United States have had enough abuse to throw that person out and I suspect that in the U.K. in not too long there'll be a change there as well. And I'm looking forward to the coming federal election. We're going to have a chance, the people of Canada are going to have a chance, to pass their judgment on a government that doesn't have the

interests of workers at heart and never did. They're going to have a chance to pass their judgment on this so-called trade deal with . . .

MR. CHAIRMAN: Hon. member, please come back to Bill 22 as amended.

MR. GIBEAULT: Yes, indeed; that Bill that's setting us up to set labour relations back 25 years. That's the Bill I want to talk about all right.

Mr. Chairman, if we had a government that was really serious about advancing labour relations in this province, we would have had a government that would have looked at legislation in some of the progressive countries of the world, some of those of west Europe -- the Scandinavian countries, for example -- where labour relations are very much more advanced than we have here in Alberta. In many of the countries even many of the management people belong to the unions because they believe, they understand, they're enlightened, and they know that the interests of all of the people of the enterprise depend on all of them having a fair share of the benefits that are produced by the enterprise and having a joint say in how enterprises are conducted, how they're managed, and that decision-making is done in a democratic way. That whole process is totally absent in Bill 22. It's just not here.

Mr. Chairman, if we want a Bill that's going to support workers, that's going to support families in Alberta, that will provide for some security for working people in this province, something that we can be proud of in this province, we are not going to have it with Bill 22. If this government and this Labour minister and the backbenchers of the government caucus insist on ramming this through tonight Mr. Chairman, they are going to be setting back labour relations many, many years, they are going to be setting the stage for endless litigation, and some of their law firms, the Pontings and the rest of those folks, are probably going to make a few bucks. But is that really what we want to do, Mr. Chairman? Is that what we want to do: create a whole new legal industry based on enforcing and going through litigation based on a law that is inherently unfair? My constituents don't want to do that, Mr. Chairman. They don't want to see taxpayers' dollars spent with all kinds of legal litigation that this government has set in Bill 22.

So I suggest to the government to really reflect tonight before they invoke this draconian closure measure on Bill 22. Consider the comments that I have made and that my colleagues have made on behalf of our constituents, those of us who speak out for the working people of this province, and consider withdrawing this Bill. It is odious to so many working people in this province that we simply cannot accept this Bill being passed. And I just warn this minister I want to try to give him some friendly advice that if he goes and pushes this through, rams this down the throats of the people of this province, he is setting up a stage for more turmoil in labour relations, more litigation, endless legal battles, violence on picket lines, and one of the most antiworker, antifamily pieces of legislation in this country. And for that he and his government will pay a very heavy political price come the next election.

MR. WRIGHT: Mr. Chairman, the members on the government side of the House are amongst the first to bridle when Albertans are called rednecks, but this Bill gives to the people of Canada strong evidence upon which to base that epithet. Why? Because the Bill marches confidently into the past.

We were told by the Minister of Labour that there were things wrong with the existing legislation and that he would fix them. He brought in a Bill last year which went a little way to doing that, and you could see some lines of connection between the existing Act and the recommendations of the report that the peripatetic committee of the minister produced and the Bill. But this Bill that these amendments seek to reclaim, Mr. Chairman, is different. It has no clear connection with either the report of this committee or the existing legislation. It is as if the provisions in the old Act were thrown into a blender and tumbled and came out in all kinds of odd places. So apart from anything else, it could be subtitled An Act for the Relief of Labour Lawyers, because the combinations of provisions are so novel that they'll spend years sorting it out.

But I wander from the point, Mr. Chairman. The point is this: this Bill sets out to gut the labour movement. And sometime between the time of the last Bill and this Bill, something happened. What happened was that someone got at somebody else -- perhaps the minister, perhaps the government; I don't know -- and suggested ways that our legislation could fall in line with the legislation in many American states, which has had precisely that result. To sum up what was put before us very clearly, in my respectful submission, by the hon. Member for St. Albert, this has chiefly happened in two ways.

The first is that every application for certification, however strongly supported with memberships from members of the proposed bargaining unit or even the accepted bargaining unit -- they can sign up 100 percent of them -- still has to be certified by a vote of that bargaining unit. In between the time that the vote is called for and it happens, there is no restriction, except the restrictions on unfair bargaining practices, upon the employer to get at those employees and dissuade them by means subtle or crude from voting for certification. So one says, "But they can be reported for unfair labour practices." But the one main deterrent to that, Mr. Chairman, has also been removed; namely, the possibility that because the unfair labour practices have so upset the bargaining process that it's unfair, a union can be automatically certified has been removed.

So the combination of the vote and the removal of that powerful sanction, which has been powerful enough that it has rarely needed to be used in this province, means effectively that unions cannot certify fresh groups of workers; not only existing plants but plants that come into existence in the future. That has been the experience in the United States, and that is what comes in this Bill courtesy of the Conservative government of this province. They are attempting to march us into the past. By closure they are ensuring that it will happen in practice quite soon. And we to all of Canada, in our labour legislation, will be held up as irrefutably rednecks. I don't like that, Mr. Chairman. I'm part of this Legislature. It's my Bill that's going to be passed, just as it's your Bill and everyone else's Bill, and the Legislature of Alberta is going to be regarded by those that know about labour matters, when they see this Bill, as a bunch of rednecks. And I don't like it.

You know, Mr. Chairman, my impression is that there are a lot of fair-minded people on both sides of this House, and I really don't think -- I can't think -- that all of the members on the other side of the House realize how unfair this Bill is in certain salient respects. I've mentioned them, but there are others too. I will say this, Mr. Chairman . . .

MR. CHAIRMAN: Excuse me, hon. member. Order please.

MR. WRIGHT: I will say this, Mr. Chairman, that the tone of the Bill is signaled from the start, which is the reason for the first amendment, the concept of fair collective bargaining and the rights of workers and the usual sort of preambles, such as that

there is a long tradition in Canada of labour legislation and policy designed for the promotion of the common well-being through the encouragement of free collective bargaining.

That sort of declaration, which is to be found in the Canada Labour Code, is completely absent from the preamble to this Bill. It talks instead about

the capacity of Albertans to prosper in the competitive world-wide market economy.

Others have made that point, Mr. Chairman, so I won't belabour it. But it does mean that we signal from the start the sort of Bill that we are being served up, a sort of Bill which will admirably fit into the so-called free trade initiative of this government and the Mulroney government, because it will help to keep down labour costs in this province and make us more competitive in this, in effect, common market that the trade Bill seeks to institute. So it is good Conservative agenda, Mr. Chairman; make no mistake about that. It is reactionary, backward, and, of course, odious.

Mr. Chairman, to continue with what our amendments seek to correct, there is no more crucial definition in the Bill than that of who is an employee and who is not. We have the farce of single employees with a welding outfit being considered as independent contractors, when they are simply employees. The minister, in defending this position, says that every successful businessman starts off from scratch originally, and these people will be working their way up the ladder; the same idea of Napoléon that there's a field marshal's baton in every private's knapsack. It's a lot of bunk, because we know they are simply employees, but by this device the employer can escape union certification and also paying fringe benefits. So that is one of the amendments that is particularly important, so that phony so-called independent contractors can be swept up in the definition of employee.

Mr. Chairman, the role of the Labour Relations Board has been hacked away so that certain important decisions can be made now by the chairman or vice-chairman sitting alone. He alone can make a decision about whether an employee is an employee within the meaning of the Act but not whether an employer is an employer. Technical it may sound, but important in practice and also unfair in practice. Again, our amendments seek to cure that defect.

I have already spoken of section 16(2), in effect, without mentioning the number. That is the unfair one, Mr. Chairman, that takes away the right of the Labour Relations Board to automatically certify a trade union in the face of an employer -- unfair labour practice.

The religious exemption is addressed in the amendments before us. The leader of the Liberal Party was quite wrong in saying we hadn't noticed that. In fact, there are two pages of amendments on that one section . . .

MR. CHAIRMAN: Excuse me, hon. member. Order in the committee, please. Give the member an opportunity to be heard.

MR. WRIGHT: Two pages of amendments on that section alone, about equivalent to all the Liberal amendments, but I guess he didn't notice it. There we have another way of under-

mining the power of the union, very unfairly. Because now the union will be trying to do its job of sticking up for the worker, yet anyone that discovers a religious reason for not belonging to it will be entitled to withdraw both his membership and his dues, yet he will still be getting the benefit of the bargaining that the union is able to do. That again we seek to amend, to in effect enshrine the Rand formula in the legislation.

The statutory requirements for evidence of majority support are no longer enough. I've mentioned that, Mr. Chairman; I won't mention it again. We move on, though, to other procedures which this Act sets up which are incredibly complicated -- mediation, enhanced mediation, disputes inquiry boards, strikes and lockouts, and votes -- again, which our amendments try to sort out and remedy. We don't have the time to look into them in detail because of the constraints we're under, Mr. Chairman, and more's the pity. But the effect of all these provisions is that the employees and their unions who are trying to get them certified have to jump over a number of hurdles. There's a potential of five votes: a vote on the other party's last offer, a mediation recommendation, a vote pursuant to disputes inquiry board recommendations prior to a strike, a strike vote, and a vote pursuant to disputes inquiry board recommendation during a strike. These are all provisions laid upon the employees. There is no concomitant requirement that the shareholders of the company, certainly, or even the board of directors of a company be polled. A single vote is cast by the company. That sort of level playing field is something that's unknown to this government. These provisions are incredibly complex and time consuming, and certainly undermine the exclusive authority of the bargaining agent and play solely into the hands of the employer again.

Section 81, picketing. Well, that has been remedied -- I don't know how thoroughly -- by the government amendments. That was the least troublesome, really, because it was so outrageous that it would have been struck down through the courts immediately. It simply saved the lawyers a little bit of work.

Now, one of the most outrageous provisions in the Bill is section 85, and that is the one dealing with deemed service, so that when a directive is filed with the court, it's deemed to be service on those it affects. Now again, we aren't in too much trouble with this because it's such a denial of due process that it will be found to be unworkable.

Another of the provisions, Mr. Chairman, that make this Bill a reactionary Bill and contribute to its general tone is the provision that if a dispute lasts for more than two years, then the certification fails if the dispute is unsettled during that time. That is obviously an incentive to the employers to continue the labour dispute. It's simply naive to believe that such disputes can be automatically settled at the stroke of a pen.

The allowing of the cabinet to employ punitive sanctions against those who allegedly are on strike when they should not be because they are in that class of worker that may not go on strike is an extremely punitive method that disregards due process, and again is all of a piece with the temper of this Bill.

Mr. Chairman, I've said enough, I believe, to convince any fair-minded person -- and I'm not sure if I'm looking at one or not at the present time -- that this Bill ought not to be supported, that the amendments ought to be considered and voted on. This ought not to be simply an exercise in rubber-stamping what's put before you. I believe that a fair-minded person should ask themselves whether these punitive measures are really necessary, are really in tune with the times, are really such that we would willingly earn the label that they will give us, which is the label of being rednecks.

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

MR. YOUNIE: Thank you very much, Mr. Chairman. I'm delighted to say a few words tonight about the Labour Relations Code, to which we are proposing a number of amendments, hopefully not in vain, although with the government's willingness to invoke closure, obviously they indicate not only an unwillingness to consider the amendments but an unwillingness to even consider discussing them at any sufficient length.

Perhaps one of the first things we should look at is the very name of this particular Bill: Labour Relations Code. It's supposed to have something to do with promoting good labour relations. I would say that it might be better renamed the strikebreaker's code or the labour unrest code or a picket line violence code or maybe even a poverty-level wage code, because it seems to me that it is designed to do anything but improve labour relations. What it's designed to do is to improve the ability of one side of that process to hammer the other side of that process so that labour can be more easily subjugated. It's certainly not designed in any way that I can see to promote good labour relations that are beneficial to both employers and employees, or to management and to working people.

One speaker tonight expressed the hope that the minister was going to recognize working people as part of his world tour and bring in appropriate legislation. Well, if the legislation represents what he recognized, then I would say that he recognized the view of large, wealthy employers, and they've built in all of those views that workers are there to make a profit from and to exploit and that there does not need to be anything of the concept of mutual benefit involved.

We see a number of things in it about the American certification system, and members have talked about what kind of damage that will do to our whole labour relations scene.

[Mr. Musgreave in the Chair]

The minister brought in an amendment, and it was passed, concerning support picketing and boycotts. I think those are totally insufficient, because all the minister has done is put a different name on the people who are going to say, "You've lost your democratic right to support picketing, to free association, and to trying to organize consumer boycotts of the products of unfair and unethical employers." He hasn't said, "You retain those rights." He's said, "We'll let you have them until the Labour Relations Board takes them away as soon as some businessperson tells them that they're peeved at this inconvenience from working people." That hardly sounds to me like an attempt to stick up for the constitutional and democratic rights not just of working people but of anyone in this province.

We've talked about replacement workers and the obvious fact of what replacement workers do. It's been proven in many jurisdictions that replacement workers are the number one factor for lengthening strikes, causing difficulties, and eventually leading to violence on the picket line. So if the minister wanted to improve labour relations, the one thing he should most certainly have done was to do away with replacement workers.

We've got problems with 25-hour lockouts. The minister did nothing about that in his labour legislation. We've got problems with spin-off companies and what they do, and the minister did absolutely nothing about that. In fact, perhaps it would be more in order to congratulate the minister for doing something that I think many New Democrats and many working people would have considered impossible: he's taken what was the worst

labour legislation anywhere in Canada, labour legislation that was an embarrassment for all of Canada in the free world, and he's made it worse. Incredible as it may seem, he managed to make it worse. Impossible, but it can be done, obviously. This minister proved that if you ignore the advice of working people and listen only to the advice of management, you can find a way to do it.

The Member for St. Albert expressed the hope that this minister would spend his summer reading over the amendments we've proposed so that next year he could bring in better labour legislation. My fear is that the minister will probably not do much reading. He wasn't willing to read the labour legislation that we tabled in here from all the countries he planned to visit before he went on his travels. My fear is, though, that the wealthy employers who obviously advised him on this Bill will read it over the summer, and they'll find a couple of clauses in it that they missed that might actually benefit working people. They'll talk to the minister, and they'll talk to government members, and next year we'll see a Labour Relations Code amendment Act that will get rid of any clause in it that might somehow accidentally have been left in that's to the benefit of working people. If we see anything happening, that's what we're going to see happening.

As I listened to speakers tonight, it suddenly dawned on me that in accusing this minister of wasting \$500,000 of taxpayers' money on his world tour, we might have been saying that the cost was borne by the wrong group. It was borne by a much smaller group. The taxpayers fronted it for a while, but then the minister or the government found a rather tricky way through the courts to stick the tab on the nurses of this province through the fines that they received. So it's rather interesting that the worst labour legislation in the free world now and the tour that helped create it were financed by fines given to a group of working people who had been deprived of their right to strike. So we certainly see the devious methods of the government. I suppose some might want to congratulate them for saving the taxpayers the money, but I certainly wouldn't be one of them.

One speaker mentioned people in poverty and children going to school hungry and the existence of food banks. That's certainly reprehensible, and it is an embarrassment to us. I sometimes wonder if the Conservative government is all that sorry about those conditions as they say they are, because people who are so busy and so preoccupied scratching every minute of the day just trying to feed their families don't really have time to notice that the government they elected has turned into some kind of a dictatorship that they can no longer trust. That's certainly what we have here. In this Bill we see that revealed pretty clearly from the preamble on.

Now, the preamble -- and I won't talk about it at the same length I did the last time we discussed this Bill, but there are a few things that still need to be said. The preamble is supposed to set the stage, the historical and social context in which the Bill was written, so that it might help interpretation down the road for the rest of the Bill. What we see in this preamble is the philosophy of the government that wrote it. First and foremost they want to make sure -- not through their economic development policies, not through their financial policies, but through their Labour Relations Code they want to help businesses be competitive in the world market. Now, if they said they wanted to do that through an economic policy and brought in sound economic policies to do it I would applaud them. But when they say the best way to bring about that competitiveness is not just to match the worst states in the United States, which we'll have

to do because of free trade -- I mean, let's go farther. I'm sure this government will applaud the suggestion. Let's go farther and try to match Middle Eastern sweatshops where people work for pennies a day. That would make us competitive with that part of a competitive world market. Then we could get rid of import duties on their products too.

Now, if that's the way you want to go, have the guts to get up and put it on the record so the people of Alberta know that's the way you want to go. Thus far we haven't seen much demonstration of that courage by members. Now, if I'm wrong in interpreting that what you want to do is to make our labour situation and conditions for our workers equal to the worst in the world so that our businesses can compete with the worst businesses in the world and the worst conditions they inflict on workers, then explain where I'm wrong. Tell me what it really does mean. To me that's exactly what it means. It says let's be competitive, and we'll use the Labour Relations Code to do it. In other words, we'll use our Labour Relations Code to beat workers down rather than use our economic policies to build our businesses up. As far as I'm concerned, it's a rather screwball way to go about it, but it seems to be the way this government goes about it.

Now, I think perhaps this government should see the views of one management person in this province. I'm going to read a short section from a letter received by the Member for Edmonton-Highlands. It's written by a long-time friend of hers who is in management in southern Alberta, who was shocked by our labour legislation, who came and watched the proceedings going on in this House, watched what the government wants to pass and the fight that the opposition is putting up against it, and earlier this evening in fact decided maybe it was time to buy a New Democrat membership, and he did. Now I'll read you what this management person wrote about the Conservative government's labour legislation. He was speaking in this letter in reference to the Gainers strike.

I did not enjoy seeing people I knew and people who had been neighbours of my family for years getting unjustly screwed by bad labour laws. Profit is important, but so too is the need for your staff to be able to afford to buy whatever it is you produce. Gainers had no excuse. I will never fight for a union, but as the administrator of a facility with 50 employees I will never deny the protection they gain. In my place the staff have good reason and receive good service from their union. As the employer I also receive good service from the union. We work well, and while conflict exists from time to time, the bargaining unit shall never lose the right to strike, nor the right to bargain.

Now, this is a person who doesn't have strikes because he has a decent and respectful attitude towards workers, he appreciates what they do for his workplace, and he is willing to bargain in good faith.

We have a Labour Relations Code that is designed to help Peter Pocklington style employers who don't want to bargain with anybody, who want to dictate, who want to say: "If you don't like it, I'll find somebody else less qualified to do the job almost well enough, and to hell with you. Just get out if you don't like it." That's the attitude that this Labour Relations Code seems to be aimed at creating.

Now, one specific problem in it has to do with the construction industry and clauses that allow for revoking of dormant certificates of bargaining units. I think most members here understand enough about the construction industry to know that when construction projects finish, certificates often lie dormant for lengthy periods of time before that company rehires the bargaining unit and starts a new project. That doesn't mean that in the

interim those workers quit needing the protection of the union and of the rights that that certificate gives them, yet this government has set it up so that those certificates can be unfairly and unnecessarily revoked without any just reason.

Now, it shouldn't be that hard for members to realize that if you start revoking certificates willy-nilly, you're going to create chaos in the construction industry. You're going to have bargaining units having to get recertified at the start of every new project. Now, when you consider -- and other members have pointed out -- the kind of problems you're creating for the whole certification process in the first place, where instead of making it easier for the certification to get done fairly, you're making it easier for employers to badger, threaten, coerce, and scare employees into not voting for certification. . . . So what it seems to me is that when you put the two together, the design behind it is to get rid of certification of a bargaining unit as quickly as possible and then to make it easier for that employer, when he comes back to hire them again, to just avoid certification and make sure he's got a non-union shop where he can pay very skilled tradesmen starvation wages.

Now, we suggested a couple of very sensible and reasonable amendments. And for that reason, of course, I should, if logic prevailed in here, be able to assume the government members would support them. We'll see later tonight if logic does prevail in here. First, we have suggested in section 49 deleting both subsections (2) and (5). Now, if members take the time and if the Minister of Labour has taken the time, he will note that we're being fair in terms of how we treat unions and employers in terms of asking for a certificate to be revoked. We've said that only the individual workers should be allowed to make the request that the certificate be revoked.

We've taken out subsection (2), where the larger union could request it and said that, no, the workers can request it. If the union can see some good reason for it and can convince the workers, then the workers may, but the union arbitrarily can't do it. All right. We've also got rid of subsection (5) because it allows the employer to get the certificate revoked just because it's been dormant for a while. Now, if this is an unscrupulous employer whose only purpose is to drive down wages and pay people starvation wages to increase his profits beyond what is a reasonable profit, then obviously he's going to start spin-offs. He's going to not hire the union arm for long enough, just the bare minimum time required under this legislation, so that then he can apply to have the certificate revoked. That kind of encouragement to union busting is not in the best interests of working people.

[Mr. Gogo in the Chair]

It might be in the best interests of the Stuart Olsons of the province, but it's not in the best interests of working people. It might be in the best interests of Bechtel who, I believe, had something like \$8 billion worth of contracts in five years and then, when the slowdown in our economy came, took the profits made in Alberta to sunnier climes to wait for things to pick up. This government is making sure that when things pick up and they come back with what's left what they haven't spent of their Alberta profits, they'll be able to destroy the union, get cheap labour, cheaper than that labour should be, cheaper than it's worth, because they can destroy the union and get the certificates revoked. It would seem to me that that is obvious.

To make it obvious, I would like to read a description by the Saskatchewan Labour Relations Board in a decision in the mid-

70s of exactly what this government is trying to do will do to the construction industry, and I quote from that decision:

In the construction industry many employers employ employees only during periods when they are engaged in individual construction projects. As a result, many certification orders are dormant from time to time when the employer has no employees. The fact that there are such periods of time does not affect the validity of the certification orders and the obligation of the employer to bargain during such periods of time is beyond question. In the construction industry, to permit the decertification at the instance of the employer when there are no employees in a unit would require unions to apply for certification for each employer for each new construction project. This would be an impossible task and would, in effect, destroy adequate union representation in the construction industry and disrupt collective bargaining as it exists in the construction industry.

Now, I would contend that the Saskatchewan Labour Relations Board was correct in that decision. The obvious intention of that clause of this Bill is to do exactly what they described, which is to "destroy adequate union representation in the construction industry" in this province and to disrupt the collective bargaining process as it exists in the construction industry, because that would be to the economic benefit of the wealthy contractors who pay the political bills of the governing party. It's not in the best interests of the working people this government is supposed to be protecting with the Labour Relations Code, because I don't believe they have any intention with this Labour Relations Code of protecting working people. They're protecting those that Conservatives have always protected, and that's the wealthy, because that's who they are, who they represent and who they identify with.

Under revocation we've more or less recommended deleting of the whole thing and substituting two new clauses for what were clause (1) and clause (3). I won't read the entire thing into the record. I assume that most members opposite could read it and some might even understand it so I won't take the time of the House to read it. But I would like to explain the justification for the change we want to make. What we would do is make the process of applying for the revoking of a certification the mirror of the process of gaining the certification in the first place. The workers individually have to ask for certification; workers individually should have to ask for the certificate to be revoked. That seems to me to be entirely and totally fair. If this government believed in fairness, they would accept those amendments, make the process fair. I think we will see at some point tonight just how much the governing party of this province believes in fairness. That will be not very much, and it's going to hurt them down the road in the next election.

Thank you.

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

MR. EWASIUK: Thank you, Mr. Chairman. I rise to make some comments on Bill 22. I rise because I'm concerned about what the objectives are of this Bill and the implications of those objectives. The way I interpret the intent of this legislation is the destruction of organized labour in this province as we know it today. The second objective has to be that we are going to return to the master and slave mode of labour relations.

Now, Mr. Chairman, we all know what happens to a small animal, be it a mouse, whatever, when it gets cornered. When it gets put into a small corner, irrespective of its opponent it will attack and fight back. I have no reservations in my mind at all that in spite of this legislation the labour movement will fight

back. Workers will fight back. They will not allow this kind of antiunion legislation to deter them on a long-term basis.

I say that because one who may have or should have studied labour over the years in this country knows that workers fought antiunion legislation, fought bosses like Peter Pocklington long before this legislation was brought before us. They fought to improve the working conditions, and they fought to improve wages so they and their families could also live in some form of dignity. We know that if you study labour history from the textile sweatshops in eastern Canada to the mine fields in the Rockies and on the prairies, the workers fought and won rights for themselves and their families. They improved their working conditions regarding their safety, and of course they wanted decent wages.

Mr. Chairman, these people were not just ordinary folks. They're the people who built this country. They built it on behalf of you and I, and it is because of their efforts that there are many things that we today take for granted. They used their hands and their brawn to produce the country which we live in today, and here we have a government, a minister, who is going to introduce legislation that is going to take us back to the beginning of this century. So I say, Mr. Chairman, and I think it was quite evident by the group of people who were out here this evening, that they are not going to sit back and permit Bill 22, Bill 21, or any other antiunion legislation to deter them from fighting for the rights of workers.

We go back again to the history of labour, and you wonder: how did they do all this? How did they fight these big bosses, the types of Pocklington or Stuart Olson? What they did is they organized. This province has very few organized workers in spite of other beliefs; only 30 percent or so of workers are organized. This government is going to on a long-term basis help the unions to organize, because I was at a meeting this evening where people are appalled that this Conservative government a government they have supported for many, many years, somehow has now turned against them. People always believed that my God, here the Conservatives were a good government, a government that cared about people. But now they've started to realize that they have been deceived over the years, that in fact they care not for the average Albertan; they only care for the large corporates and the wealthy.

Mr. Chairman, governments can pass all the anti legislation they like. They can pass all the Bill 22s you want. That is not going to deter the workers from fighting for what is rightfully theirs. You cannot legislate against freedom, against the freedom and the rights of people, and that's exactly what this piece of legislation is doing. It is legislating against the rights of workers to decent working conditions and to decent wages.

Mr. Chairman, history will prove in the long term, at the end, that whatever kinds of legislation there are, whatever the boss may want, in the final analysis the truth and the right wins. And I am convinced that in spite of Bill 22 the workers in the long term are going to win on this one.

MR. CHAIRMAN: Are you ready for the question?

Hon. Member for Edmonton-Centre.

REV. ROBERTS: Thank you, Mr. Chairman. I wanted to, regrettably in a sense, rise and offer a few remarks tonight in the last hour of the eve of closure of Bill 22. I must say that I say "regrettable" insofar as I'm really beginning to think that the last few days in this Assembly have caused me to begin to feel as cynical about government and about the political process as I

have ever felt, at least in the last two years. I think it's regrettable that young politicians and people who want to get involved in public policy and in fairness and justice for people in our province should so quickly have to be confronted with situations of dishonesty and mistrust, resulting in a kind of cynicism that really results in feelings of anger and frustration. I guess it's not new to parliamentary democracies to have closure invoked. It's new, of course to have it five times in one month, Mr. Chairman, and that is going to make headlines around the country and around the province. I heard, though, last night, about the time when St. Laurent, when he was Prime Minister, invoked closure even before they got to second reading on a pipeline Bill back in 1956 or so. I mean, that would be the ultimate in arrogance, that you would close down a debate even before it had begun.

But we have the epitome of arrogance ever seen in the province of Alberta, and this was confirmed in a conversation I had with the hon. Member for Little Bow earlier today, who said that in his 25 years here, he's never, never seen the invoking of closure used in other than an extreme, extreme emergency, that there was some kind of social crisis rampant that had to close the Legislature down in order to immediately deal with some crisis in the province. And that was the basis upon which closure was put in our parliamentary system, not for the willy-nilly use of a government that's tired and lazy and wanting to get a summer break to get out and do whatever it wants to do and not deal with the people's business, which is to be here in the Legislature fighting for honest and fair laws for working people. But we have the closed-mindedness and the closed democracy that this Getty government wants to impose on the legislators here in the Assembly and then on the people of Alberta, and the cynicism that results, I think, Mr. Chairman, will be following the government for a great long time to come.

I always do try to resist falling into the great abyss of being terribly cynical and always angry and frustrated by a certain process. In fact, I have up on my board in my office a prayer from a Polish church. You know about labour relations in Poland, what they've been through over the last generation or so, the last 10 or 15 years. Out of a Polish church comes this prayer which says that it is better to light a few candles than it is to curse the darkness. It seems to me that there is in Bill 22 and in the context of closure coming so rapidly and so arrogantly from this government -- that we have a lot of darkness that we would want to curse in this process. It's hard not to find within the tyranny of these Tories who sit opposite here for the next little while the darkness of the erosion of rights for ordinary people, the erosion of right relationships that can be engendered, the arrogance and the shame of this government in reversing, as the Member for Edmonton-Highlands said earlier, the God-given law which is to put human labour and human activity and human life over the powers of capital and over the powers of the marketplace, as the Member for Edmonton-Mill Woods had said, whereas in fact, the darkness of this government in Bill 22, even as amended, Mr. Chairman, to have the darkness of an inverted sense of what is the God-given law of having that priority of human labour.

I might even read for hon. members . . .

MR. CHAIRMAN: Excuse me, hon. member. The Chair is having some difficulty finding that ecclesiastical phrase you keep referring to.

REV. ROBERTS: Which one is that, Mr. Chairman?

MR. CHAIRMAN: That's what the Chair is wondering, hon. member. Perhaps you could address a section or an amendment that we're dealing with in Bill 22.

REV. ROBERTS: Well, Mr. Chairman, I would tell you in the preamble of this Bill comes, even as amended, the first words uttered, the first context -- and, you know, we in ecclesiastical circles look at those first words, as in the Book of Genesis, that tells you a lot about what you're about to get in the story. The first words here are that we are to have Albertans

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

[Mr. Musgrave in the Chair]

That in and of itself is in contradiction to what the papal encyclical on human labour has already said. If I might just read into the record -- and I don't know if the member on his world tour stopped in at the Vatican and had a conversation with His Holiness Pope John Paul II, but if he had, the Pope would have said something that he's already written in an encyclical in 1981, and that was that

Toil is known everywhere. It is familiar to those who labour physically: to those who work the land, or work in mines and quarries, to steelworkers, builders and constructors who often work in danger of injury or death.

It is also familiar to those at an intellectual work-bench; to scientists and thinkers and to those with responsibility for decisions that could affect all of society. It's familiar to doctors and nurses and to women who, often unrecognized by family and society, bear the daily burden of housework and of bringing up their children.

Then it goes on to say, Mr. Chairman, in contradiction to Bill 22, as a basic premise:

Everybody knows that history has given a definite meaning to capitalism . . . it should be recognized that the error of early capitalism can be repeated,

and here we're going to come to Bill 22,

wherever [humankind] is treated in the same way as the material means of production; as an instrument and not as subject and maker.

So, Mr. Chairman, the darkness abounds, and the candle His Holiness might want to light for us would be such a light as he's already stated in this encyclical and a light that would throw on this preamble in this first section a great deal of shadow, to say the least.

Well, there's another light, Mr. Chairman. We don't need to feel as cynical as I want to feel today, because we have another light, and that's the light of the candle of the Woods task force in labour relations. I'm no expert in labour relations, but it seems to me the Woods task force from 1968 was a rather definitive piece that recommended to Parliament several positive recommendations for the context of how we should form labour legislation in this country and in this province. I don't know if the Minister of Labour is cognizant of what the Woods task force said, what it was about in its thorough and comprehensive approach to the situation. I don't know that the Minister of Labour has had any advisors or senior bureaucrats who have informed him about the kind of enlightenment the Woods task force would throw in the darkness he's perpetrated in Bill 22. But the Woods task force's several recommendations, its several commitments, are the basis of what we as a New Democrat Official Opposition are arguing in this case; that is, a commitment to collective bargaining, the freedom of association, the recognition of the role of trade unions.

Mr. Chairman, it seems to me that if we were to follow a course as prescribed by the Woods task force in labour relations in this province, we would, with other provinces in Canada, enjoy relative labour peace interrupted only by the occasional strike and difficult dispute that can't be settled. But instead, what we're facing and what we're in the context of is a province that's now becoming famous throughout Canada as being 'diseased' in terms of labour relations, and the Gainers strike and the nurses' strike and all the strikes that we've had. So many Albertans have become so confrontational and so angry and so cynical through them. This government, instead of responding with a measured voice, with a reasoned voice, with a voice of tradition and history in terms of the context, which the Woods task force would give them, instead responds with an iron hand and an iron fist, Mr. Chairman, and further exacerbates an already diseased climate of labour relations in the province. So why is it that we continue to have the darkness abounding when, in fact, there are these several lights of candles which can throw some enlightenment on the process?

Another candle which flickers for me from time to time, Mr. Chairman, which throws some light on this darkness, is the light of several Albertans who continue in an abiding way, with an abiding faith continue to work for fairness and justice for organized labour. We saw them out on the front steps tonight. We've seen them out on the front steps other times in other demonstrations. We've visited them when we've knocked on doors during election campaigns. We know of the endless sacrifices of working people in this province and those who are members of unions and those who are leaders of unions in the province. We know of the work and dedication of labour lawyers in this province, Mr. Chairman. They give us hope and give enlightenment.

We know of church coalitions which form as allies around difficult struggles such as the Gainers strike. This booklet about Gainers and the churches, 1986, points out some of the allies of some of these people working together. They're not the majority of Albertans. They're not going to fund a huge, big majority government. But they're people who have an abiding sense of faith in the cause of justice for working people. They are growing in numbers, Mr. Chairman, because they work together in a way that I am so struck by. Someone who has spent some time in faith communities, I have seen that that faith and that commitment is even strengthened during times of adversity. When they start singing *Solidarity Forever*, there's a kind of tingle that goes up and down the spine, and you know there is a solidarity that's going to last forever. Despite Bill 22 coming and going, as we've heard, the solidarity of these people working together is something that will last forever, and there's a solidarity that works for justice and fairness that will continue to abide throughout generations of governments that are of fascist or other totalitarian regimes.

I'm please to say also that despite closure on this Bill, particularly at committee stage tonight, our caucus has pulled together as I've never seen them before in the last two years. It's surprising that the government caucus opposite -- I'm sure it's rent asunder by all kinds of divisions and problems of people wanting to have this and that. The divisions and cracks that we see daily coming from this government caucus are evident to any casual observer of this legislature, but our caucus is working harder and harder together as a solid and unified group, and this kind of labour Bill is a rallying force for many in our caucus.

The closure on our work, despite the endless work of 53 amendments to this Bill . . . It's all right bringing closure; in a

sense it suggests the victory that we've won as caucus, that we've got this government on the run and that all they can do, instead of intelligently and under the Standing Orders debate these amendments, they have to bring in closure for now a fifth time. Well, that only helps to solidify us together with other allies that we have in those who work in the labour movement for justice and fairness and so is another sort of candle that flickers despite the darkness that's around.

But the 53 amendments, Mr. Chairman, let me tell you, the 53 amendments are going to be blown out and blown away, and the minister will be so glad to not have to hear any more of it. He can just go on his merry totalitarian way. Yet the cynicism that will result from not having these kinds of amendments passed and having closure on them continues to be exacerbated by the fact that the Government House Leader has said in question period: "Well, don't worry. We'll close at second reading, because the opposition will have plenty of time in committee stage of the Bill to debate the amendments." Now, what crass dishonesty coming from the Government House Leader, to say that we would have plenty of time to discuss these amendments and then so dishonestly turn around and invoke closure at committee stage.

Or the Premier's claim that, well, we're going to have closure because there are no positive suggestions. There are 53 of them in this package, Mr. Chairman, 53 of them, yet we have the Premier intentionally misleading Albertans and standing up in the House daily and saying that there are no positive amendments that are coming from the opposition. Yet they are. They're positive. They need to be seen to be worthy of debate, particularly at this stage, and not to have people misleading others, intentionally or not, and saying that there's no positive aspect to them.

Then for the government to ram through its own amendments in one night sitting, to ram through its own amendments. There's fairness for them to do that, and yet they turn around the next day and close down debate on discussion on our amendments. Now, what kind of crass hypocrisy is that, I must ask you? It's completely unacceptable. Well, it's just further darkness that's emanating here. Yet the credibility of the whole situation just boggles the mind. It's rooted even back in March when we raised the issue of section 81. I'm not sure if it was the Premier that said, "Oh, well, there are going to be amendments. We're going to do some . . ."

MR. DEPUTY CHAIRMAN: Hon. member, you have been using some statements that are not parliamentary, and I would suggest you watch your language.

MR. YOUNG: Mr. Chairman, I was about to rise on that. "Crass hypocrisy" I guess could be found here to be acceptable under certain circumstances, but even from a vicar and a member I do not think it should be acceptable in this House, and some other expressions he's used about some of us should also not be received, I see he's not wearing his collar this evening, but that still doesn't give him leave to indulge in that.

REV. ROBERTS: I don't want to impugn motives of other members, Mr. Chairman, but if it's offended the members opposite, I would withdraw those remarks. I don't know what took him so long to rise. I was really wanting to see if they were in fact being offended by them, because in fact we've been so offended by their actions of the last few days, and under Standing Orders we don't have a way of bringing that forward.

I don't know if the word "incredible" is unparliamentary. Mr. Chairman, I'm sure if the words that Our Lord used for the Pharisees were ever used in this House, they would also be seen to be unparliamentary, and he's used them in every Gospel ever recorded, that they're nothing but a brood of vipers. Being a vicar or not does not restrain one from using certain words.

Well, Mr. Chairman, I was just making the point, as well, in terms of the government's mishandling of this whole affair, just recalling members' attention to the time when the Minister of Labour said, no, there would not be amendments to the Bill, and the Premier said, yes, there would. Then the Premier said, no, there wouldn't; then the minister said, yes, there would. The *Journal* put it, remember, on the front page of their paper one day, and it caused a great kerfuffle in here. Well, the truth of the matter is, of course, that the government did have amendments to the Bill, and the kind of mishandling of it even at that stage is quite apparent to so many. So all of these things, Mr. Chairman -- whether it's dishonesty or being misleading or being incredible or having cracks in their caucus -- lead one to see that the whole context in which Bill 22 is being presented and not debated is a time of great democratic darkness.

The worst of all, Mr. Chairman, is division 19. You will see in our amendments that we have very clearly stated that we want to have sections 111 to 113 deleted. In the rest of my argument, Mr. Chairman, I would want to state this case most clearly, because I think all hon. members should see what it is that sections 111 and 113 as currently prescribed are about to do and why they must not pass tonight or any night, that in fact we must amend it to delete it, because what section 113 particularly does is crass union busting. It's hard enough to form a union in this province, and certainly the restrictions that are further placed on the certification of unions is one thing, but to have these totalitarian powers as prescribed in section 113 for decertifying and for union busting and for union breaking is perhaps the centre of darkness and the heart of the darkness of Bill 22. It is critical that working people in a particular union or association have those rights and have those rights even under due process during times of what might be considered illegal activity.

We've seen this particularly with reference to the United Nurses of Alberta, and I'm coming to know the United Nurses of Alberta group quite well of late. Mr. Chairman, it seems quite clear that this government's intention is to break the United Nurses of Alberta. I don't think it's beyond anyone's imagination on that side of the House that if they had their druthers, they would rather see the United Nurses of Alberta broken down as any kind of effective union in this province.

We saw today in the Hyndman report -- it said: let's have private nursing companies contract with the entire hospitals. Now, if that isn't waving the biggest red flag to the United Nurses of Alberta and saying to them, "Listen, we don't need to have any kind of collective bargaining; we can hire out to Upjohn or Comcare or some kind of private nursing company to come into the province and under the current legislation be able to take over a whole hospital." When you have that and you put that on top of this Bill 22, which is on top of Bill 44, what do you have but a clear message -- it mustn't be misunderstood by anyone -- that the intent of this Getty government is to decertify and break the United Nurses of Alberta. I challenge any member opposite, if that is not their intention with this, to stand up and state it, because it's clear that this is what section 113 in here is intended to do.

I don't know, there might be other references, and other labour experts might know who they're aiming this bullet at,

Mr. Chairman, but it seems clear enough to me that it's aimed at the United Nurses of Alberta. We must be clear in this free and democratic society that what is before us in section 113 are the powers of a fascist government. It's a fascist government that would take away the rights of a group such as the United Nurses of Alberta. It's a fascist government that under section 113 would take away their freedoms and have this government be above the law, above the courts, above the Charter of Rights and Freedoms, and say: "You're gone. You're decertified. You have no rights to continue as a union in this province." And they would have no right of appeal. They would have no recourse to the courts. They would have no democratic right. Now how could we -- I beseech the hon. members -- how could we possibly, in a free and democratic society, allow section 113 to exist? Now Hitler might have wanted it, and Hitler used such provisions as 113 often enough to say, "We in our totalitarian way, we in our order in council, just would slash this and slash that group in society."

Mr. Chairman, we cannot allow this section to go past. We must delete it as the amendment calls for, as we have said. Now, I don't know if the government has some kind of totalitarian authority which says it can make no mistake. Look, Mr. Chairman, we've already had the mistake they've made over the use of French in the Legislature. We've had the mistake they have made over deinsuring contraceptive services. We've had a number, a litany of mistakes that this government has made in two short years. How is that they might not make a mistake in terms of decertifying a particular union at a particular time? What gives them the right to be above the laws, the courts, the democratic freedoms of people in this province, when we know how fallible, particularly how fallible they've become of late?

Well, furthermore, such a provision as 113 would be able to lock up Lech Walesa, for instance. This is what the Polish government would want to have in Poland and break the Solidarity union movement, Mr. Chairman. And to have the Premier of this province like this Bill -- this would be exactly what Botha would want in South Africa to lock up Desmond Tutu, for heaven's sakes. Mr. Chairman, we cannot allow it. We really cannot allow this Bill to go with this section 113. It is the mark of a fascist government, a fascist regime, which puts itself over and above the average people and breaks their rights. They have no rights under this section.

So, Mr. Chairman, we must delete this section, this division because the Catholic bishops and the Vatican encyclicals say so.

DR. WEST: Point of order.

MR. DEPUTY CHAIRMAN: Point of order.

DR. WEST: Yes, Mr. Chairman. I would draw to your attention section 23(i) of Standing Orders that says "imputes false or unavowed motives to another member." There was an insinuation that I am a fascist, and I would ask that the hon. member remove that immediately.

MR. DEPUTY CHAIRMAN: On the point of order.

MR. SIGURDSON: On the point of order, Mr. Chairman. I don't believe that the hon. Member for Edmonton-Centre at any time said that the hon. Member for Vermilion-Viking is a fascist. He said that this is the kind of section, this particular section, that a fascist government would use. If the hon. Member

for Vermilion-Viking feels that the shoe fits, so be it.

MR. DEPUTY CHAIRMAN: Member for Edmonton-Highlands.

MS BARRETT: Perhaps the member raising the point of order would prefer if we just stuck to the argument that it's a Jaruzelski type of labour law.

MR. DEPUTY CHAIRMAN: Member for Edmonton-Centre.

REV. ROBERTS: Thank you, Mr. Chairman. I'm learning a lot of things about the Member for Vermilion-Viking insofar as his predecessor has his office now next to mine. I'm hearing a number of things about what used to happen there, but no, you're certainly not a fascist, Mr. West.

But, Mr. Chairman, I was saying and will continue to say, because I think it's a point we all need to hear loudly and clearly, that this Bill in its various forms, but particularly with respect to section 113 if it is not deleted, this is such rampant darkness -- this is the heart of the darkness here.

I would say again that the Catholic bishops and papal encyclicals would say so. The Woods report, the Woods task force, the definitive Canadian statement about labour relations, it too would say so, Mr. Chairman. Faithful members and leaders and allies of organized labour in this province that have worked so hard for justice and fairness over the last generation, they too say so. Nonetheless, we know, and we will make no mistake about it: the reality is that midnight will come and all of these voices, they will have fallen on deaf Tory ears. Midnight will come, and the majority of tired old Tories, the fascist right wing of the new right of many conservative parties that are breaking out, they will with a sweep of parliamentary closure blow out these candles, blow out this enlightenment of these amendments which are so necessary to have before us.

And all I have left to say on this most cynical of my days in this Assembly is to cynically and angrily say that, in truth, when all of these candles go out, all that is left is that the darkness will curse the Getty government and bring it down.

MR. DEPUTY CHAIRMAN: The hon. minister.

DR. REID: Before the hon. Member for St. Albert used up all the time until the hour of midnight, I thought I would like to clarify a couple of points that have come up where there is obviously a misconception. This has to do in particular with the Member for St. Albert.

In regard to the government amendment in the construction industry there seems to be considerable confusion in some people's minds about the intention of the government in two areas. The first is to do with the registration system for employers. And the requirements for registration are quite specific. It has to be an employers' organization, not a third party. It has to be an appropriate part of the construction industry, and an appropriate part is also listed in section 159(18):

In deciding whether a part of the construction industry is appropriate for collective bargaining, the Board shall establish trade jurisdictions within the sectors in a manner it considers appropriate for collective bargaining.

And the grouping of trade unions is the guiding influence in that. So it is trade unions . . .

MR. DEPUTY CHAIRMAN: I wonder if we could have some

order in the committee so we can hear the hon. minister.

DR. REID: It's all right. I'm just reading into the record, somewhat the same as the members of the opposition have been doing.

In other words, the development of employers' organization is driven by the corresponding union organization, and grouping of trades unions is likewise driven by the union organization to which it corresponds. That has to do with the concept throughout Bill 22. We are attempting to get the relationship as close as possible to the employees and the employers, rather than third parties whose interest may be somewhat inimical to that of the employees.

In addition, Mr. Chairman, the spin-off provisions for the construction industry have been equally misconstrued, and I would draw the attention of members of the committee, especially to subsection (3) of 159(39), the specific provisions for construction common employer declarations.

Notwithstanding subsection (2), if a trade union makes an application under subsection (1), the Board shall not make a declaration under subsection (1) in respect of a corporation, partnership, person or association of persons that does not employ employees who perform work of the kind performed by members of the applicant trade union.

In other words, if the employer does employ people who could be regarded validly as doing the work of members of the applicant union, then obviously the provisions of subsection (2) and subsection (1) would apply, and the board could well declare that it was one employer for the purposes of the Act. In subsection (2), of course, there is the provision that if it is considered by the board that it has been done in order to avoid a collective bargaining relationship, then the board shall make a declaration and may indeed make the remedies from the time of the application onwards.

I would just like to make clear that the intent of the government in section 159(39), the spin-off provisions for the construction industry, is that where there is a bona fide management company which is a project management company and does not employ members of the union or does not employ people to do the work that members of the union normally do in their job, then that bona fide project management company, which could not be certified through the front door, then cannot be certified through the back door. On the other hand, Mr. Chairman, I would wish to make it absolutely clear that where there has been an attempt to break a collective bargaining relationship and where the employment can be traced to a suborganization associated with the parent corporation, then it is not intended at all that there should be no spin-off declaration made. I have made this amply clear to members of the Building Trades Council. They now understand the intent of the government, and I just thought I should make that point in the Assembly.

It's odd that as a Scot I have a little trouble with the Anglican member of the Assembly who has just been preaching to us some incredibly blatant untruths, and it's a pity that he's not a member of another faith and could go to confession about it.

Thank you.

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

MR. STRONG: Thank you, Mr. Chairman. I'd like to respond to some of the minister's remarks. I want to make it perfectly clear to this minister, perfectly clear -- and I hope he's listening -- that I do not have any misconceptions about the intent of this

government. They're union busters. Now, the facts speak for themselves in the legislation that we have in front of us at this committee reading. Now, I am not under any misconceptions, and I don't think anybody that's familiar with labour legislation in the province of Alberta is under any misconception of where this government's intentions are when it comes to labour relations in this province, because all they have to do is pick up Bill 21 and Bill 22 that we're talking about here tonight and read 'em. The facts speak for themselves.

Again, the minister talked in his comments about employer organizations and grouping of trade unions. Again, the minister's legislation is clear, quite clear, and I would like, through the Chair, to articulate to the minister that yes, I can read, and yes, I have access to one of the best legal minds in the province of Alberta when it comes to labour legislation, certainly a lot better than what the minister had access to, Mr. Chairman, or else we would have had totally different labour legislation in front of us in this Assembly. Let me make that perfectly clear.

The minister talked about these spin-off provisions misconstrued by the Official Opposition and myself, Mr. Chairman. Let me again remind the minister, through the Chair, that there is no misunderstanding. There is no misconception of what the minister has put into his own legislation. He has legalized spin-offs and the Stuart Olson decision, and I'll come back to that. We can talk about spin-off provisions and the amendment that the minister's had an opportunity to read that would take care of that and right the wrong that was done to the construction unions in the province of Alberta. But this minister doesn't care about that, quite obviously. Otherwise, his legislation would read a lot differently than it does.

And I suggest again that he read the amendment that was submitted and have some of his legal expertise and legal experts review it, because it's very clear. As a matter of fact, Mr. Chairman, it is in plain, simple English. It says no, you cannot have a spin-off, period. If you are a unionized contractor, you do not have the right to spin off. If you spin off and get caught, it will cost you. That was the intent in the old legislation until the hon. Member for Edmonton-Jasper Place brought in Bill 110 when he was Labour minister. That tilted the whole system, and unfortunately, Mr. Chairman, this Minister of Labour has done no better. As a matter of fact, he's done worse, because under the old legislation and under the proposed legislation that was brought forth in Bill 110, at least that minister said you could only spin off once. This one said, "Help yourself." So we're not getting any better. We're getting worse. So there is no misunderstanding, misconception, about what this government's intention is, Mr. Chairman. It is perfectly clear.

Again, I would sure like the Minister of Labour to read the amendment. Spend the time, read the amendment when it comes to spin-offs, and we won't have that problem. Employees will get their rights, the right to belong to a union and be fully represented by a union without having some contractor come along and, through creative application of the law, deny union members, his own employees, the right to some decency and fairness. That's what this government promised, but they didn't deliver, Mr. Chairman. No misunderstanding.

The minister mentioned he had some discussion with the building trades unions. Certainly he did. How can we believe this minister, Mr. Chairman? This minister promised the contractors a Stuart Olson decision when it came to spin-offs. That's what we see in the legislation. My amendment corrects that. Now we have the minister, I understand, talking to the executive of the Building Trades Council saying, "Well, if my leg-

islation doesn't work, I'll change it" How can anybody believe this minister, Mr. Chairman? Listen, he didn't even convince those people. He didn't convince those people. Hey, the spokesman for the building trades was right out in front on the Legislative Assembly steps. He wasn't too happy, and let me assure this minister, he didn't convince him. He didn't convince Mr. Clendenning, the spokesman for the building trades, that he was going to be fair. He sure didn't. He didn't convince anybody else there either.

I can remember Mr. Getty, our Premier, standing in the Legislative Assembly the other day and saying: "It's good legislation. The boilermakers like it, the ironworkers like it, and the building trades like it." Well, Mr. Chairman, let me straighten that point out, because the building trades issued a press release. Their last press release said they were mildly optimistic, guardedly optimistic. The last press release they put out:

Our initial reaction of guarded optimism has been changed to shock and outrage.

Listen, let me tell you something else, Mr. Chairman and all hon. members in this Assembly. I've had the opportunity to talk to the business manager of the ironworkers, Mark McCullough. Mr. McCullough is not convinced that this Labour minister and this labour legislation is fair. I've even had the opportunity through legal counsel to talk to Mr. Neil Channon, the business manager of the boilermakers. [interjections]

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

DR. REID: You know, it's amazing, Mr. Chairman. I have spoken to some of the same gentlemen that the hon. member has just mentioned, and I have given them the assurance that if flesh goes on the ghosts, we will look very seriously at the matter.

SOME HON. MEMBERS: Citation. Citation.

MR. DEPUTY CHAIRMAN: Order in the committee.

MR. STRONG: Mr. Chairman, if the minister would have been listening, I made it abundantly clear that I've talked to these people, and this minister hasn't convinced them of his honourable intentions. And those could be honourable intentions, but I don't think this minister, in spite of his honourable intentions, can get it through his caucus. And I think that's part of the reason we see Bill 22 before us in its present form, that shabby piece of legislation that's going to give Albertans some fairness and equity. Forget it. It's not there. It's not there. The minister can stand up and attempt to defend his position all he wants. It's indefensible; you cannot defend something that is indefensible.

Let's go back, Mr. Chairman, through this minister's record, and let's go into the disputes inquiry boards. Well, we don't just have one disputes inquiry board any more; we have two of them. We've got two disputes inquiry boards. Let me remind this minister, this minister sat on it for four years. When he was asked to appoint a disputes inquiry board in the construction industry, did the minister bother appointing one? Here's what the minister did: a government press release dated March 15, 1988. Finally, finally, this government this minister, a positive step: they appointed a disputes inquiry board under Bill 53. But has anybody seen publicly what that disputes inquiry board stated? No, unfortunately not. That's secret. It's secret information. I understand that that disputes inquiry board's

recommendations helped the minister formulate part and parcel of his brand-new and improved labour legislation. Well, let me tell you again, this is not new and improved labour legislation; it is a brand-new box, but it's worse than the old soap was. Those are the facts, and there is no way that this minister can stand up and even attempt to defend an indefensible position when it comes to fairness and equity in labour legislation in this province. Not by a long shot.

I want to talk about disputes inquiry boards, Mr. Chairman, and I'll read you these nice words, again, with no stuff behind them, no jam. I'm going to start to invent a new word for the minister of big business. Here. And this is off a government news release:

A Disputes Inquiry Board will be appointed to help expedite collective bargaining for the province's unionized construction industry, Dr. Ian Reid, Minister of Labour, announced today.

This was on March 15, 1988. Where's the report? I never saw it. None of my colleagues in the building trades saw it. None of my colleagues on this side of the House saw it. Secret. Four years, four years, that this minister and this government and a previous minister would not appoint a disputes inquiry board in the construction industry. Where are we going? But now this minister has invented two disputes inquiry boards. Isn't that nice? That's great. Is he going to use them? He hasn't used them in the past. What are we to believe? What are we to believe? We know what the facts are. We know what the facts are.

I've got a document here from CLRA, Construction Labour Relations, an Alberta association. Even they are condemning the Minister of Labour. They call this new labour legislation "A Blueprint for Chaos." Certainly is. They don't know how lucky they are. Maybe they haven't read the new and improved version of the amendments for the construction industry to Bill 22, because they certainly weren't the same ones that were introduced and tabled as proposed amendments to the new construction provisions that were going to be put in Bill 22. They couldn't read them; they were too mad and angry over what the minister had proposed in the proposed tabled amendments. So nobody is kidding anybody. Nobody is kidding anybody, Mr. Chairman.

Let's go over quickly some of this legislation and some of the amendments that the Official Opposition and I proposed on behalf of the 16 members on this side of the Assembly that would create decent labour legislation, Mr. Chairman. Let me assure you, we 16 on this side that belong to the Official Opposition do have a commitment to working people in the province of Alberta, not like the leader of the Liberal Party and his flock, who don't support 40-hour workweeks, who vote against Boxing Day and an August civic holiday. Where are these people coming from? But they forgot about that. They forgot about that, and the Member for Sturgeon-Westlock forgot to announce . . . When he was trying to be friends of organized labour in front of the building tonight, he forgot about what he did, voting with the government. It slipped his mind.

MR. DEPUTY CHAIRMAN: Point of order?

MR. TAYLOR: A point of order. The honourable windbag from St. Albert . . .

MR. DEPUTY CHAIRMAN: Windbag isn't a . . .

MR. TAYLOR: . . . used the term Sturgeon-Westlock. I know he gets everything bass-ackwards, or ass-backwards. I just thought I'd correct him. It's Westlock-Sturgeon. Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Westlock-Sturgeon did not have a point of order.

MR. STRONG: Mr. Chairman, I apologize for not referencing the hon. member . . .

AN HON. MEMBER: Speak up. We can't hear you.

MR. DEPUTY CHAIRMAN: Well, if you'd be quiet, you could. Will the hon. Member for St. Albert please sit down? The hon. Member for Westlock-Sturgeon did not have a point of order but rather a dispute with regard to facts.

Hon. Member for St. Albert.

MR. STRONG: Mr. Speaker, at the best of times he gets everything backwards anyway. But I notice he didn't dispute what the truth was, because it is the truth.

Mr. Chairman, let's get back to some more of the amendments that were proposed by the Official Opposition. Let's deal with the amendment that was proposed on the definition of what employees should be, and that definition, Mr. Chairman . . .

MR. DEPUTY CHAIRMAN: A point of order?

MR. TAYLOR: It's just another point of correction. We never got a chance . . . [interjections]

SOME HON. MEMBERS: Citation.

MR. DEPUTY CHAIRMAN: There is no citation.

MR. TAYLOR: It's section 28 in the orders.

AN HON. MEMBER: There is no section 28.

MR. TAYLOR: The point is that we never got a chance to vote on the 40- to 44-hour week because we got caught in a 44-hour debate by the hon. member. The vote was never taken.

MR. STRONG: Mr. Chairman, we were here fighting for working people. I didn't see the hon. member here. He was too busy out campaigning, Mr. Chairman. But Mr. Chairman, enough said. We know where the hon. member is coming from, along with his Liberal cohorts: support the government.

Mr. Chairman, the amendment we proposed on employees suggested that we broaden the definition of employees. Why, Mr. Chairman? Simply this: if this minister took the time to read the A1 and the Yellow cab case, he would find that because of the narrow parameters and narrow definitions of what we had in our labour legislation when it came to employees and wages, those two definitions, that's what did thousands of cab drivers in this province out of true representation in a union of their choice. Denied the right to freedom of association. And this minister still continues to do it.

What else? The minister knows that that narrow decision denied those people. And, Mr. Chairman, this thing went through the courts. There's all sorts of court information, too, that the Labour Relations Board approved the application for certification these people had in -- granted the certification.

Then they went to the Court of Queen's Bench. They said, yes, you've got the right to form a union. Then they went to the Alberta Court of Appeal. The Alberta Court of Appeal said they had the right to form a union, have a union. What happened at the Supreme Court of Canada, Mr. Chairman? The Supreme Court of Canada said, no, you don't have the right to set up a union of your choice because of the narrow definitions in our labour legislation when it came to defining what employees were and what wages were. Did this minister change anything? Did this minister demonstrate any fairness for the thousands of cab drivers in the province of Alberta? Incidentally, there are over 700 of them that have signed cards. They want an association. They want a union to represent them because they feel they're getting ripped off. Did this minister treat them with any fairness? Let me assure you, Mr. Chairman, that will be circulated to thousands more Albertans that this government thinks support them, because let me assure you, Mr. Chairman, and the minister, they don't. They're starting to change their minds too.

Let's go on to section 9(7). There's an amendment in on that. The minister should read that too. It says, "Notwithstanding subsection (3), the Chairman or a vice-chairman may sit alone." We've amended that. Sit alone to decide all these things. One individual. We can talk about 3(a) and (b), a person whether an employee or not -- I don't have a problem with that -- or "(d) an organization of employees is a trade union." Well, maybe that's not a problem either, but we can go down the list here and what do we find? We find (1). One man decides on whether "a group of employees is a unit appropriate for collective bargaining."

Where has this minister been? Did he ever read a book that was done up by George Adams, who is now a professor of labour law at Osgoode Hall and who indicated in the book he wrote that the most complex and conflicting considerations in labour relations are determinations of bargaining units? One of the most complex things we have in labour legislation. What this minister did to demonstrate fairness to Albertans was turn around and say: "Well, gee, a board isn't good enough. We'll let one individual decide it." That is absolute nonsense, Mr. Chairman. And that's why the amendment's in front of the minister. If he wanted to be fair, even attempt to be fair, he'd read the amendment. It makes a lot of sense. Even the Premier the other day said, "A lot of good sense in some of the amendments you made". What do we see? Zero. Closure. Forget it. Fairness? Forget it.

Let's look at an amendment we put in to section 42 in division 7.

The Board may, on the application of any trade union or employer affected, modify the description of a bargaining unit.

This is a minister that stood up and said, "We want to minimize government involvement in labour relations." What's he done in his legislation? Where's he coming from? He didn't minimize it; he interfered in it. He interfered in the labour legislation. For who? I know who, and so does everybody else.

Let's go on to the next one. We're talking about 49(5). it says:

An application for revocation of bargaining rights may be made by an employer . . .

This is a sacred relationship between employees and unions, where the employee decides whether he or she wants to belong to a union. What's this minister done? He's said that a revocation can be taken by an employer. Oh, we can go on:

... or former employer.

Where are we going? Decent labour legislation? Forget it.

AN HON. MEMBER: Not a chance.

MR. STRONG: Not a chance. You've got that right. Decent labour legislation, fairness and equity. You could take this labour legislation and rip it in half and throw it in a garbage can, because that's what it's worth: nothing, Mr. Chairman.

We can go on. Let's get the minister to look at the amendment we put in on section 52, revocation without application:

Notwithstanding sections 48 to 51(1), the Board may at any time give notice of its intention to revoke [a certification].

We're talking about a sacred relationship, Mr. Chairman, between an employee and a union, should they decide to have a union represent them in any and all matters in collective bargaining and in representing their interests. This minister is now giving the Labour Relations Board the right to revoke certificates. Is this fairness? A definite backwards step. A deliberate interference in the labour relations in this province. The minister stands up and says, "We don't want to interfere." Well, those just aren't the facts. So again, I'd like to remind this minister, I and the 15 colleagues I sit with on this side of the House are certainly not under any misconceptions.

Let's go on. Here, mediation sections. In 62, here's what a mediator can do:

notify the parties that he does not intend to make a recommendation.

A no-board report Mr. Chairman. What has this minister done? If that mediator makes a no-board report he says, "Well, you've still got to wait 14 days to do anything." On a no-board report? Delay, delay, delay. And who is this minister delaying for, Mr. Chairman? Certainly not those employees. And let me tell you, Mr. Chairman, justice delayed is justice denied. That's exactly what we have here.

Here we go on further. Section 72(2)

No strike or lockout vote shall be supervised while a collective agreement is in force.

Let the minister read my amendment again. What this minister has done is interfere again -- government interference -- by turning around and denying a group, a union, the right to take a strike vote prior to an agreement expiring. Again more delays. Certainly maximized interference in labour relations in the province of Alberta -- that's what this minister and this government have done.

Let's move on to the next one, Mr. Chairman. Section 98-(a)(iii), where we're talking about compulsory arbitration, where the minister has changed from the old legislation, which said: any fiscal policies that may be declared from time to time in writing by the Provincial Treasurer for the purpose of this Act. Now what he's changed it to is "the general economic conditions in Alberta." That is ridiculous. We are talking about labour relations, Mr. Chairman. We're not talking about economic flavours and ice cream.

Let's move on to section 113, where the minister is . . . The UNA bullet: the determined little band of nurses who had the intestinal fortitude, more intestinal fortitude than this minister, to say, "We are being wronged," when this minister said they couldn't even take a strike vote. The Labour Relations Board said that What we're going to do in the interest of fairness and equity -- well, any little union or determined little band of nurses that goes out and says to this government "You're wrong," this government is going to deregister them, Mr. Chairman. Fairness and equity? Shame. Shame.

I've got lots of it here. I could go on for hours, Mr. Chairman. Here's the next one, 135, appointments to arbitration

boards. Let's talk about fairness and equity, and let's go down to "When an arbitration board or other body is to be appointed." And we go down to 136; it says, "Except in the case of a chairman, no person . . . unless that member is directly affected by the difference or has been involved." So that means the chairman could have been involved directly in the dispute, and this minister could appoint him as an arbitrator or to chair an arbitration board. I mean, that is ridiculous, Mr. Chairman, absolutely ridiculous. Read the amendments, Mr. Minister. Don't try and sell something that you can't sell for a nickel, not even the quarter that it cost every Albertan for you to go on free holidays. Don't try to sell that to us, Mr. Minister. It doesn't wash.

Let's go on to section 145(2)(c), last paragraph. This is what you call employer freedom of speech, Mr. Chairman, where an employer can express his views "so long as he does not use coercion, intimidation, threats, promises or undue influence." Well, let me recite this employer freedom of speech. Here's what the employer is going to say, Mr. Chairman. Here's what the employer will say: "You know I have nothing against the unions, boys, but if our organization, our company, is organized, we will have no choice except to close the doors." That's what the employer is going to say to those employees. He hasn't committed an unfair labour practice, because what the minister has done is make it okay. He's written in an employer's freedom-of-speech clause. Ridiculous. And this minister wants to soft-soap us, Mr. Chairman? Forget it. You couldn't convince your mother this was good labour legislation.

We can go on and on and on about this government's good intentions, this government's promised democracy. Well, let me tell you, Mr. Chairman, democracy is representing people's interests. Democracy is sitting and listening to people. Democracy is fairness, not legislated unfairness and the ridiculous, offensive piece of garbage that we have before us in Bill 22. Junk.

MR. DEPUTY CHAIRMAN: Pursuant to Standing Order 21 . . . [interjections] Order please. Pursuant to Standing Order 21 we will now take the vote on the amendments . . . Would the hon. Leader of the Opposition and his colleagues please come to order. Pursuant to Standing Order 21 we will now take the vote on the amendments as proposed by the hon. Member for St. Albert. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: The motion is lost.

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

[Eight minutes having elapsed, the House divided]

For the motion:

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

Against the motion:

Adair	Fjordbotten	Payne
Bogle	Getty	Pengelly
Brassard	Heron	Reid
Campbell	Hyland	Schumacher
Clegg	Isley	Shaben
Cripps	Jonson	Shrake
Day	McClellan	Sparrow
Downey	Moore, M.	Stewart
Drobot	Moore, R.	West
Elliott	Nelson	Young
Elzinga	Oldring	Zaruský
Totals:	Ayes - 18	Noes - 33

[Motion on amendments lost]

MR. TAYLOR: A point of order, Mr. Chairman. I wanted to register the Liberal caucus's disapproval of the way the closure vote was taken and that our amendments were not able to come to the Table. We felt, on balance, we had to support the Official Opposition, although there were many extreme points in there. We want to get it across that the government not only used closure, but they shut us off, and we think we represent a good quarter of the population of Alberta. We never got our amendments . . .

MR. DEPUTY CHAIRMAN: Hon. member, please sit down.

MS BARRETT: On the point of order, Mr. Chairman. If that caucus . . .

MR. DEPUTY CHAIRMAN: There is no point of order. There is no point of order. Would the hon. member please . . .

Bill 22, the Labour Relations Code as amended. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: The motion is carried.

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

[Eight minutes having elapsed, the House divided]

For the motion:

Adair	Fjordbotten	Payne
Bogle	Getty	Pengelly
Brassard	Heron	Reid
Campbell	Hyland	Schumacher
Clegg	Isley	Shaben
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Fox	McEachern	Taylor
Gibeault	Mjolsness	Wright
Hawkesworth	Pashak	Younie

Totals:	Ayes - 33	Noes -18
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[The sections of Bill 22 agreed to as amended]

[Title and preamble agreed to]

DR. REID: Mr. Chairman, I'm surprised the Member for St. Albert didn't choke on my pizza.

Mr. Chairman, I move that Bill 22, the Labour Relations Code, be reported as amended.

[Motion carried]

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

[Motion carried]

[Mr. Deputy Speaker in the Chair]

MR. MUSGREAVE: Mr. Speaker, the Committee of the Whole

has had under consideration the following Bill and reports the following with some amendments: Bill 22.

MR. DEPUTY SPEAKER: Having heard the report, all those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: Carried.

Hon. Member for St. Albert.

MR. STRONG: Mr. Speaker, I rise to table copies of the replacement amendments that I introduced earlier this evening so that they are on the official record, as the others are. Those replacement amendments, Mr. Speaker, are numbered 8, 31, 33, 46, and 54 as amended.

MR. DEPUTY SPEAKER: Hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Mr. Speaker, I beg leave to table the Liberal caucus amendments to Bill 22 so that they may be entered into the official record of the session.

[At 12:27 a.m. on Friday the House adjourned to 10 a.m.]