

Legislative Assembly of Alberta

Title: **Monday, March 17, 2003**

8:00 p.m.

Date: 2003/03/17

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated.

head: **Motions Other than Government Motions**

Incentives for First-time Home Buyers

503. Mr. Shariff moved:

Be it resolved that the Legislative Assembly urge the government to establish a financial incentive program to encourage first-time home ownership.

[Debate adjourned March 10]

The Deputy Speaker: If you're ready for the question, the hon. Member for Calgary-McCall to sum up.

Mr. Shariff: Thank you very much, Mr. Speaker. I want to take this opportunity to thank all the speakers who spoke in favour of the motion and the two members who raised concerns about the motion. I think this is a good motion. This will help young Albertans save money. This is not a motion that's proposing any grants or subsidies be given, and I hope that my colleagues will look at the young Albertans of today who need to start saving money for a home, which is the most important investment a family can make.

With those words, Mr. Speaker, I call for the question.

[Motion Other than Government Motion 503 carried]

Regional Police Service

504. Mr. Griffiths moved:

Be it resolved that the Legislative Assembly urge the government to take the steps necessary to establish its own regional police service including a regional police commissioner by 2007.

The Deputy Speaker: The hon. Member for Wainwright.

Mr. Griffiths: Thank you, Mr. Speaker. It's my pleasure to rise this evening and introduce Motion 504 to the Assembly. Motion 504 is designed to encourage the government to take the steps necessary to establish regional police services in Alberta before negotiations of the Royal Canadian Mounted Police contract, which begin in 2007.

I'd like to begin, Mr. Speaker, by indicating that Alberta has a long and proud history with the RCMP since 1932, when the RCMP took over provincial policing in Alberta. The RCMP has done an excellent job, and Albertans respect them for what they do. The RCMP has served this province with commitment and dedication, and in no way is this motion intended to be a reflection on the RCMP. The problem is not with the RCMP; it is with the federal government and the contract we have with them. The problem we face will arise in the upcoming contract negotiations with the federal government in 2007. As many members know, the current contract for the RCMP expires in 2012, but negotiations will begin in 2007. It's imperative that the provincial government takes the steps necessary to prepare for those negotiations so that our RCMP can be well-funded and that Albertans get the best policing possible.

I'd like to point out, Mr. Speaker, that policing is an area of provincial jurisdiction and that the province should therefore take

more responsibility for the policing needs of this province. As with so many other areas of jurisdiction, however, the federal government has used contributions to increase their influence in areas of provincial jurisdiction. That influence has led to policy decisions made by the federal government that do not reflect the values and needs of Albertans and the local governments.

More specifically, Mr. Speaker, municipalities have been waiting for the federal government to provide more funding and to provide more officers to meet their policing needs. If the municipality needs more officers, they must wait for the federal government to come up with more money, and they must wait for the federal government to hire more officers based on federal hiring criteria, not on local needs. The province could more readily and quickly meet the needs of municipalities and could more appropriately co-ordinate with local needs rather than federal direction. If history has taught us anything, it is that the federal government will continue with cuts to the RCMP funding contract, just as they have in health and just as they did with the last RCMP contract, in 1990. Those cuts and the layout of the current contract, which gives paramount hiring authority to the federal government, leaves our municipalities in a precarious position from which there is no reprieve, except in being prepared for the next round of negotiations in 2007.

Currently, confusion reigns as three levels of government pay for the RCMP, and we can all agree, Mr. Speaker, that confusion is not a good idea when it comes to policing. Who gets the final say in hiring? Who do officers report to when three governments pay those officers? Who determines priority areas of policing in municipalities in the province? Those are good questions, and all need to be answered to make policing in Alberta the most effective it can be. That can only be done if Alberta is prepared for negotiations in 2007. It's imperative that the government be in a position to negotiate if it is to affect these improvements. That position will not come from walking into negotiations with the federal government for RCMP contracts without any options. Frankly, we have to be prepared. We have to have a choice or another option or accept the deal the federal government puts in front of us, a deal which is likely to shortchange the province's needs, the needs of the municipalities and, most importantly, the needs of the police, who are such an integral part of community safety.

Mr. Speaker, in 1985 the provincial government considered plans for an Alberta regional police service. The idea arose because of the extensive difficulties the province had in renegotiating the RCMP contract in the early '80s. The idea was later dropped with the introduction of the new Police Act in that year. However, the notion resurfaced when, once again, the contract negotiations began in 1990, and again extreme difficulties were experienced. In both cases the federal government cut its share of funding for the RCMP force but continued to maintain ultimate control. It's important to point out that as federal funding declined, the province and municipalities made up a larger share of funding but with no increased say in management. That is a situation we can no longer tolerate if we are to assure ourselves of effective policing.

I need to iterate at this time that this notion does not demand the province form a provincial police force, nor does it call on the provincial government to opt out of the current contract. The motion asks the government to take the steps necessary to be ready to establish regional police services by 2007 so that when we begin negotiations, we will have an option if necessary. We may need to move to a provincial police force. We may find the federal government's deal impossible to resist. Either way, without a choice we will find it difficult to negotiate, and we will find that we will get exactly what we prepared for and what we deserve.

Mr. Speaker, municipalities pay varying shares of RCMP

contracts. Currently some counties pay nothing for policing. Municipalities can pay 70 percent, and still others pay up to 90 percent. The varying and disparate contracts are creating concern, confusion, and bitterness among municipalities, and that's being expressed to this provincial government. It is this government's job to be a leader in resolving these issues. Currently Alberta pays 70 percent of policing costs in the province, which amounts to over \$100 million on policing.

An Hon. Member: How much?

Mr. Griffiths: One hundred million dollars.

Mr. Speaker, a significant amount of money is spent on policing by the two levels of government alone, with little control of hiring, little discretion over meeting local needs, and increased concern expressed by municipalities.

Following this motion, beginning this process of establishing regional police services will allow the government to address with municipalities the concerns that are arising from current contracts either by allowing us to barter a better contract in 2007 or by allowing us to tackle the issues head-on from a local and provincial level should the negotiations fail. There's an added benefit, however. Setting up a regional police commission encourages us to begin aligning our own enforcement agencies so that we are organized and more efficiently run regardless of the outcome of the 2007 negotiations. Regional police commissioners would allow for co-ordination of activities, organizations, and enforcement.

Mr. Speaker, Motion 504 is the first step in becoming prepared for the renegotiation of our RCMP contract. The more prepared we are, the better the outcome will be. There are many steps in preparation for 2007. The government may want to begin to save money for start-up costs of regional policing in Alberta. The latest estimate I could find put start-up costs at \$45 million in 1994 dollars: a significant amount but easy to acquire over the next five years, before the negotiations begin with due diligence. The government may include as a step more studying of the best way to set up provincial services with regard to total and ongoing costs and differing policing scenarios. Many steps are possible, but we must take the first steps.

In summary, Mr. Speaker, Motion 504 asks us to prepare for the future, the future of policing in this province. I hope all hon. members realize the importance of this matter, and I urge all members to vote in favour of Motion 504.

Thank you.

8:10

The Deputy Speaker: The chair wondered whether or not the hon. minister wished to speak in his turn because of the evident enthusiasm with which he was meeting everything that was being said.

Ms Blakeman: I, too, am looking forward to the Minister of Economic Development getting up and debating on the record on this one. That could be quite interesting.

Mr. Speaker, this is an interesting motion because I don't know that the motion that's before us is reflected in the debate that the sponsoring member just gave us. I'm going to read the motion text into *Hansard*.

Be it resolved that the Legislative Assembly urge the government to take the steps necessary to establish its own regional police service including a regional police commissioner by 2007.

I listened carefully to what the member said, and he seemed to be saying – and I was able to jot some notes as he talked – that really what we wanted to be doing was prepare for negotiations which

would commence in 2007 for a contract which ended in 2012. This motion is actually saying “take the steps necessary to establish its own regional police service including a regional police commissioner.” So this motion is saying: done deal by 2007. And the member seemed to be saying in his statements that this was a preparation, a lead-up, to beginning a discussion with the federal government.

He noted that municipalities didn't have choice or that somehow the municipalities and the province were waiting for the feds to put in more money for policing. Well, if more money is truly needed for policing, then I'm assuming that the province, as well, could step up to the plate and put more money in. So I'm wondering why the member felt that only the federal government could solve this problem. Why wasn't he looking for a contribution from the provincial government?

He raised some issues around the three different levels of payment, coming from the municipalities, the province, and the federal government, and who determines priorities. What improvements is the member looking for? What priorities does he think are not established currently that he believes would somehow be resolved through instituting a regional police service?

I'm certainly quite comfortable with the concept of preparing for negotiations with the federal government. I think that's a fine idea. We certainly need to go into the negotiations with our ducks in a row, but he seemed to be saying something else when he was talking about that because he seemed to have already set the direction in his mind, is what I'm trying to say here. So it didn't seem that there was much negotiation left. He was talking about saving for start-up costs for, I'm assuming, a provincial police force or a regional police service or setting money aside for a study on setting up a provincial service. So that struck me as being inconsistent with his previous statements of saying: we want to prepare to go into these negotiations. He keeps saying that he wants to prepare for these negotiations and then talks about all of these things that he'd like to see set in place.

I'd actually sent a note to the member asking for clarification when I first read this because I think there were a number of different directions that could be gleaned from it. Was he talking about setting up a provincial police force? So this would be a province-wide police force similar to what they have in Ontario with the OPP.

Mr. MacDonald: The APP?

Ms Blakeman: Yes. In this case we'd be talking about the APP, the Alberta provincial police.

Or was he talking about a regional police service; in other words, grouping together several communities? For example, Lethbridge, Coaldale, Taber, Cardston could all enter into an agreement to have one police force that covers all of their area, and we'd probably have to have the counties involved in that as well.

Then he talks about a regional police commissioner. Then I thought: well, maybe he doesn't really want the regional service; he's looking for something like the regional health authorities or the regional children's authorities. Is that what he was looking for? Again, I listened carefully to the remarks that he made, and he seems to be advocating most strongly – although he mentioned all of those possibilities, I think, similar to the RHA setup – for the regional police service. I'm wondering what the member finds objectionable with sections 24 and 25 and 26 in the existing Police Act. What's the problem the member has with that?

I'll actually read section 24(1) into the record.

Subject to the prior approval of the Minister, [which I'm assuming the minister would give] the councils of 2 or more municipalities

may enter into an agreement to be policed by one regional police service.

Now, isn't that exactly what he's seeking? It's available now. It's available now under the Police Act that's currently in force, so why does he want to do this again somehow?

The next section is:

The Government of Alberta may be a party to an agreement referred to in [the previous subsection] if the region to be policed under the agreement includes an area not contained within the limits of a municipality that is subject to the agreement.

Thus, we're able to bring in the counties and some of the rural areas.

It talks about the ability to establish a regional police commission, which the member was also talking about. That's section 25(1). Section 25(2) talks about the appointments of members to a regional police commission and how they can be revoked or not. Then it talks about an oath. Then it goes on in section 26 to talk about the responsibilities of a regional police commission.

So is there some unhappiness that the member has with the existing clauses under the Police Act, that he would like to change this or he would like, in fact, to have this in place? If this is what he wants in place, then just say it or lobby his own minister to have it put in place. It's with the permission of the minister, the Solicitor General, to do so, and he's certainly free and has an inside track to speak to the Solicitor General and have this put in place. I'm curious as to why he feels he needed to take this additional step, and I'm not sure exactly what that additional step is. I don't think the member is talking about establishing regional police authorities along the same lines as regional health authorities. If he is, I sincerely hope not, because I don't think that would work well to serve Albertans.

If we are talking about the regional police services – and as I pointed out, that is not difficult to accomplish given the existing act and with the permission of the minister and the interest of municipalities and counties that want to get involved in this – then a few things, if I might, that I would like to see considered in a regional police service: ensure proportional representation from the municipalities that are utilizing the police service; ensure that representatives to the commission are appointed by the municipalities, not by the province; make it clear that the province is responsible for the funding of the regional police service under the Constitution of Canada. It seems possible, given the amount of fed-bashing that the member got involved in, that maybe he feels that he wants something changed under that, and perhaps that's under sections 24 and 25.

I would not want to see the same downloading of a sort of responsibility and even blame that happens from the government occasionally with the RHAs, where we ask a question of the government and they throw their hands up and go: have to ask the RHA. We'd like to have direct accountability.

There are some regional police services that work very well, a couple of examples. One would be the Niagara Regional Police Service. There's also an example in Ontario, the Peel Regional Police force. Actually, this has worked very well. In Niagara they have a number of units that usually only a very large city would be able to have; for example, they have a DNA unit, and they have an explosives disposal unit and a marine unit. You wouldn't usually find those in the smaller centres. So they've really been able to take advantage of this through that regional police service, and it does incorporate the municipalities of . . . [Ms Blakeman's speaking time expired]

Thank you very much, Mr. Speaker.

8:20

The Deputy Speaker: The Member for Calgary-Buffalo.

Mr. Cenaiko: Thank you, Mr. Speaker. It's my pleasure to rise and speak in favour of Motion 504. I think this motion is very important for the people of Alberta. It's a motion that has long-term implications for this province, implications that will no doubt benefit all Albertans. I think we should be clear on one thing about Motion 504 and what it is asking for. Motion 504 is asking the government to take the steps necessary to establish a regional police service as well as a regional police commissioner. As the hon. Member for Edmonton-Centre stated, the current Police Act, under sections 24 and 25, provides the legislation to proceed with regional policing, but I think it's extremely important that all hon. members realize that this motion does not ask the government to set up a police service but, rather, take the necessary steps.

Members may ask: why must we be taking steps to establish a provincial police service, especially by the year 2007? This is because the province must be prepared for the renegotiations of our RCMP contracts. We don't have a clear idea of how these negotiations are going to go. In 2012 the contract the Alberta government has with the RCMP is going to end. Hopefully, by that time we will have negotiated a new deal that will carry us for another 10 or 20 years with some portion of the present contract that's in place now. But the negotiations are going to be taking place beginning 2007, so the government of Alberta must have all areas covered before beginning negotiations. By 2012 based on the federal government's rate of \$132,000 per RCMP officer at only 3 percent increases for the next 10 years, the cost could be as high as \$177,000 per officer. I'm not sure which municipality can afford that.

The history of negotiations with the federal government with respect to policing in this province has become very expensive and difficult. Problems with police funding have risen to the forefront of the discussions. Over the years the federal government has cut their level of police funding to the provinces by significant amounts, and if history tells us anything, it is that when we begin to renegotiate our contracts with the RCMP, we should have a plan in place. This is because it is likely that the federal government will cut their share so drastically that we will be left to take care of most of the funding for our police agencies if, in fact, the 10 to 30 percent subsidy to Albertans is based on a true cost. If this is to be the case, Mr. Speaker, should we not prepare ourselves for the probable outcome? The answer, of course, is yes. We should be prepared.

Mr. Speaker, the best way to prepare ourselves is to look at all the options and have a plan in place that will give us an opportunity to have our own regional police service should the need arise. This will help us immensely in negotiations with the RCMP. As well, we will be in a much stronger negotiating position. If the federal government tells us that they are going to cut funding completely or charge provinces a hundred percent of the cost, we won't be left high and dry if we have a plan in place. We will be prepared to transfer policing over to regional services that municipalities throughout Alberta have agreed to.

This is not to say that we are unsatisfied with the current agreement with the RCMP. In fact, the opposite is quite true. Most Albertans would agree that the RCMP does a great job in policing our province. They are trusted members of our community, especially in our rural communities. They are active in the community, in sports, in teaching, as mentors in the community. The issues that many Albertans have with policing is not with the RCMP but, rather, with the federal government and their level of support. This being the case, we should prepare ourselves for what I feel is the inevitable.

Mr. Speaker, I think it's prudent that we also look at the MLA policing review that took place. A draft report was released in July of 2002, and in it there were a number of recommendations regard-

ing a provincial police service and/or regional. However, recommendation 33 of the July 2002 report did state something that has implications for what we are doing here today. The recommendation states that in preparation for the next provincial policing agreement in 2012

an external study of provincial policing be conducted to determine the efficiencies and levels of service of alternative methods of policing Alberta. These could include retaining the RCMP, forming a provincial police service, or regionalization of policing throughout the province, or combinations of these forms, [including the RCMP]. This study should be led by an MLA committee.

Mr. Speaker, this sounds like a necessary step for the government to take. It's another way for us to prepare ourselves for the upcoming contract negotiation. Now, granted, the recommendation is from the draft report of the committee and the final report and the final submission from the Solicitor General have not been released, yet I am confident, however, that the release of the final report will be very similar in tone and that recommendations will not be changed substantially. Therefore, we should seriously consider the motion that is before us today, especially after reading that recommendation. We must have all the information that can be provided to us before we can decide whether or not we continue on with the RCMP.

Mr. Speaker, the MLA Policing Review Committee took a number of submissions from many people across Alberta, and it's no secret that many of the submissions asked for the Alberta government to set up its own provincial police service. I believe that many Albertans would support Motion 504. I think that many would feel comfortable with a different policing arrangement, especially if it can be proven to be more efficient than our current arrangement.

We have many policing challenges that we as Albertans are facing, and these challenges will not slip quietly away. They must be met head-on. Some of these challenges include the policing of new technological advancements, such as the Internet, photo enforcement, information technology, DNA testing. Even though these seem like very large-scale problems, we are the ones that must solve the problems, problems that could possibly be faced easier with a different police service, one set up by our government. Of course, we don't know that for sure, and therefore we should be looking at how best to deal with those upcoming policing challenges so that when we must negotiate our current policing agreement, we will have all the information that we need to make an informed and knowledgeable decision.

Mr. Speaker, many Albertans are already questioning the current RCMP agreement. Many municipalities are in fact doing the same. There have been a number of jurisdictions around Alberta who question the usefulness of the current arrangement for their specific communities. Regions in southern Alberta are talking about regionalizing certain police agencies to deal with the new challenges that have arisen. Again, it's not because the RCMP have done a poor job in policing our province, but rather new and more efficient ways of policing are being investigated, and Albertans feel that if there are better ways, they must be tried and true.

Mr. Speaker, I would like to reiterate what I said at the outset of my speaking time, and that is: this motion does not ask the government to set up its own provincial police service by 2007; rather, it's a means for us to be prepared for the renegotiations that are going to begin that year. The more prepared we are, the more Albertans will benefit. I have numerous friends and former colleagues in the RCMP that would be more than happy to continue to live and work in Alberta under a new Alberta policing model. It's for these reasons that I support Motion 504, and I urge all members to vote in favour of the motion.

Thank you very much, Mr. Speaker.

The Deputy Speaker: The hon. Member for Edmonton-Riverview.

Dr. Taft: Thank you, Mr. Speaker. It's always great fun to engage in these important debates.

Ms Blakeman: No, it's not. It's crazy-making. They don't make sense.

Dr. Taft: The only problem with this, I'm told by Edmonton-Centre, is it doesn't make sense.

I've been listening to the comments from all three members so far, and I think there's some merit on all sides, but I do find myself puzzling over this particular motion. Both of the government members have talked about this motion setting the stage for negotiations that commence in 2007, yet the motion doesn't say anything about negotiations. It doesn't say anything relevant to this. It doesn't talk about jurisdiction with the federal government. It doesn't talk about funding formulas. Indeed, it's so oblique as to be unclear what its purpose really is at all. Indeed, the wording of it isn't clear whether we're talking about regional police forces that might cover a region that encompasses, say, an area of southern Alberta or eastern Alberta or we're talking about an Alberta provincial police force. What are we doing here? I would like the sponsor of the motion to consider going back and thinking it through more clearly, getting more specific on the purpose of it. If it's about negotiations, let's talk about negotiations. If it's about jurisdiction, let's talk about that.

8:30

It seems to be a kind of backdoor way to start probing public opinion about the support for establishing a provincial police force in Alberta, and that kind of direction concerns me. It concerns me for a few reasons. First of all, as a born and bred prairie Canadian I have a deep appreciation for the heritage of the RCMP, as I'm sure every member of this Assembly does. The history of the RCMP goes back well over a hundred years to the days of, well, the North-West Mounted Police and the earliest days of this country's existence, and it is an extraordinarily credible, well-respected police force. We may not agree with everything they do or every procedure they follow, but nationally and internationally the RCMP are a great institution for this country. When we look at provinces like Ontario and Quebec that have their own police forces, we see all kinds of problems. I don't believe that either one of those provincial police forces are terribly well respected frankly, or I certainly hear doubts about that.

I also am very concerned that we would be introducing confusion around the mandate. Do we need yet another police service? We would have the RCMP. Whether or not we establish an Alberta provincial police force, we will always have the RCMP, just like there are RCMP in Ontario and Quebec. They do handle federal issues. So if we brought in yet another police service, we would have the RCMP, we would have the municipal forces, from the confusion and the wording of this motion maybe we'd have regional forces, and then on top of that we'd have an Alberta police force. I don't think that's necessary. I think, indeed, it runs the risk of driving up costs, confusing mandates, and adding an entire new layer of bureaucracy. So if that's the direction that this motion is trying to nudge the province, I disagree with it. I just don't think it's necessary.

I am frankly also concerned about the move hinted at here to increase the centralization of power in the provincial government. In my view, this is a government that has a history of centralizing power. We can look at school boards, which have been the subject

of some active debate in this Assembly recently. Their power goes back generations, really. It traces back to the British North America Act of 1867, I believe. School boards have a tremendous history. This government, this sitting Alberta government, removed the power of school boards to raise local revenues, and by doing that, effectively . . .

Some Hon. Members: No.

Dr. Taft: Okay; I stand corrected. It greatly curtailed and meaningfully removed the power of school boards to raise local taxes, and as a result school boards do not have a great deal of meaningful independence anymore.

We have also seen the treatment of the regional health authorities. Before there were regions, there was a vast number of boards, and arguably – I think the government was right in this – there were too many boards. But those boards reflected a huge number of voices that were very broadly based. Now we have a handful of regional health authorities, all dominated by people handpicked by this government. It's very centralized power, and I am concerned, Mr. Speaker, that we will see the same trend with an Alberta police force. It's a centralization of power if we are going in that direction.

So those are a handful of concerns I have here. I've heard the expressions of concern coming from the government members about the federal government in 2012 pulling their funding and leaving the province unprepared to fill in the gap. We don't know if that's a risk or not. That's almost 10 years away. But I am concerned that some figures I have from the Alberta Urban Municipalities Association suggest that the province as it is only funding a very small percentage of police expenses provincially, and I'm wondering if the province really wants to accept the full cost that would go along with accepting full responsibility. I think we'd have to think long and hard about adding perhaps hundreds of millions of dollars in extra expenses to the provincial budget. All of these areas need study, they need debate, and it isn't clear to me that that sort of work has gone on in the preparation of this motion.

Mr. Speaker, there were a couple of other comments I would like to get in here before we're done. I do notice that, as other members have pointed out, the Police Act does already make provision for regional police forces, so again the purpose of the motion is not clear to me at least as a member of this Assembly. Well, we could go on, but I see we're down to the last 20 minutes or so, and I think there are other members who would like to participate.

With those comments and those questions, I look forward to a response from the sponsoring member at the appropriate time. Thank you.

The Deputy Speaker: The hon. Member for Lacombe-Stettler.

Mrs. Gordon: Thank you very much, Mr. Speaker. The hon. Member for Wainwright has brought forward a motion, and I think what the hon. member is trying to do is make us aware, aware of the expiry of Alberta's contract with the RCMP in 2012 and the need to plan carefully for the upcoming negotiations and possible changes to the costs the province might be asked to incur. Now, these negotiations will probably start five years prior to this being signed, so I think he is telling us: let's look at all of our options; let's plan ahead; let's see what can be done.

Obviously, the member is a rural MLA, serves a very vast area in the eastern part of the province, and, I'm sure, has talked and heard from many of his municipalities. As the hon. Member for Calgary-Buffalo stated in his discussion, for the last number of months there has been a committee that has been doing a lot of work on policing.

The hon. Member for Calgary-Buffalo as well as the hon. Member for Dunvegan were two members on the committee, and I chaired the committee. The hon. member talked about a report that was released in July 2002, and it was the Alberta MLA Policing Review Committee, and subsequent to that report, we heard from a number of people that wanted some clarification, wanted to come in and talk to us. We received written submissions, and we met with a number of stakeholders when they requested a meeting with us, and this has now formed the basis for another report called *Listening to Stakeholders*. We feel this is an excellent report. The Solicitor General has it, and I do know that in the next few weeks we hope that this report will be released.

Municipalities talked to us, and they said that there are inequities in the ability of municipalities to fund policing. There are inequities in the costs municipalities are asked to bear. There's the whole consideration of what will happen in 2012 and the negotiations leading up to that and the increasingly complex and evolving policing practices and legal framework that impact how policing is carried out.

If you look at where municipalities are in this province, I believe the system is very complex, lacks logic, and is inequitable. For example, cities and towns with populations between 2,500 and 15,000 who have a provincial contract for RCMP municipal policing pay 70 percent of the cost with a 30 percent federal contribution. Towns and villages with populations under 2,500 pay nothing. The province pays a hundred percent of the policing costs for municipal districts, some counties, towns, villages, and summer villages when they're policed by the RCMP provincial police service. Cities with over 15,000 people and RCMP municipal policing agreements pay 90 percent with the 10 percent coming from the federal contribution, and cities and towns who have their own municipal police services pay a hundred percent. Presently in the province we have eight municipalities with their own municipal police forces, and one of them just happens to be the town of Lacombe.

8:40

The town of Lacombe has for a number of years operated its own police service, and I would tell you what Mayor Bill McQuesten pointed out to me and to the committee as well. Citizens of Lacombe are very, very proud of their police service. Unfortunately, because there are so few municipal police services operating in the province, the debate on policing issues among smaller municipalities inevitably focuses on arrangements with the RCMP. During these debates the awareness of the alternative of a municipal service is lost.

Many smaller municipalities are also concerned about the level of policing they receive. We were told repeatedly that these smaller centres were less concerned about contributing towards the costs of policing but expected that if they did pay more, they would receive better service. Though I haven't sat down with both parties and gone in depth on this particular area, I will relate a story to you.

The town of Blackfalds, which is 15 minutes south of Lacombe, hit that number where they were over the 2,500 threshold. They needed to then by law put into place policing. Now, being that they would fall under the 70 percent/30 percent, where they paid 70 percent of the cost and 30 percent was picked up by the federal government, they did not spend considerable time, money sitting down and discussing, looking at a regional police service with the town of Lacombe, because if they had done that, their cost would have been a hundred percent. Lacombe is paying a hundred percent. Going with the RCMP, they could contribute 70 percent; the feds would pick up 30 percent. Now, the Lacombe police are in the business of policing. They do a good job and have done so for a

number of years. What I think the hon. member is saying, which is something that we have said in our report, is that we hope this type of thing will be encouraged and not discouraged. We believe that there's little information available right now to municipalities on policing options and the benefits of developing their own police service or forming a regional police service. The information is not there.

We believe the Solicitor General should develop and compile information and a template on establishing and operating a municipal police service, regional police service, RCMP, just so those municipalities that must go through this will know what's involved, what the cost is, what is necessary, and what they can do that is best for their citizenry. This would assist them in identifying their communities' needs and then determining and implementing their best policing options.

So this is one thing the hon. member is saying: regional police could be looked at. Lacombe is in a position today – they've been policing long enough that they could very nicely tie into quite an area there and look at regional policing. So I'm saying that it should be encouraged, not discouraged; it should be prescriptive rather than restrictive. Yes, it's in the Police Act, but it would be nice if we could sit down with these municipalities as they have to move ahead and something could be done.

As I said, I think the hon. member is very correct in saying that we need to look at all of this before the contract comes up again. An external study of provincial policing should be conducted to determine the efficiencies and levels of service, alternate methods of policing Alberta. The hon. Member for Edmonton-Centre talked about Ontario. We looked at Ontario. Ontario has a provincial police force, it also has regional policing, it also has the involvement of the RCMP, and I think there are some things here we could look at. I, just like the hon. Member for Edmonton-Riverview, am very proud to stand anywhere and say that we have RCMP in Alberta and in Canada. The RCMP can still be part and parcel of all of this. It's only that I think everyone should know what their options are, what their community needs are, what their crime rate is, who they're identifying, et cetera, et cetera, et cetera.

Only by looking ahead, planning, studying, researching this are we going to know. I think that is what the hon. member is asking for. I'm sure that he could list a number of municipalities, because the committee certainly has heard from them, that are very, very, leery right now and have some concerns as to how they're being policed. Policing is the cornerstone of Alberta. It is important for all our citizenry. We must make our communities safe. Let's open it up and take a look at it. That's all the hon. member is asking.

There's one other thing. I do hope that we will hear from the Solicitor General as to what is happening with the committee's report and in regard to the hon. member's motion.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to rise and enter into debate this evening on Motion 504. I will assure the Speaker that I will direct my remarks to the Assembly through the chair.

Now, after listening with a great deal of interest to what the hon. Member for Wainwright had to say regarding this motion, I would like now to read it into the record because I couldn't understand where the hon. member was coming from.

Be it resolved that the Legislative Assembly urge the government to take the steps necessary to establish its own regional police service including a regional police commissioner by 2007.

That's the motion that's printed in the Order Paper. I don't under-

stand in the hon. member's remarks what this has to do with negotiations with the federal government. There was certainly this rant on the federal government and any number of perceived slights by that government to this province. At this time I have to caution all hon. members of this Assembly that we need to be a little bit more responsible and perhaps a little bit more tempered in our comments.

There's a public health care system to fix, and the word "public" is very important in that. I think we should be working with the federal government, not getting involved in this contest to see who can hurl the loudest insults. Nothing is going to be accomplished that way. We have softwood lumber disputes. We have the hon. Member for West Yellowhead; this directly affects his constituency. We have the hon. Member for Whitecourt: job losses in that community. We should be working with the federal government to try to resolve these issues, not going on these confusing rants.

Also, another issue, Mr. Speaker, that's going to be coming into focus very soon is: after we have run out of our own natural gas liquids, what share are we going to get from the natural gas liquids as they come down from Canada's north? If we have this belligerent attitude toward the federal government, regardless of whether it's a Progressive Conservative government or a Liberal government or an Alliance government or maybe even a New Democrat government or a PQ government, there is a responsibility and a duty. I'm afraid that in the initial comments this evening from the hon. member I just don't understand where the remarks were coming from, because the text of this motion is quite confusing, in my view.

The motion, generally speaking, has an intent to establish regional police services, but there's no idea conveyed as to how that should be done. Now, we can look at police forces across the country, as the hon. member from Ponoka . . .

Mrs. Gordon: Lacombe-Stettler.

Mr. MacDonald: Lacombe. Ooh, the Lacombe police are going to be after me.

The hon. Member for Lacombe-Stettler was talking about regional police services. Certainly, there is a police service in Lethbridge. Perhaps, you know, there could be some sort of police service for Coaldale, for Taber, for Cardston, the southern end of the province.

When we look at what we have now with the RCMP, I would have to say that if we had an Alberta police force, I'm sure they wouldn't wear tunics. They would wear sweaters. That would be part of their dress; I'm certain of that. It wouldn't be a tunic. It might be the Alberta tartan, but it would be a thick sweater. They could hop in and out of the cars and write tickets and things without getting cold. [interjection] Well, there could be a number of things that they could do in their off-hours, as described by the hon. Member for Edmonton-Highlands.

8:50

Certainly, whenever we think of what initiatives can be developed for the betterment of this province, we should recognize that we have to work in a larger community, and that community is this country. Instead of just banging the drum that someone else is causing all our problems, we should look at ourselves and recognize that we are blessed with unlimited wealth as a result of our natural resources, and we should consider ourselves lucky. It's not because of the Progressive Conservative government in this province; it's despite the Progressive Conservative government in this province.

Thank you.

The Deputy Speaker: The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Thank you, Mr. Speaker, for allowing debate on Motion 504, as presented by the hon. Member for Wainwright. Excellent speech earlier, by the way, hon. member.

I strongly – strongly – support Motion 504 primarily because it represents an opportunity for Alberta to take more control of its own destiny by having its own law enforcement agency in the province. Second, I support Motion 504 because the history of the policing contract between our government and the RCMP leads me to believe that the federal government will want to pay even less for their share of policing in our province when the next contract comes due. If we are going to be paying the bulk of policing costs in our province anyway, we may as well have our own police force in Alberta so that we can make the necessary policing decisions to help benefit our province.

Mr. Speaker, this idea has been gaining some steam for the past 15 years or so. It gained its initial prominence when the RCMP instituted a hiring freeze, which tied the hands of the government in the area of hiring more police officers in certain parts of this province. This idea has continued to gain support but for two new reasons. First, many Albertans have argued that having our own police force will be a sign to the rest of Canada and Albertans that we are serious about law enforcement here in Alberta and that we are serious about ensuring that our communities and roadways are kept safe. Other Albertans in the context of asserting a strong role within Canadian Confederation have stated that starting our own police force will be a sign to the federal government that we are serious about asserting our provincial jurisdictional rights. So I agree with both of these arguments, Mr. Speaker, and I'd like to spend the majority of my time this evening discussing these issues.

However, as a disclaimer I'd like to note that I personally have no objection to the work of the RCMP officers who currently police the majority of our province. The RCMP in the Drayton Valley-Calmar constituency are first-rate officers – I know because I live next door to one – who do their best to ensure that people feel safe and secure in our area and that they trust the region's police force. They've been there for all the residents in our riding, as I'm sure they have for all the citizens of Alberta.

The point about starting our own police force, therefore, ought to be made with a great deal of respect towards our RCMP officers. These officers should know that the provincial advantage of having a police force is not a slight against the good work that they do but is a step towards improving the way that policing is done in our province overall. Indeed, I along with many other MLAs would be honoured if many of the federal RCMP officers chose to join an Alberta police force. Mr. Speaker, the reasoning behind my support for the initiation of an Alberta police force has more to do with the advantages of having such a force in Alberta and less to do with any complaint with the work of the RCMP.

In showing this point, I'd like to talk a little about the history of the contract with the federal government with regard to the RCMP. As it stands, the Alberta government through the Solicitor General's office contracts with the federal government for the RCMP to provide policing services in Alberta. We've been doing this since 1932. The last contract we signed was in 1994 and, as has been spoken about today, is set to expire in 2012. Mr. Speaker, when we first entered into this agreement, the federal government agreed to pay a great deal of the cost of policing because we entered the agreement during the Great Depression, when times were tough in this and other provinces. As subsequent contracts were signed, the federal government agreed to pay less and less. So as it stands today, they now pay only 30 percent of policing costs in Alberta.

An Hon. Member: How much?

Rev. Abbott: Only 30 percent, and if historical trends are anything to go by, they will likely want to pay less the next time around.

In one sense, Mr. Speaker, while it may be surprising to some members of the Assembly, I do not have a problem with the federal government wanting to pay less for policing. Providing policing services, after all, is an area of provincial jurisdiction, and while that consideration has not stopped the federal government from trampling provincial rights in the past, they may be in the right by attempting to reduce their financial role. As it is our responsibility, we should pay the freight. However, if that's the case and we're going to end up paying for policing, then why would we not just have our own force?

If I may, Mr. Speaker, I'd like to draw a comparison here to the federal intrusion into the health care system. This province rightfully gets annoyed when the federal government attempts to tell us how to run our health care system, especially when they don't pay for the right to tell us what to do. Now, the same principle applies in this case. If the federal government isn't paying a lot for policing, then why would we employ their policing service, which operates under their rules, instead of starting our own?

Ms Blakeman: Mr. Speaker, a point of order.

The Deputy Speaker: We have a purported point of order. The hon. member.

Point of Order Relevance

Ms Blakeman: Thanks, Mr. Speaker. Under Standing Order 23(b): "speaks to matters other than . . . the question under discussion." This is a motion that is talking about regional policing, and the member has now decided to expose his views on the federal funding of health care. Please, Mr. Speaker, let's stick to what's in front of us.

The Deputy Speaker: The chair would share the same considerations. However, it did seem clear to me that he was drawing a parallel: on the one hand this and on the other hand that. So in the limited period of time that's available, I think it's just as well to let the hon. member conclude.

The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Thank you very much, Mr. Speaker. That's a very fair ruling, even though I didn't get a chance to speak in my own defence.

Debate Continued

Rev. Abbott: This is not to suggest that the RCMP would not continue to operate in Alberta but only that its scope would be reduced. It would serve to enforce federal laws whereas a provincial police force would enforce our provincial laws. It makes sense. We all know about the great co-operation and communication that we now have between various police forces, and I believe that that can be enhanced even further between the RCMP and the Alberta provincial police force.

Mr. Speaker, before I conclude my remarks this evening, I'd like to talk about a few of the costs associated with Motion 504. There are, of course, some concerns to be raised with respect to this matter, the most prominent being start-up costs. To set up the infrastructure that would be necessary to run a state-of-the-art police force or possibly to buy some of that infrastructure from the RCMP would not come cheap. After all, the province would have to purchase

headquarters, stations, a fleet of vehicles, weaponry, radio towers, and new technology, just to name a few. We shouldn't fool ourselves; the cost would be significant. I know that the town of Drayton Valley would like to house the provincial training centre for the new provincial police force, and we trust that the Solicitor General's department would consider that when the time comes. Now, a new force would incur new costs, and we should be aware that many Albertans will question whether these costs are costs that the government should be shouldering instead of continuing to utilize the RCMP.

Thank you.

The Deputy Speaker: I regret that I have to interrupt the hon. Member for Drayton Valley-Calmar, but the time limit for consideration of this item of business on this day has concluded.

9:00head: Government Bills and Orders

head: Second Reading

Bill 27

Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003

The Deputy Speaker: The hon. Minister of Human Resources and Employment to move second reading.

Mr. Dunford: Yes. Thank you, Mr. Speaker. It is, indeed, a pleasure to move this evening Bill 27, the Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003.

Now, the purpose and the reason for this bill is for the health authorities to streamline the collective bargaining process by making rules governing health care bargaining simpler, more straightforward, and easier to understand and administer for both employers and unions. It is time to bring the rules governing health care bargaining in line with the changes to the health system. It is time to streamline the collective bargaining process by reducing the number of collective agreements from over 400 to 36. The legislation enables government to establish four functional bargaining units to represent employees in the regional health authorities. These will consist of nursing; auxiliary nursing; paramedical, technical, and professional; and the fourth, general support services. Bargaining will be regionwide. Simply put, this means that the nine health authorities will each bargain with four functional bargaining units. This means that employees at different sites doing the same job would be subject to the same collective agreements, and this will bring certainty and clarity to their terms of employment.

Bill 27 considers health care in the regional authorities to be essential. Strikes or lockouts compromise patient safety and patient care. This is true no matter where you are working in the health authority. Removing the right to strike from community health and mental health authorities' employees in the health regions means that they will be subject to the same provisions in the Labour Relations Code as police officers, firefighters, and close to 90 percent of health workers that currently do not have the right to strike.

The government still believes in the collective bargaining process, where parties negotiating arrive at solutions, and in the rights of employees to be represented by unions.

Mr. Mason: Gee, that's great.

Mr. Dunford: That is good. Yes, I agree.

This legislation does not pre-empt the MLA review of emergency medical service workers. Paramedics not employed by the regional health authorities will continue to have the right to strike.

The scope of practice of nurse practitioners has grown in the last couple of years. Removing nurse practitioners from the bargaining unit will give health authorities the flexibility they need to proceed with primary health care reform. Under changes in Bill 27 these employees will not be entitled to severance, neither the stability or the existence of their employment is threatened, and their terms and conditions remain substantially the same. Legislation will ensure that severance is not used for purposes it was never intended for.

The changes under Bill 27 will not happen overnight. The legislation outlines a transition plan and grants special temporary powers so that the board can deal with issues that arise because of the legislation. Now, this will be a fair process for all parties as we move forward with the changes. This legislation is important for health reform, treats workers fairly and consistently, reduces the burden of administration.

Now, Mr. Speaker, I have been talking about Bill 27 in the public now for a week or more, and I've tried to emphasize something that is called the greater good, and what we mean by that little phrase is the fact that this government takes very seriously its responsibilities to deliver a high-quality health care system and to be able to do that in a timely fashion. One of the things that comes with the acceptance of that responsibility is to then move all of the different aspects of legislation or regulation into line with that type of vision and, of course, that direction. Clearly, I don't know if there's anyone here in the House, including my NDP friends, that would be able to arrive at an argument that would convince anyone that a strike or a lockout is good for the delivery of health care. If there was a situation of perhaps an overwhelming majority currently having the right to strike, well, then maybe this would be something that we'd have to look at. But, again, despite all the rhetoric, despite all the reaction that we've had from various groups around the province, the fact of the matter is that we're talking about approximately 10 percent of employees that would be working for these regional health employers.

So it's very, very important, I think, on that particular matter, but also of course there have been public documents that talk about wanting nurses at the bedside and also at the operating table rather than at the negotiating table, and I think this is something to really keep in mind. For those of us that do have some experience in labour relations, we know how long it takes to negotiate agreements, but that is a very small portion of the time that is actually spent, then, in labour relations. I know that I haven't ever calculated in my own mind the amount of time that I spent at bargaining tables and then what percentage that was of the time that I had to spend in administering the collective agreement through its lifetime, but it probably is certainly 1 to 4, one hour being in bargaining to four hours administering. It might even be as high as 1 to 10. There may be studies, Mr. Speaker, that have looked at that.

In any event, you know, if it is 1 to 4 or something of that particular magnitude, then it doesn't take too long to do the math. With over 400 collective agreements currently in effect, if we are to reduce that, then, to 36 in total throughout the province, I think that the logic and the reason behind this move would be fairly obvious, and it's only the emotion of critics of anything, basically, that this government does when it comes to health care that will be left. Emotional arguments can be traumatic at any particular given time, but over time, of course, we're going to have to rely on the logic and the reason and the science of things.

With that, Mr. Speaker, I look forward to the ensuing debate at the various levels on Bill 27 but really would hope that all members of the House will keep the seriousness of the bill and its provisions in mind. Keep also in mind the fact that collective bargaining is currently ongoing. Many of the collective agreements are to expire

on March 31. So I think there's a timeliness that needs to be looked at, and I hope that we could expect and count on the co-operation of all parties here in the House for a speedy movement through the process of this bill.

The Deputy Speaker: The hon. Leader of Her Majesty's Loyal Opposition.

Dr. Nicol: Thank you, Mr. Speaker. I rise this evening to speak to Bill 27. I guess that just at the end of the minister's speech there was a little bit of a contradiction from what he started off his talk with where he said, you know, that this is something that they're not going to rush into, that they're not going to try and implement all at once. Then he said: there's a real urgency to it because we have to have it done by the time this current round of negotiations and contracts gets put in place.

But, you know, the thing that we really have to look at as we go through Bill 27 and look and see what it really means to Albertans – I've already had a number of Albertans come up to me and ask what the minister is talking about when he says: we need this to promote safety and good health delivery. They're asking: is the minister trying to tell us that because of the current configuration of the labour contract negotiations, the relationship between each of the regions and their respective bargaining units, there's some implication there that we're not getting safe, quality health care? I hope that's not what the minister is trying to talk about, but it's a perception that's being left out there with Albertans, and the minister really needs to talk to some of these issues and try and make sure that when he puts messages out into the public, he's not dealing with messages that lead to any kind of a comment or any kind of an implication about the dedication and the approach taken by the workers in our health care systems.

9:10

As we look at this bill and deal with some of the background in it, the whole concept of labour relations is trying to develop a working process that allows for employees and employers to come to an agreement over working conditions and remuneration, but that whole process in itself really takes into account the fact that we do have to have a degree of consultation, a degree of give-and-take, a degree of: let's put all the issues on the table and see where we're going and what the options are that we've got. Yet in developing Bill 27, it appears that there was very little, if any, real consultation with the affected parties in terms of what their expectations were for the process.

I understand, Mr. Speaker, that there were a number of voluntary negotiations already going on to try and amalgamate some of the bargaining units and make the system more effective and more conducive to good relationships between all of the bodies involved. I think that if we're going to look at that, that probably should have been the process that was used, even if it might have taken, you know, one extra negotiation period or something to actually achieve it. It basically says that this is a participatory type of relationship that we're trying to develop between the employers and the employees rather than the top-down, heavy-handed approach that we're seeing here with Bill 27. That doesn't lead to good relationships with any of the bodies involved.

The main aspect that comes up every time we talk about this bill and that we get into debates about is the implication, as the minister said a few minutes ago, that there is a right-to-strike withdrawal for the remaining health care workers who are involved within the public systems, but it doesn't, in effect, create equity either, because it ignores those workers that are in the private-sector employment

delivering the same kind of a service. So they're selling this bill on the idea that it is supposed to put some degree of equity into it, yet it doesn't, and this is how we need to make sure that we should be going back and allowing the labour unions, the negotiating groups, to sit down and talk about how they want to see these kinds of things work.

But if we get to the actual idea of whether or not it is part of the option for the unions to take and withdraw their services, this creates a real inequity in terms of the negotiation and the bargaining power of both parties that are involved when the employees don't have a right to withdraw services when they want to. I think it would be more appropriate and is something that I'd like to throw out to the minister: should we not be talking about trying to define an essential level of service rather than an essential service? In this way what it does is it basically says that we know that health care in this province is essential to individuals in a critical state, in an accident state, for individuals who need treatment in a timely fashion.

There's a lot of our health care delivery, also, that is optional, that is voluntary, and that we could use as the median to deal with how we handle fair power-brokering in terms of trying to put out a point and trying to get a point established in connection with negotiations. If the employees don't have a right to strike, they don't have the mechanism to really push for their wishes. In the end what it's going to do is it'll go to arbitration, and we saw how this government handles arbitration cases when they dealt with the teachers last year. They created conditions that would allow the arbitrators to come to a settlement which didn't give full disclosure or full discussion of all of the options that were being raised as part of the issues of that strike situation, that contract negotiation situation. You know, we have to make sure that if we're going to deal with looking at trying to withdraw the option for individuals to use the ultimate withdrawal of service, then we have to make sure that, in effect, they do have some power to balance the power of government, even if it's through the Labour Relations Board, to appoint the arbitrators or to put the mandate, put the direction to the arbitrators. This doesn't give the process the same degree of balance that it has if the option is there to withdraw services.

You know, when we go through this and look at what, in effect, is happening with the implementation of this bill, we end up with some questions being raised about whether or not there's going to be fairness or equity put into this. A lot of people have already said to me: "Okay. So what? If you take away the right to strike, it doesn't effectively prevent the withdrawal of services." That is another issue that we have to watch, as well, because it has an impact on how these individuals can use the system to push, but it doesn't help in terms of labour relations when you have one group having their actions defined as illegal, when the Labour Relations Board through its arbitrators can put conditions out as well that don't necessarily appear to deal with any degree of fairness.

The next issue that comes up is this whole idea of amalgamation of the bargaining units. I've already mentioned briefly that, you know, there were some negotiations already under way to try and bring together some of those units into a larger group and a more common group, but by doing it in a heavy-handed way like this bill does, it really, in effect, doesn't give the relative units a chance to fully discuss and fully work out the issues that are involved in amalgamation, and that will create the possibility for a degree of "what would have happened if" and "you got this" and "we lost that" kind of give-and-take in the situation. That doesn't lead to good working relationships as these groups come together and have to deal with trying to get on with the delivering of health care.

I guess that the thing we have to look at, as you go through that, is that they're trying to amalgamate a number of them, yet they're

going to break out nurse practitioners. What we need to do is make sure that there is an option in there for them to develop an association or develop some kind of a group so that they can deal with working conditions and their relationship to the regional health authorities. You know, this is the kind of thing that has to come out of this when we have other groups that are being singled out of the system. We have to give them an option to organize as well. If that means that we'll have the nurse practitioners trying to form a professional association like the Alberta Medical Association for the doctors, that's the kind of thing that we need to be looking at. What options will be available for those nurse practitioners? The implications of the minister's comments at the start were that we expect to see a lot more of those career opportunities develop for the nurse practitioners in the future as they play a different role and a more unique role in delivering our health care systems. We have to kind of make sure that all of those options are really handled and dealt with in the context of where this kind of a system will take us as we go through the process.

9:20

The thing that we need to deal with also is that if we look at how these amalgamations are going to come about, there's no indication in this legislation about how the relative contracts will fit together. This is all left in many ways to the regulations or to kind of the will of what would probably end up being an arbitrator because people will have to be brought together and sort those things out.

If we look at this bill, as much as anything, Mr. Speaker, what we see is a lot of the characteristics that are really common with the way this government has been dealing with a lot of legislation in the past. There are some basic principles set down in the piece of legislation, and then almost everything else is left to a set of recommendations. That comes out there, you know, as we look through what's going on in the whole idea of that section 162, where they're talking about all of the different regulations that the Lieutenant Governor in Council can pull together. These are, in effect, going to dictate and be a heavy-handed, dictatorial type of approach to how these unions have to bring together their collective agreements, how they have to evaluate the relative merits of each of the different contracts, who gets what, how they deal with issues of seniority, all of that, and it doesn't seem to be in a way giving anybody a sense of expectation other than the fact that there's a lot of uncertainty out there.

If the minister really wants to see this implemented by the end of the month so that he can start these processes in place by the next fiscal year and put it in place for these contract negotiations that he was just talking about, Mr. Speaker, I challenge him to bring the regulations forward. Let us see them. Let us have a look at them while we're debating the bill, while we're dealing with them so that we can truly see what, in effect, these regulations will do to the implementation of this bill, to the actual way it's going to make these relative bargaining units work with each other or how the relative regional authorities will be empowered to deal with the relative union contracts that they have to handle. This is one of the things that I think the government is really trying to, in essence, hide behind almost. They keep saying: you have to wait for the regulations. Well, Albertans really saw what that meant with the Natural Gas Price Protection Act. They sell the bill on one set of parameters, and then when it comes time to implement it, the regulations create a whole different environment for the operation of that bill compared to what it was when they implemented it. So you can see that those regulations really do provide for the meat of any kind of a bill that we have to be able to look at in terms of evaluating: is it going to be good or is it not going to be good for the process at hand?

When we start going through this bill and look at all of the

different aspects and how they can be brought together, we see that almost everything here is undetermined. We don't know where it's coming from. We don't know where it's going. All we can see is that they're saying that the Lieutenant Governor in Council will have that power to dictate a whole series of things that either can be directly put into regulations and imposed on the process or can be directed through the Labour Relations Board and imposed on the process. I think it's incumbent on the minister to make sure that Albertans truly see those regulations while we're debating the bill, and that's important. If we don't see those, we don't really know how this is going to be implemented, how this is going to be put together, and what relative effects it will have in terms of bringing forward different aspects of that amalgamation. You know, this is the kind of thing again, Mr. Speaker, that's a very heavy-handed approach in the sense that they're not telling the relevant groups what the rules are, but they're saying that there's a set of rules you're going to have to follow, so buy into it. Well, that's not a very open, accountable process.

You know, if government is supposed to be open to the people who are being governed, we should be telling them what we're dealing with here, what we're asking them to deal with, or what conditions we're putting on their ability to negotiate with each other. If we don't do that, we're, in effect, trying to make sure that these individuals are buying into a process where they don't know what the rules are for. That's just not the right way to make legislation. That's not the right way to get groups to start working together. It's not the right way to accomplish what could be a simple process if we just let the groups negotiate with each other and put common courtesy, common practice in place and let them come up with an objective.

I'm sure and I know from talking to a number of the union members that they've already seen that amalgamations would be beneficial to some of them in a number of areas, and they were willing to do it. So why do we have to be so heavy handed on it and not give them the option that we've talked about here? Almost every one of these regulation subcategories says that the regulations will determine which trade unions are eligible for a vote by employees, will determine how the collective agreement will be selected. Why don't we let the workers make those choices themselves? The health care workers are out there. They know their working conditions. They know what they want. They know what they need to be effective in their job. Let's let them make those choices rather than have these kinds of regulations imposed on them. That doesn't help make the system work better, provide for a good working environment. We've got to make sure that that kind of thing is available on a voluntary basis, on a basis that truly lets the workers who are out there delivering our health care services in a very competent way have some buy-in to this, lets them have some say in the process.

The minister went through and said that there's going to be a common dispute process, yet how do you buy into it when it's imposed? You know, will people feel comfortable using it, either the employers or the employees? If there is a dispute that comes up, it's got to be something that the participants in it have in effect bought into by having some kind of power and some kind of a process to help design it. Yet this is one of the things that's going to be imposed through the Labour Relations Board. So we need to make sure that these kinds of things that we get in place are not done without really making sure that the groups are there. If we're going to have an effective operation and an effective moving forward by this whole process, we've got to make sure that everybody feels comfortable with it, and this kind of top-down activity by the government doesn't lead to that and doesn't promote that very much.

9:30

I guess that even when we get to looking at the four functional bargaining units that the act defines – the nursing; the auxiliary nursing; the paramedical, technical, and professional services; and the general support services – this is one of those things that we see: why didn't they consult with the health care workers to decide how they saw those things fitting together? This is one of the things where they've just gone out and defined a set of processes without saying: maybe there are unique characteristics, unique aspects, that come about in different areas that would allow or would encourage or would make for better labour negotiations if the workers that were there had a chance to decide how they wanted to work together. You know, this doesn't deal with a lot of that kind of buy-in generation, and what we're going to see is, in effect, the government being the driving agent for all of this rather than the true democratic process that usually comes about and follows collective bargaining processes.

The idea that we're going to have enforced bargaining units at each of the health regions also, you know, I think opens up some questions that we need to look at because what we want to make sure is that there is some continuity. Some of the bargaining units right now probably do represent geographic or functional areas of service within a health authority that can see themselves being or wanting or needing conditions that are not there in the broad perspective. What we're going to end up with, Mr. Speaker, is a whole bunch of subunit bargaining groups as opposed to the concept that we're talking about here of only having four. So we need to make sure that those kinds of things get put in place and make sure that the approach that gets taken leads to some kind of a buy-in type of relationship.

The other aspects that come up in connection with this, Mr. Speaker, have to deal with the way the government is going to, in effect, administer the act, bring about the proper consultation, and I would really hope and would suggest that it would help the process a lot if the minister makes a commitment to, in effect, go out, take the regulations, deal with the relevant groups that are there, make sure that they get a chance to be participants in developing those regulations so that we end up with a true process that'll work.

You know, the government thought it was going to develop some kind of a process with the teachers last spring, and all it did was create chaos and disaster. We don't want that kind of thing happening here, but this is what the government is leading to. When they make sure that all of this goes on behind closed doors, doesn't get done with the openness that should be there, what we're going to have is, in effect, second guessing – why didn't you do this; why did you do that? – and that doesn't lead to a productive settlement of any of the kinds of things that we need in making for appropriate and proper delivery of our health care services.

You know, the idea that we want to make sure that this provides us with a productive health care system I think would be a lot better if we could reflect on it from the point of view of this is something that is built and put together by the system instead of a top-down, real heavy-handed approach that we see in Bill 27. It's not going to lead to that kind of operational smoothness that the minister talks about when he gives us an overview of the bill. When you look at the kind of regulations that are in it, it's really indeterminate at this point exactly how it's going to work or any of the other aspects.

Mr. Speaker, in closing, I just want to call again on the minister to make sure that the regulations that are out there are made available so that people can see how this bill will work, how this bill will actually fit together, because the way it's put together here, it's very top down; it's very invasive to the spirit that really is behind the process of collective bargaining. Where it should be a collegial

“let's sit down and talk” type of relationship, the government here has just given us a system of take it or leave it. That's their approach: take it or leave it; you're going to have to live with it. That's not right, so I would encourage everybody in the room not to vote for this because we've got to have a process put in place that will, in effect, get buy-in from all of the groups. Let the groups be a determinant of their own futures and their own working conditions. That's what democracy and freedoms are all about, and that's what we should be trying to promote through this legislation. I don't expect that this will achieve that, and I would really hope nobody would support that as it moves forward.

Thank you.

The Deputy Speaker: The hon. Minister of Health and Wellness.

Mr. Mar: Thank you, Mr. Speaker. As we move forward with health reform, we need to be flexible in how and where our health professionals provide service. Health reform is all about being responsive to the needs of Albertans and to the needs of health care providers. Now, we have already done much to make the health care system more efficient and more responsive, but more remains to be done, and we need to pick up the pace.

When we first created health regions in 1994, we streamlined 200 separate hospital boards into 17 regional health authorities. Those 200 boards came with 400 separate collective agreements, all of which were transferred straight over to the new health authorities. Last November we contracted those original 17 regions to nine so that they could move forward with efficiencies in health service delivery. Now we need to bring the labour structure in step with the rest of the health reform process, and Bill 27, the Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003, does that.

[Mr. Lougheed in the chair]

It releases the regions from the administrative burden of negotiating 400 separate collective agreements. It frees health care workers from the inequities caused by agreements which reflect the health system that we replaced nine years ago. As a result of those inequities, it is not unusual for one health employee to have the right to strike while another does not. It is not unusual for two employees in the same region to earn different rates of pay for the same work. That is not right. We need a system that makes sense, one in which all employees are treated fairly whether they work in a hospital or out in the community. Bill 27 gives us that system.

The regional health authorities tell us that the current bargaining structure must change so that they can continue to meet the challenges that come with health reform. My colleague will speak to the specifics of Bill 27, but I can assure you that the bill gives the health system the labour flexibility that it requires.

Mr. Speaker, we cannot ask health authorities to continue moving forward with health reform and then tie their hands when it comes to the effective use of their workforce. Bill 27 is the right legislation at the right time. It creates a system for health bargaining that makes sense. It simplifies the labour environment and creates a level playing field for health care employees. It protects health care workers from the unfairness of inconsistent labour agreements. It ensures patients receive the health care they need when and where they need it. It gives regional health authorities the flexibility to build a team of health professionals who can deliver new and innovative models of care, and that is the reason why I ask for the support of this Assembly for second reading of this bill.

The Acting Speaker: Questions? Do you wish to speak, or questions?

Mr. Mason: Yes. Thank you, Mr. Speaker. I have some questions for the minister under rule 29(2). I would like to ask the minister why the right to strike for public health nurses is taken away, why the government considers those people to be essential in the sense that emergency workers are considered essential.

9:40

Mr. Mar: Mr. Speaker, I think that a compelling argument has been made in the past by workers within the health care system that they are an integral part of an overall system, so it matters not whether we are talking about a person who works as a nurse within an emergency room or whether we might be talking about support staff that work within the hospital environment. This is all part of an overall system, and they work together hand in glove, and any set of workers who have the ability to legally strike can jeopardize and compromise the safety and delivery of service of health care within the system as a whole.

The Acting Speaker: The Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Speaker. I, too, have a question at this time for the hon. minister of health. How much money will your department save with the streamlining of the bargaining units?

Mr. Mar: That is a difficult figure to ascertain at this time. I can give, however, examples of the types of onerous administrative burden that rest with regional health authorities. As an example, the Calgary health region with its newly constituted boundaries, including those of the former region of Headwaters, will have the responsibility for 16 different sets of negotiations governing something in the range of 44 collective agreements. Mr. Speaker, one can only imagine that the need to administer all of those contracts would be administratively burdensome.

Now, having said that, the exact figure associated with the nine regions is difficult to ascertain, but I can assure the member and members of this Assembly that the intention is that any administrative savings which can accrue should be directed towards frontline delivery of services.

The Acting Speaker: The Member for Edmonton-Highlands. Question?

Mr. Mason: Thank you very much, Mr. Speaker. To the Minister of Health and Wellness: can the minister tell the Assembly what specific health reforms he has in mind when he says that the labour relations arrangements envisioned in this act are necessary in order to proceed to the next stage with health reforms? What specifically are the health reforms he has in mind, and how does this act facilitate them?

Mr. Mar: Well, one example might be our intention, as stated and set out in the Mazankowski report, to give health care workers the ability to work within the full scopes of their practice. One example of that, of course, Mr. Speaker, addressed in this particular legislation is the subject matter of nurse practitioners. We think that it would be most appropriate given the independent clinical decision-making type of role that nurse practitioners have that their role is much more like that of a physician than that of a nurse. I think that most people would find it a surprise if they were meeting with their physician but had to change when there was a shift change. So the

consequence is that we would view that the role of nurse practitioners would be more like that of physicians and that regional health authorities should be able to use them in a manner which is much more flexible than a contract that might be more appropriate for nurses.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you, Mr. Speaker. Again to the minister of health, please.

The Acting Speaker: Hon. member, the time has expired for questions.

Any members wishing to debate? The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Speaker. It's a pleasure to rise and get a chance to participate in the debate this evening on Bill 27, the Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003. When we look at combining multiple collective agreements covering the same type of employees and employers to produce the same results, one has to be quite concerned with this legislation. Certainly, I think at this time that the key to not only the public health crisis but the nursing crisis and other health care professionals in this province is negotiation, not confrontation. I see this bill as being quite confrontational toward a group of Albertans who have worked very, very hard to keep the entire system together during the last decade. It has been very tough, and I don't think this is the way to treat the health care professionals across this province.

We look and we see in the government's own press release that Alberta had the second lowest rate of work stoppages in the country in 2001. We look at the Canadian Federation Of Independent Business, their issues, the issues that are highest on their list of priorities, and we see – and I'm going to list them, Mr. Speaker – what's on their mind: total tax burden, government debt and deficits, employment insurance, government regulation and paper burden, workers' compensation, shortage of qualified labour, cost of local government, availability of financing, and at the bottom of the list is provincial labour laws.

The labour laws don't seem to be a problem for the majority of Canadian Federation of Independent Business. They certainly have more concerns about the shortage of qualified labour, and I'm afraid we're going to make our situation in this province worse. Health care professionals are needed across North America, and they're going to vote with their feet on this legislation and leave this jurisdiction for places where they will be treated with a lot more respect. When we talk about having fair and balanced labour relations, this is not, Mr. Speaker, how to do it. How will this foster fair labour relations?

We have a whole series of regulations which are going to be drafted in the privacy of the cabinet room, far from any of the interested parties, whether they are the public health care employees themselves or whether they are members of the Official Opposition or the Member for Edmonton-Highlands. It's going to be removed from them, and it's going to be in the cabinet room, I would suspect, with curtains drawn. Now, when we look at these regulations – and we're certainly going to look at them in a great deal of detail in committee – we are just enabling this government to govern more with regulations. Out of harm's way we're giving, in my view, further wide-sweeping powers to the Labour Relations Board.

There are some initiatives in here, and we're probably never going to know the details until some Friday afternoon when we see an

order in council come across the fax machine. How are we going to improve employer/employee conditions in this province by “authorizing the Board to make binding determinations as to terms and conditions to be included in a receiving collective agreement where the parties are unwilling or unable to do so”? Are we giving arbitration or mediation a chance, or are we going directly to the board?

9:50

Now, the idea that we have removed entirely the right to strike from this group of Albertans: we cannot take this lightly, Mr. Speaker. The right to strike is a fundamental human right and should not be taken away by any government.

An Hon. Member: A human right.

Mr. MacDonald: Yes, it's a human right.

When you consider the rights that we all take for granted, whether they're the right to associate, the right to have freedom of speech, these rights are very, very important in a democracy. We're so quick to remove them. [interjection] I'm going to look forward to the hon. Member for Edmonton-Castle Downs' views on this bill. Certainly he seems, Mr. Speaker, anxious to participate in the debate, and I welcome that because we need to hear all sides of the argument here.

Earlier, when previous speakers were speaking about this, it was to make everything simpler and fairer, I believe, were the words used. Straightforward was another description, and it was for the greater good. But I'm afraid that this new law, as we see it before us, will make collective bargaining in this province tougher, not easier. It will be much harder to come to a contract.

We look at what we have done to the regional health authorities and the fact that the elected representatives lasted hardly a year and a half. After a long period there were some elections to the regional health authorities, and now we have a wide-sweeping brush taken to the elected authorities. [interjection] I hear the comment that 60 percent are still elected. Well, Mr. Brian Bechtel is not among that group, nor is Ms Sheila McKay from Edmonton-Gold Bar. They were a good voice on their regional health authority. They were elected by the people; they were not selected by the government. There's a big difference in that. We have forgotten about that, and I have to wonder what part these selective regional health authorities had in writing this legislation, Mr. Speaker.

[The Deputy Speaker in the chair]

Now, we all know that there was a committee, and many labour groups were very, very pleased. The hon. Member for Olds-Didsbury-Three Hills and certainly the Member for Edmonton-Calder and the hon. Member for Calgary-Buffalo were on a committee that was struck by the Minister of Human Resources and Employment that was going to study changes to the labour code. Where are the results of that committee? Has there been an interim report presented to the minister? What parts of Bill 27 are part and parcel of that interim report? Or was their work completely ignored? We have the powerful, secret cabinet committee, that was struck at an undetermined date, chaired by the Minister of Innovation and Science, and oddly enough we had the Minister of Learning, we had the Minister of Health, we had the Minister of Human Resources and Employment, we had the Minister of Justice.

Now, what is being cooked up here, not only for health care professionals but for teachers and other unionized workers in this province, that could not have been discussed by the previous committee that I talked about? All this is important in relation to

Bill 27, because if we are going to have fair, balanced labour relations in this province, the labour groups have to have confidence in the system. When we act in this manner and we strike these powerful, all-secret committees, that is not going to give very much comfort to the unions. They need to be part of the process, and from what I understand and the research I've done, I'm afraid they have not been part of this process.

We talked about the fairness of all this. Well, how is it fair that in some nursing homes in this province, the private nursing homes, employees, if they're organized, can still go on strike, but if they're receiving paycheques from regional health authorities, the staff no longer – they do not have the right to strike? How can I say that they no longer have the right to strike? They do not have the right to strike.

Now, also, I understand that there was to be a study done on essential services. Perhaps in debate here the hon. Member for Calgary-Buffalo is going to enlighten not only this member but other members of the House. What happened to that study? Where is it? Perhaps at some time – and this will be coming later in the spring session – paramedics are to be swept into the fire services, in with the firemen. When we look at the past pattern of this government – and this is to me appalling, Mr. Speaker – this government likes to get one group fighting with another.

An Hon. Member: Divide and conquer.

Mr. MacDonald: Divide and conquer.

The Progressive Conservative book is to get one group fighting against another, and here with this bill I'm afraid what's going to wind up happening is that CUPE and the AUPE will be forced to fight it out for members and for jurisdiction, if I can use that word, authority. When we have only this one bargaining unit per health authority, this is what's going to happen, and the government is going to be able to sit back and watch these two groups have a fight over members and jurisdiction. Won't that be a pattern that we have seen before? Certainly the hon. Member for Edmonton-Centre has seen that. There are so many issues, but we will have lots of time, Mr. Speaker, in committee.

As I said earlier, in these regulations the labour board, I'm afraid – it is my interpretation and the interpretation of others – will be used to do the government's business with the health care professionals. Now, there are many people who have asked me: how will these changes affect the current round of collective bargaining? Mr. Speaker, we know that in the past the Provincial Health Authorities association had significant concerns. There were certainly worries in the past, going back three and four years, that the trend of aligning community health and facility-based wage rates could produce significant wage increases for some classifications. I would like to know in the course of this debate which classifications they are and how much of a wage increase we are looking at here. We are told that there's going to be significant administrative savings here, but we don't know, and I certainly would think that somewhere someone knows because we have a crisis in this province. It's not caused by poor labour relations; it's caused by poor government management when you look at how you have been planning to train and retain our health care professionals in this province. This has been an ongoing problem. One only has to look at overtime rates.

10:00

Now, I have been told in the research that I have done – and if this is wrong, an hon. member from the government could please come forward with the correct statistics – that there are 30,000 overtime hours worked a week in this province by health care professionals.

Thirty thousand overtime hours a week. The issue of overtime costs is not going to be resolved with this bill. We need long-term planning, not poor labour relations.

Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Castle Downs on comments and questions.

Mr. Lukaszuk: A question.

The Deputy Speaker: Okay.

Mr. Lukaszuk: I'm just wondering, for a point of clarification, if the member could advise me under what charter of human rights I would find the right to strike.

Mr. MacDonald: Mr. Speaker, at this time I would advise the hon. Member for Edmonton-Castle Downs to send someone to the library and bring up all the covenants that are there from the United Nations, and he'll certainly find what he's looking for there. Thank you.

The Deputy Speaker: Hon. Member for Edmonton-Highlands, on comments and questions?

Mr. Mason: Yes, on comments and questions, Mr. Speaker. I'd like to ask the hon. Member for Edmonton-Gold Bar if he could elaborate somewhat on the need for longer term planning in the health care system and how it relates to this bill.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes, Mr. Speaker. The hon. Member for Edmonton-Highlands brings up an excellent point, and that is the fact that we have in this province a health care workforce that faces many shortages, whether it's different types of registered nurses: intensive care unit nurses, community public health care nurses, emergency room nurses, general duty nurses, sexual health nurses, coronary care nurses, facility or acute care nurses, home care nurses, medical/surgery nurses. The list goes on and on and on. I would encourage all hon. members of this Assembly – again, it's in the library where I found this document. It is a study on the emerging and current health workforce issues in Alberta, and this was conducted three years ago by Alberta Health. They concluded then that there were three issues reported in order of importance: health workforce recruitment, the quality of the work life of those employees, and the need to examine quotas to address the lack of quality or adequately trained new health care profession graduates.

Now, the health care workers in this province received a needed increase in wages so that they wouldn't be leaving this province and going to work in other jurisdictions. This happened before the last election, when this government wanted labour peace. Now, two years into their mandate, they're waving this Bill 27 at the health care professionals. If anything, it's going to destabilize the workforce. For this government to complain about rising public-sector salaries – they're so concerned about it now, and before the last election it was their cash, not the people's, and the public-sector unions and, to be specific, the registered nurses were just playing catch-up. If you want them to work in Alberta, you've got to be willing to pay them.

Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Highlands in however much time we have for questions and comments.

Mr. Mason: If there's time remaining in his five minutes . . .

The Deputy Speaker: As long as the bell hasn't gone, you're on.

Mr. Mason: I would ask the hon. Member for Edmonton-Gold Bar if he might want to comment on the large scope for regulations and the problems that may be found with setting what should be regulations behind closed doors at the cabinet table.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you, Mr. Speaker. I can assure the hon. Member for Edmonton-Highlands that I do have a lot of concern about this series of regulations and the fact that, you know, from the government's point of view – and this is not my point of view or the Official Opposition's point of view – the ideal situation is to have these regulations discussed or amended in the privacy of the cabinet room. For reasons which I discussed earlier, it's out of harm's way, it's not in any discussion, and on some quiet Friday afternoon when perhaps the reporters have gone home from the gallery down below, there'll be an order in council issued. All of a sudden we will have a series of regulations that will entirely destabilize our negotiating strategies.

Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Highlands to speak on the bill.

Mr. Mason: Thank you very much, Mr. Speaker. Well, I'm pleased to rise to speak to Bill 27, which I think is a very, very important bill. It's important because it shows what the government is capable of in its labour relations, and it shows the way the government treats workers in this province with contempt.

Let's start with how the bill came about, Mr. Speaker. The minister has talked about the desire of health authorities, that is to say in this case the employers, for changes that are included in this act. Now, it's clear from that that this government consulted closely with the employer, with the health authorities, in this bill.

Mr. MacDonald: No.

Mr. Mason: It is true, hon. Member for Edmonton-Gold Bar. It's apparent that this bill was brought about at the request of the health authorities themselves, and that must have involved, I think it's only logical to assume, a considerable degree of discussion with those players.

Now, these players are the employers in this case. If you look at this as a labour relations bill, which it clearly is, then there are always two sides, and the government has a responsibility to treat fairly both sides. We know from this government's record that it does not do so as a matter of course, but normally the government at least tries to maintain some sort of appearance of evenhandedness between unions and employers. That is certainly, I think, the generally accepted view of how a minister of labour – in this case the minister is not called that, but that's what he is. He has chosen to work very closely with the employer and to keep the employees and their unions completely in the dark, and he has indicated furthermore, Mr. Speaker, that he's not prepared to consult with unions, has not consulted with them in the drafting of this, and apparently will not consult with them in the drafting of the regulations under this act.

So it's clear from the outset that this bill was a setup job to give the health authorities what they wanted in order to deal with the

unions in the way they wished, and the unions were left completely in the dark as to the development of this legislation. A secret cabinet committee was established that worked with the employers in this case to draft the dream legislation that they wished in order to manage the labour relations in their sector as they wished.

What do we get out of that, then, Mr. Speaker? What kind of legislation comes as a result of this? Well, it excludes nurse practitioners from the right to join a union or to engage in collective bargaining. This obviously would make them more attractive for private health providers, who would like to avoid unionized labour. It may in fact be used by public health authorities, but it clearly opens up the door for private health care providers, which is of course one of the objectives of this government.

10:10

Now, the United Nurses has argued that the disentanglement to severance and termination pay could mean that if services are divested to private interests, employees will not be entitled to any compensation, including the potential loss of pension contributions and any negotiated severance or termination payouts. So we asked the minister of health earlier, after his speech, about that, and he saw the exclusion of nurse practitioners from the definition of employee as a desirable thing in order to provide greater flexibility for the employer with respect to their services. That can only mean a step backwards for that particular group of employees.

One of the biggest features of this piece of legislation, like just about any piece of legislation the government has recently introduced, is the enormous scope for regulation. Things that should be legislated, that should be debated publicly by all the parties who have representation in the Legislature are being delegated to the cabinet, which of course, as we know, meets behind closed doors without public scrutiny and without any opposition MLAs to provide constructive criticism. The result is that the regulations very often are very one-sided and completely without balance.

I understand that the minister has said that consultations with the unions did not and will not occur regarding these regulations. If that's not correct, then perhaps the minister will correct me, but I don't see him heckling me at the moment, so I assume for the moment that that's a correct statement.

Let's look for a minute, Mr. Speaker, at what kinds of things the government can regulate under this act. Section 162.1(1)(a) allows regulations to establish "region-wide functional bargaining units" for all RHAs. Section 162.1(1)(b) allows regulations to determine how bargaining agents and collective agreements are slotted into the regionwide units. This includes authority to determine whether there will be votes by employees, the types of collective agreements from which the final agreement will be selected and how those types will be determined, authority to determine which unions are eligible to select a bargaining unit by vote and the circumstances of that vote, and determination of how any votes will be conducted. Well, I'm sure that the employees of health authorities are sleeping easier tonight knowing that the cabinet has unfettered discretion to determine those matters.

But, Mr. Speaker, the act goes on. It allows regulations to continue current collective agreements. It allows regulations to require employers and bargaining units to bargain in good faith and, without limitation, establish processes by which contentious issues are resolved. It allows regulations to authorize the board to hear and resolve complaints arising from section 162.1. It allows regulations to authorize the board to impose binding determinations if the parties are unwilling and unable to do so. It furthermore allows regulations to authorize the board to treat affiliated locals as a single union. It allows regulations to require that affiliated locals act as a single union.

It authorizes via regulation the board to perform any action

prescribed by the board or by regulation which the union or the employer refuses to do. It allows regulations to be made on any other topic that the Lieutenant Governor in Council considers necessary. Hardly sweeping, is it, Mr. Speaker? It allows, via regulations, the chair or the vice-chair of the board to act alone with all of the powers of the board, and the board, via regulation, is not required to wait for an application to act and can intervene any time it sees fit.

So, Mr. Speaker, obviously we have components of an entire labour act as it applies to health care workers embedded in the ability of the cabinet to make the decision without appeal, without input, clearly, from all of the affected employees or their representatives, and it completely leaves health care employees subject to the dictate of the cabinet.

Other things about this bill that cause concern, Mr. Speaker, are that provisions of the act will take away the right to strike for any employee of a regional health authority, and the cabinet will be able to unilaterally change the end date of collective agreements and could extend them for months, years, or even indefinitely. Now, I don't know about some members, but I think this is a very serious situation, when you take away the rights of employees. The hon. Member for Edmonton-Gold Bar talked about it being a human right, and I believe that it is, but I do know one thing, that it is a civil right and that this country is party to international agreements that recognize the right to strike.

Now, any right of human beings in a democratic society is subject to some limitations, including even the right to free speech. So the question is: how do you define whose right to strike should be in some way abridged? The government hasn't looked at that. You know, you have people in here who are having their right to strike taken away whose services are not required on weekends, for example. So if you don't need someone on a Saturday, are they really considered an essential service? There are tests that could be applied to this, but the government has refused to debate that. It's refused to define it. The government feels quite comfortable taking away the right to strike of anyone it deems fit, and it doesn't have a consistent policy or test that is applied to workers to determine whether or not their right to strike should be in some way abridged.

Well, we over here, Mr. Speaker, don't believe that people's right to strike ought to be taken away, and if it is taken away, there had better be a really valid and strong reason for it and some insurance for those employees that they will be able to obtain fairness in their collective bargaining through some other way. This act is miles from doing that.

The act talks about regionwide bargaining units, and it proposes four units for each RHA: direct nursing and nursing instruction; auxiliary nursing; paramedical, professional, and technical services; and general support services. Now, it's interesting, Mr. Speaker, that the Labour Relations Board was seeking consensus among the stakeholders about the number of bargaining units and was supposed to make a decision by November of this year. The RHAs requested that the province override this process, and, surprise, surprise, the government was only too willing to do so. Why is that? Why is the government prepared to throw out consultation, collaboration, and collective decision-making between employees, their organizations, and their employers in favour of what the minister has called a – what did he call it?

An Hon. Member: The greater good.

Mr. Mason: He calls it the greater good, but we know it's only the good of his friends.

He called it – well, I'll come back. Maybe if somebody wants to

ask me a question, I'll remember what he called it, but I know that he's being tough with unions in order, he says, to protect health services in this province, and it's absolute nonsense, Mr. Speaker.

10:20

Now, the government, through regulations again, gets to determine every aspect of the transition from 400 bargaining units to 36, which is four units for each of the nine RHAs. It includes whether voting will take place, what types of collective agreements there are and how they'll be assimilated. Despite the authority of regulations to provide the framework for how and when votes occur, there is no provision saying that votes must occur. The board or even the chair or vice-chair of the board will be able to simply assign a union to represent unions without a vote. In the transition period any agreements on severance or termination are null.

Now, Mr. Speaker, to have the chairman of the authority determine which union workers have to belong to is a travesty of any sort of concept of labour relations that we have developed in this country. It reminds me of the corporatist model that was developed in Italy during the '20s and the '30s, where under Mussolini's government they set up industry leaders, which were the big corporations and employers, who determined the whole scope of. . . [Mr. Mason's speaking time expired]

Thank you, Mr. Speaker.

The Deputy Speaker: Comments and questions? The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes, please, Mr. Speaker. Thank you to the hon. Member for Edmonton-Highlands. Do you think that the fact that unions may now have to negotiate amnesty at the end of a job action will in any way jeopardize labour relations or perhaps prolong job action as a result of the draconian legislation here in Bill 27?

Mr. Mason: Well, thank you for that, hon. member. I do believe that this will just add to the tension and the burdens and the discord that the government seems to be so keen on creating with its heavy-handed approach to labour relations. By the way, hon. member, thank you for jogging my memory. That's, in fact, the term that the minister used that I wanted to recall. He admitted that the government was taking a heavy hand with unions and employees with respect to this bill. So, yes, I do believe that there's going to be a lot of unrest for some time to come, and the labour relations climate is further going to be aggravated as a result of this action.

I guess the problem that I have, Mr. Speaker, to the hon. Member for Edmonton-Gold Bar, is that there was a process already in place where everybody was negotiating a reduction in the number of bargaining units in the health system, and there was good progress being made. The government has just thrown that all out the window, and I guess a question that both employers and unions will have to ask in the future is if there's much value in them trying to develop a long-term collaborative relationship in this industry or in any other one if the government is just going to arbitrarily intervene on behalf of the employers, throw out all of their work, and impose a settlement directly.

The Deputy Speaker: Further questions and comments? The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Please, Mr. Speaker. I have another question for the hon. member. Given that the regional health authorities acknowledge that revisions to their boundaries could have a significant impact on collective bargaining, the resulting transfer of

services and employees from one health authority to another could produce challenges in the areas of seniority, portability of entitlements, and compensation agreements covering the same types of employees as they're combined or negotiated to produce similar terms and conditions of employment. Does he have any idea how much that's cost us?

Thank you.

Mr. Mason: Mr. Speaker, I thank the hon. member for his question, and I don't have a precise figure, obviously, but we can only estimate that there are going to be considerable costs and considerable time wrangling over these details, sorting it all out. You know, I think ultimately the workers are going to be wanting to try and maintain their union of choice, and this option won't be available to them. So I think that quite clearly this is just another example. You put your finger on it. There are going to be large costs of resolving all of these disputes, and it will take a lot of time and a lot of wrangling.

The Deputy Speaker: Edmonton-Gold Bar, any comments or questions?

Mr. MacDonald: Yes, Mr. Speaker. Again to the hon. Member for Edmonton-Highlands: does the member feel that Bill 27 in any way, shape, or form is going to alleviate the chronic shortages of health care professionals in this province?

The Deputy Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. No, I do not. In fact, I think the government's other agenda in health care, which is privatization, is going to set up a competition for existing professionals that will be drawn away from the public health care system leaving us with a public health system that is lower in quality and more short of key staff and professions than even it is today. So I think the hon. member has again put his finger on a very important point, and I commend him for doing that.

Mr. MacDonald: Mr. Speaker, again to the hon. Member for Edmonton-Highlands: does the hon. member feel that nurse practitioners have the right to collective bargaining?

The Deputy Speaker: Time is up.

The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Speaker. I'm glad for the opportunity to speak in second reading to Bill 27, the Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003. This is an important bill for all of Alberta, I think. We need workers in this province from many different levels, and I'm always a little surprised at the government's attitude towards the working people in this province. I'm not a member of a union. Coming from a theatre background, we have a guild, but it doesn't provide all of the services of a union. But all of my family are union members: my mother in the teaching union, my father had five tickets and was a member of the union for every one of those trades, and both of my brothers are very active in the ironworkers' unions. So I'm certainly surrounded by union members and have very strong feelings about support for unions and for the concept of collective bargaining and the protection that it offers workers. So I was very interested in this legislation. I can't say that I was impressed by it or that I was looking forward to it, but I sure was interested.

The health authorities have already collapsed from the starting

number down to the nine we're now looking at. With it, as an excuse I suppose, the government is looking at collapsing the collective agreements that went along with the originating hospital boards and then the RHAs and now down to the nine RHAs. So they're talking about coming down from 400 separate collective agreements to 36, four bargaining units for each of the nine health authorities.

I'm not in favour of this legislation as we debate this in principle in second reading, and frankly I don't see what the government could do to amend this act that would make it palatable to me. I think that the right to strike is a fundamental one to uphold that relationship between workers and employers, and I don't think it should be taken away by government. I disagree with what this government is doing. As I read the newspaper articles and the editorials that have come out around the introduction of this, there seems to be some thought that this would somehow improve labour relations. I'm trying to remember the words that the minister used, greater good or common good or something, that somehow this is going to be a great big, fuzzy, happy, pink angora sweater that everybody is going to love to put on and wear on those cold winter days. I don't think this is going to lead to better labour relations around the health professions. I think that what's at the basis of those collective agreements is trust and respect. I don't think those principles are being brought forward in this bill, and I don't think they're being demonstrated by the government towards the people that work in those areas. So I don't think that sort of basic concept of labour relations is going to be enhanced by what we're seeing here.

10:30

I know that others have commented on the lack of government consultation with the unions, and I note that there are a number of observers in the gallery tonight. I'm assuming that they're here to watch the debate on this, and I thank them for attending and watching this debate. It's important to have you here today. Thank you.

I know that there was progression on work from union leaders working toward reducing the number of bargaining units voluntarily, and now we see the government bring forward a bill that wants to do it quickly, and there's a great deal of pressure from the government to pass this act before we take our break. So there's some great haste from government now. I don't understand and I've heard no explanation as to why there needs to be such great haste here. What was wrong with the work that was being done on a voluntary basis up until now? There's been no comment from government, just: "No. Here's the bill, and by the way we need it passed in two weeks flat, please." I don't know if that means that we're going to see the time guillotine, the time closure, brought in from government on this or not, but they seem to be all fired to get this passed.

I note in the legislation, the very first thing out actually, that the bill is throwing the nurse practitioners out to fend for themselves. I've been very interested in – I don't know how to describe them – that group. Most of them are women, I think, and I've always thought this was a real advancement for women in the nursing professions and have watched with keen interest the progression and expansion of their role, and I'm not very happy to see that they have been left without anyone sort of fighting on their behalf. I mean, we've got the doctors who've got their own AMA, but the nurse practitioners don't, and this is not aligning them with anything else. They've been stranded there, and I'd like to know why the government chose to do this – it's quite specific – and whether this was the intention of putting these changes in here that relate directly to them.

There have been a couple of questions asked but not particularly

answered, so I will try again. I'd like to know whether the personnel that are being transferred between these different bargaining agreements – you work for the Provincial Mental Health Board today, and tomorrow you work for the regional health authority. I'd like to know whether there is, in fact, a commitment – I'd like to hear it on the record – that staff will be maintaining their seniority and benefits and wage structures, and I'm not hearing that. Hand in hand with that goes the provision that appears at the end of the bill about no severance. Well, I can see the argument that you wouldn't need severance if you were doing exactly the same job at exactly the same seniority, exactly the same benefits, exactly the same wages and had no reason to anticipate any change in that if one day you work for the Provincial Mental Health Board and the next day you work for the regional health authority, but I'm not hearing it, and that makes me really suspicious about why no severance is in here and whether, in fact, the government is anticipating or putting in place the possibility of I think it's called constructive dismissal. I would like to hear very clearly that commitment from government.

I also note that the Labour Relations Board is charged with doing a number of things, and I sort of rolled along with that. Okay. Yeah, yeah.

- (e) authorizing the Board to hear and determine a complaint that a party has failed to comply . . .
- (f) authorizing the Board to make binding determinations as to terms and conditions . . .
- (g) authorizing the Board to deem affiliated local unions of the same parent trade union to be one.

Yada, yada, yada, all the way through these long lists of regulations, and then I note just a tiny little clause, just hardly even a sentence that says, "The Board may hear any matter or conduct any business under this Part through the chair or a vice-chair sitting alone." So all of these things, all of these powers, a lot of stuff, that are being given over to the board to put into place can in fact be done by one person. Did the minister intend this? Sorry; I'm sure he intended it. It's in the act. Why? Perhaps he could illuminate this. I know he has great faith in the chair and vice-chair of the Labour Relations Board, but, my goodness, I don't know that I can share that. So I'd like to hear some reasoning behind that.

A couple of different members have asked: what is the expected cost saving? I know that there was a question directly to the minister, who kind of ducked it and gave us some anecdotal material. I'm thinking: wow, you know, you're in such a hurry to pass this bill; you're saying that we need this for some reason. But when we go, "Okay; then is it really going to promote efficiency?" – and part of efficiency and the definition of that means saving money, economy – why don't you know how much this is going to save you or if it's going to save you? Are you saving it on the backs of the workers or saving it through some other sort of administrative protocol? Why can't you answer that question?

Once again I see this government going into major changes in the way the province operates, and nothing is being put in front of us that supports that decision-making process. I'm not getting a cost-benefit analysis. I haven't seen any reports tabled by the minister or referred to by the minister that show what a fabulous idea this is and how it was done in another land or another province and how it worked so wonderfully. Certainly, my experience with electrical deregulation and the same conversation with the then minister – not this minister, the then minister – in which I repeatedly asked him in Public Accounts to please provide the cost-benefit analysis, the reports, the studies, anything that the government had looked at at the time he was making the decision that would support why he thought electrical deregulation was such a good idea – he could not provide it, and that is well documented in Public Accounts. So it

was a whim. It was: well, I think it's going to be a good idea, so we're going to do it.

Mr. Mason: It hasn't turned out too well; has it?

Ms Blakeman: No, it didn't turn out too well. So I'm suspicious of government intentions now. It ruined my trust of the government forever. [interjections] I know. It's a sad thing.

A number of people have already talked about the amount of decision-making that's going to be done after the fact, under regulations, and there is a sort of constant chorus that we get behind curtains and things that come from the backbenchers over there by way of heckling. What disturbs me the most about regulations is that there is no public scrutiny of the debates. There is no *Hansard* recording of who brought up one issue, which issue, which member supported what part of it, you know, who brought up in support, who was against. The public has no way of ever knowing who stood for this and who didn't. I think that's important when you're making the kinds of decisions that are being anticipated in this bill. [interjection]

The Deputy Speaker: Hon. members, the House has only one speaker speaking at a time, and, hon. member on the front bench, you are not that member. It is Edmonton-Centre.

The hon. Member for Edmonton-Centre.

10:40

Ms Blakeman: Thank you, Mr. Speaker. So there's no transparency in this decision-making process. We have no idea of what the determining factors were in the final decisions. None. All we do is get the regulations. We don't understand why the government came to this. We don't get to see any of the discussion that went on. There's no record of anything except for the final order in council. There is no *Hansard* for this. There's no recording at all, and I think that that's a major part of the problem that this Assembly has come to. At one point there was even a standing committee of the Legislative Assembly called Law and Regulations, to which the amount of regulation that's considered in this bill could have been referred, and that committee is now gone because the majority of government members voted in favour of this recent change in Standing Orders which abolished that committee. It is a shame. At the time, I thought of it as the Gary Dickson memorial amendment because he referred so often to that Law and Regulations Committee, but it was a good idea. We even have the Member for Edmonton-Rutherford, who, when he first came to this provincial Legislature, spoke so passionately and at length about the importance of all-party committees discussing that kind of thing and is now silent on the issue, so I guess he's truly a member of that caucus now.

The other issue around regulations is that it's very hard to find out when they are released and, also, where one can find them completely. This government is quite good at e-government. The bills are available at www.assembly.ab.ca very quickly after they're introduced in the House, but finding out when the regulations are released and actually being able to get at them and look at all of them is a totally different story.

Thank you, Mr. Speaker.

The Deputy Speaker: Questions and comments? The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. I'd like to ask the hon. Member for Edmonton-Centre whether or not she believes that decisions made behind closed doors can in some way be beneficial

when it comes to the rights of workers to decide which union they want to belong to.

Ms Blakeman: I'm not sure that I'm following that question entirely. I don't know how a decision made in secret, in private would allow workers to gain any kind of knowledge or insight. They lose knowledge and insight, and so do the rest of us. I know that this government feels that this Legislative Assembly is not a useful place to be, because they've already created a parallel system in their own caucus in which they do legislative review and a parallel universe in which they often retreat and live, but it's why so many of them get impatient when we are in here debating, because they're not up debating. They will debate very little if at all. We've had two ministers up, and I'll be surprised if we get anyone else. Despite the enthusiastic commentary that I get from the Minister of Environment, he doesn't rise to his feet . . .

Dr. Taft: And Economic Development too.

Ms Blakeman: And Economic Development as well. That's right. . . . to actually put his thoughts on record. So his constituents and others do not know what his contribution was to the decision-making that goes on under the amount of regulations that are done in secret.

The Deputy Speaker: Further comments and questions? Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. Well, I'd just like to add a comment, and that is that I do agree with the hon. Member for Edmonton-Centre when she says that decisions made behind closed doors or, in this case, through regulation cannot be seen to be beneficial to workers, particularly when their rights and the continuation of their collective agreement is taken away or they are forced to join a collective bargaining organization that is not their choice, if they prefer one that would be better than another. In all of those instances I fully agree with the hon. Member for Edmonton-Centre. I guess that I would have to ask her why she thinks the government is operating in this way, so that they make more and more decisions behind closed doors which should be made by legislation in this Assembly with full debate. What is the government's motivation for doing this?

Ms Blakeman: I couldn't begin to guess at the motivation of government. However, it is about convenience. I think it's not about democracy. Democracy is participatory and noisy and time consuming but, I think, worth it in the end. I don't see any of those things particularly upheld.

Dr. Taft: There's a lot of noise here.

Ms Blakeman: Except for the noise. I'm sorry. The noise they're good at. The participation and the looking at issues and the healthy debate and exchange of ideas: nah, not so much.

Thank you.

Speaker's Ruling Question and Comment Period

The Deputy Speaker: Hon. members, before we proceed with the next item of business, just a reminder. There are some people who are saying that the hon. Member for Edmonton-Highlands wasn't asking a question. Of course, that reveals a misunderstanding of what we're operating under. Under section 29(2)(a)

a period not exceeding 5 minutes shall be made available, if

required, to allow members to ask questions and comment briefly on matters relevant to the speech and to allow responses to each member's questions and comments.

It does not have to be questions. It can be either or both.

May we have the agreement of the Assembly to briefly revert to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

The Deputy Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. It gives me great pleasure to introduce a number of outstanding Albertans who fight day in and day out for the working people of this province. I would ask them to rise as I introduce them and then receive the warm welcome of the Assembly.

First of all, Mr. Les Steel, the president of the Alberta Federation of Labour; Barrie Regan from Carpenter's Union, local 1325. This, incidentally, is the oldest union local in the province. It is one hundred years old this year. Of course, we know that their members were integrally involved in the building of this Assembly itself. Alan Besecker from the United Nurses of Alberta, and he represents workers at the Alberta Cancer Board; Heather Smith, president of the United Nurses of Alberta; Bev Dick with the United Nurses of Alberta; Dave Malka from the Communications, Energy and Paperworkers Union; Ed Schell from the UFCW 401, representing workers at the Shaw Conference Centre. They are local labour heroes these days from their successful strike there. Kerry Barrett is the secretary-treasurer of the Alberta Federation of Labour. Kevin Flaherty is from local 458 of the Office & Professional Employees International Union. Mike Desautels is a representative of the Canadian Labour Congress. Gerry Donnelly is a representative of the International Brotherhood of Boilermakers. Peggy Morton is a representative of CUPE. Alex Grimaldi is the president of the Edmonton and District Labour Council. I ask them all to rise and receive the warm welcome of this Assembly.

The Deputy Speaker: With an introduction, the hon. Member for Edmonton-Riverview.

Dr. Taft: Yes. Thank you, Mr. Speaker. I would like to introduce one more person, who's been up there for, I think, the entire evening watching carefully. She's a former president of the AARN, a very well-known figure in nursing throughout this province, Louise Rogers. Please rise, Louise, and receive our warm welcome.

head: **Government Bills and Orders**

head: Second Reading

Bill 27

Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003

(continued)

The Deputy Speaker: The hon. Member for Edmonton-Riverview.

Dr. Taft: Yes. Thank you, Mr. Speaker. I appreciate the debate here tonight, at least the one-sided debate. It would be nice if we heard more from government members. For the people in the gallery who've waited so long, I might refer them to *Hansard* so they can look at the hours and hours of discussion on the rough fescue bill, the official grass of Alberta, and the tremendous enthusiasm for that bill from the government members compared to the complete silence, it seems, on an issue of fundamental importance, labour relations.

10:50

Now, I stand clearly here: I cannot support this bill, and I will not support this bill. I will not support it on the basis of the process and on the basis of its substance. My understanding of the process through which this bill was developed was that it was a very one-sided process, a process in which the tens of thousands of Albertans who will be so directly affected by this were not consulted through their labour unions, a process that was, I believe, overwhelmingly driven by the regional health authorities, the employers. No doubt the regional health authorities have a major place in this, but they are not the only party involved, and any reasonable, credible, dignified process should have involved all parties equally and extensively. So on that basis alone I could not support it.

I cannot support it, either, on its substance. The steps that are laid out in this bill simply should not be acceptable in a province like ours. The substance of this bill: among other things, eliminating the rights of many workers to strike, forcing them into particular bargaining units without consulting them. Those kinds of steps are just not acceptable. So for those two general reasons I will not and cannot support Bill 27.

The bill, as we've all reviewed here, reduces the number of bargaining units in the regional health authorities down to 36, reduces the functioning units down to four categories of employees. It removes the right to strike from I believe about 7,000 additional workers and places other restrictions on workers which, I think, in some cases may be justified and reasonable but in other cases certainly are not.

I am also very concerned by the substance of this bill, which in fact delegates all kinds of enormous power to regulations and to order in council by cabinet, and as a result, as we have been saying here tonight and as the people in the gallery and across this province will know only too well, key decisions will be made behind closed doors without any input and will simply be announced to the public as if they were decreed from some higher authority.

So, as a result, we maybe have a bill here that should be called the labour relations mystery bill because it's filled with mystery. We don't really know any details about what's going to follow in the regulations. What happens in this sort of circumstance? Well, that mystery leads to uncertainty. That uncertainty leads to fear, to mistrust, to stress, to discontentedness, and ultimately to militancy, and we find workers and employers staring across at each other in a poisoned atmosphere, in which they are now and always will be, it seems, as long as this government is in power, in an adversarial relationship. Unnecessary damage is done to the health care system, to the labour relations environment in this province.

So this is some of the fallout, I expect, we will be seeing as a result of this bill, and it's fallout that could have been in many cases pre-empted if a more normal, healthy, open, trusting process had been followed.

Ms Blakeman: From this government?

Dr. Taft: Even from this government. Let's try something new. Hope springs eternal. Hope springs eternal.

Now, we are told that this bill is necessary because of the restructuring of health care. Again, another mystery that's going on here. The restructuring of health care is driven, we're told, by the Mazankowski report. That's the blueprint for the new world of health care in Alberta. When we were first introduced to the Mazankowski report well over a year ago now, we were told that things would unfold fairly quickly. We passed a budget that provided \$25 million for the implementation of the Mazankowski report. A slew of committees was struck with all kinds of high-

profile people, and now we don't know what's happened. It seems to have fallen into some nether land. There have been reports prepared. We know that some of them are sitting on the minister's desk, but some of those have been there for months and have not been made public, and I'm beginning to be concerned that they may never be made public.

So if the restructuring of health care in this province is so complex and so mysterious, that yet again makes me wonder: what's going on with Bill 27? How do they know – how do they know – what they need in labour relations in the health care system when they're not being forthcoming at all on the restructuring of that health care system? We've kind of developed a black hole in the health care system in which we keep shoveling money for committees and reports and legislation, and nothing ever seems to come out in terms of the reform. So, yet again, more reason for distrust and mistrust over what this legislation entails.

My phone has been ringing about an issue that I was able to bring to the attention of the Minister of Health and Wellness earlier this evening and, to his credit, to which he responded, and I think it's worth getting on the record here. One particular aspect of this bill addresses nurse practitioners. Now, we all know that nurse practitioners are highly trained specialists. They typically have a master's degree and advanced training in nursing, and they are given extensive responsibilities and autonomy to practise much more fully than the standard registered nurse is allowed to do. They are also, I suspect – we don't know, but this is my suspicion – crucial to the future of health reform in this province. One of the aspects of this bill is that it prevents them from being part of a bargaining unit. It actually, as I understand and read the bill, forbids them from being part of a bargaining unit under a union.

One twist to that that was brought to my attention this afternoon is that while the bill was doing this, current regulations, as they were explained to me, required that nurse practitioners must be employees either of a regional health authority or of some other equivalent sort of body. So we were in a situation where nurse practitioners had to be employees, but they were not going to be allowed to organize and have the normal rights of an employee under labour relations, probably a situation that would be open to an immediate court challenge. I consulted with the Minister of Health and Wellness. He was able to respond to me quite rapidly that the regulations had been changed and that a substantial degree of autonomy is going to be granted to the nurse practitioners so that they are not required to be employees under the new regulations.

A concern that remains that I leave with the minister to consider is that the number of nurse practitioners in this province is small. They have no association, they have no college, no particular voice that speaks for them on an organized basis, so they are left at the moment when this bill is passed having to negotiate one-on-one with regional health authorities or their other employers. That sets up a difficult situation, to say the least, for the nurse practitioners, and it's probably not something that will encourage the expansion of that profession, assuming that they do have a big future ahead of them, and I certainly hope that they do.

11:00

Now, Mr. Speaker, one of the very biggest concerns with Bill 27 has to do with the infringement on the rights of workers to do things such as strike. To that end, I'm going to propose an amendment to Bill 27. I hope the clock stops so I don't lose my speaking time, Mr. Speaker, while this goes on. Thank you.

May I proceed?

The Deputy Speaker: Yes, hon. member. You may make the

motion and then we wait until hon. members have a chance to read it.

Dr. Taft: All right. Well, the motion reads that the motion for second reading be amended by deleting all the words after "that" and substituting the following:

Bill 27, Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003, be not now read a second time because it is the Assembly's view that the bill infringes on the rights of workers in an unreasonable way.

That is the amendment.

The Deputy Speaker: Hon. member, in the nearly four minutes left.

Dr. Taft: Thank you, Mr. Speaker. The amendment is intended obviously to make the crucial point that the rights of workers here are being seriously infringed upon, and clearly the most serious infringement is the infringement on the right to strike. There was some discussion earlier here on whether or not workers really do have any right to strike under any particular charter, and indeed they do under the charter of the International Labour Organisation, I think it is, among other groups. The right of workers to strike is well recognized, and in fact it's clearly established in law.

I've in fact spoken recently to very senior members of this party and former members of this government who find this aspect of the bill to be objectionable.

An Hon. Member: Name names.

Dr. Taft: I would, but I'm not supposed to. I will tell you later if you like.

Clearly, the right to strike is the right to withhold labour, and in that sense it argues to be a natural right of any human being. You have a right not to work. You have a right to withhold your labour under any reasonable situation. When we remove that right from workers, we are disrupting and corrupting the entire collective bargain process, for surely we must ask ourselves: why would any employer negotiate seriously with workers if those workers do not ultimately have the right to strike? What's in it for the employers, in this case, to negotiate seriously? What's in it for them to move the process along, to compromise? Clearly, when their opponents, the people across the table, do not have that ultimate hammer, their motivation is going to be to drag negotiations out, to fail to compromise, and to generally take advantage of the legislated weakness that workers labour under when a bill like Bill 27 is passed.

These people in the health care system, Mr. Speaker, are professionals. These are people who got into the work of nursing and related professions because they want to care for other human beings. These people understand the true nature of a professional commitment, which is to put the interests of the person you're serving ahead of yourself. That ultimately is the crucial definition of a professional in this circumstance, and these people are professionals. Time and again we have seen nurses argue and go out because they are defending patient care.

Thank you, Mr. Speaker.

The Deputy Speaker: We still have the right, hon. members, to ask questions and make comments for a five-minute period, so if you are standing up, I presume that's what you are looking for. The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you. I wonder if the hon. Member for Edmonton-Riverview will entertain a question?

Dr. Taft: Mr. Speaker, I've tried to make it well known in this Assembly that I will stick to the former rules in which this kind of exchange was allowed in committee, and I'll happily take questions in committee.

Thank you.

Mr. Mason: Thank you very much.

Mr. Speaker, then I wonder if I can ask a question of the hon. Member for Edmonton-Gold Bar?

The Deputy Speaker: Hon. member, nice try, but no.

Mr. Mason: Well, thank you, Mr. Speaker. Then I'll make a brief comment.

I'm pleased to make just a brief comment following the excellent amendment that has been put forward by the hon. Member for Edmonton-Riverview. I guess I would certainly concur with him that in fact the bill does infringe on the rights of workers in an unreasonable way. It's a very arbitrary way and completely unnecessary to boot. I would, I guess, commend the hon. Member for Edmonton-Riverview – and I know he doesn't like to take questions – for this excellent amendment that the motion not be read a second time because in the Assembly's view “the bill infringes on the rights of workers in an unreasonable way.”

Well, that's certainly my view. That's absolutely my view, so I associate myself fully with Edmonton-Riverview's motion. I wonder, though, if it's the view of other members opposite here? I would like each and every member to stand up here and let us know whether they think this bill infringes in an unreasonable way on the rights of workers in this province, because that's what they're accountable to their constituents for.

Some Hon. Members: Question.

The Deputy Speaker: Calling the question really doesn't speed up the process at all; it just adds to the clutter of noise.

Hon. members are reminded that this is amendment A1. The hon. Minister of Human Resources and Employment has tried several times to get up and speak to this. The hon. minister.

Mr. Dunford: Well, thank you, Mr. Speaker. I'd like to point out for the interest of the members assembled that the right to strike is one way and a tool that is used to resolve disputes as they arise in the normal process of collective bargaining, but it is not the only tool that civilized economies have found to resolve disputes. Another excellent way that has proved itself over the years is compulsory interest arbitration. As a matter of fact, as I tried to point out earlier this evening, it is a device that's used not only by police officers and firefighters but also currently by about 90 percent of the health care workers today. So to move perhaps 10 percent of those workers into a system that has a long history of resolving disputes here within this jurisdiction in my view, then, is not an infringement in an unreasonable way, and I would urge all members to vote against amendment A1.

11:10

The Deputy Speaker: The hon. Member for Edmonton-Highlands on comments and questions, and you will be brief this time because we have others that wish to speak.

Mr. Mason: Thank you very much, Mr. Speaker. I have a question for the minister. I would like to know why he has developed this particular bill without any consultation whatsoever with the labour movement of this province?

Mr. Dunford: Before responding to that, I should also ask the members here in the House tonight to note the process that has been used. Now, it's perfectly allowable under the rules of this House, but we would note that the last member of the opposition that had a chance to speak tonight was the one that has proposed this amendment rather than, say, the first one or the second one or the third one. So there has been some heckling as to what might be going on here regarding this process, and I think people can determine for themselves just exactly what it is.

As far as the question is concerned, I don't think I've been uncandid with anyone who has asked me, including some of the people who have been interviewed here tonight in the gallery. I've been very open about what transpired in this particular case, and it was that the government decided to respond to a request from the Provincial Health Authorities association, who act for the employers in this particular case. I haven't shied away from it, and I'm not shying away from it tonight. That is your answer.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. A question for the hon. Minister of Human Resources and Employment. If this legislation, Bill 27, as the hon. member has suggested, is at the request – I don't have the precise words – of the employers, how can one consider this to be fair and balanced? If we're going to have fair and balanced labour relations, it has to be a two-way street between employers and employees. Where was the employee input into this?

Mr. Dunford: As far as the request that was made, Mr. Speaker, it was an attempt by the employer, in their view, to bring some balance to the situation. Now, we resisted a request from the employers to get involved in the actual matter of collective bargaining as it related, then, to some specific clauses.

As far as was determined by the government, we thought it was a reasonable request in order to provide a platform from which bargaining in the future would spring. We see the fairness in it in the sense that we are still allowing employees to have collective bargaining on their behalf go forward, that they'll still be, should they wish it, represented by a union except in the case of the nurse practitioner.

Now, the nurse practitioner was, I think, unfairly characterized here earlier. What we were basically talking about – and if I could dare use an American term here in a British parliamentary system – is someone who has gained the professional attributes of a physician's assistant. So we were talking in this frame of reference, then, of someone who is between a registered nurse and the physician. There's a whole new challenging and exciting and interesting field of endeavour there that needs to be explored under health reform.

The Deputy Speaker: The hon. Member for Edmonton-Highlands on the amendment or questions?

Mr. Mason: Yes. A question for the minister: what are the criteria this minister uses when legislating away workers' right to strike? How does he decide who can strike and who can't, and who's next?

Mr. Dunford: Again, I want to assure the hon. member that we're dealing with a specific instance here. I would point to the very nature of the bill itself. It's quite an unusual title, as a matter of fact. When you look at Bill 27, Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003, this didn't happen by accident, hon. member. This was specific. In a sense we were dealing with a specific situation.

The Deputy Speaker: Okay. That's the end of the questions, hon. member.

We now have before us amendment A1 as moved by the hon. Member for Edmonton-Riverview, which enables everyone now to talk once again at second reading. The hon. Member for Edmonton-Gold Bar on amendment A1.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. It's with a great deal of interest that I rise to speak to amendment A1 to Bill 27 as proposed by the hon. Member for Edmonton-Riverview. Certainly, I have the view that a strike is a mechanism of ultimate last resort to try to settle an issue between an employer and an employee. I have to remind all hon. members of this Assembly that labour or employers for that matter don't have to worry about long periods of time where there is unrest, and there are those that will say it's restrictive or punitive labour laws that are the cause of this. Certainly, Mr. Speaker, that applies to the health care professionals. There have been very few examples of job action. I would urge all hon. members of the Assembly to support this amendment because when you look at this bill and you look at the amendment, this amendment will give an opportunity, shall I say, for a wrong to be corrected, and both sides then can have input into the legislation.

The hon. Minister of Human Resources and Employment explained to the Assembly that this was legislation that the regional health authorities group, or the employers, had assistance in planning and drafting. Now, I can't emphasize this enough, particularly after what we've been through in this province in the last 10 years with the lack of planning in regard to the health care professions. I know that this is not part of the regional health authorities, but I would use as an example the Cancer Board and the fact that over 50 percent of the registered nurses that work there – and there are in excess of 200, as I recall – are over the age of 50. We have to make some fast decisions here, and we've got to start talking about long-term planning. Overtime costs for that group of health care professionals in this province have gone up dramatically in the last year.

When one considers amendment A1, it would give this government time to catch their breath and say: okay; perhaps there was a little bit of a mistake made. In the past this government has taken great pride in explaining to everyone how willing they are to consult with stakeholders: there has to be stakeholder consultation. Well, why was there no stakeholder consultation on this legislation? I'm not going to get into that argument again on this amendment about the top-secret, five-person cabinet committee and how it just ignored the wishes of the MLA review committee. I don't know how some of the labour groups feel about this. These are the ones that made extraordinary efforts to contact the three MLAs on that review committee. In fact, I believe, Mr. Speaker, some of them even devoted a day and drove to Olds to see the hon. member and express their opinions on what should and should not be incorporated into any sort of restructuring of our Labour Relations Code.

11:20

Now, when you look at A1 and you look at what the hon. member is trying to attempt, again I have to urge all members to please consider this request. The situation of our public health care system is at stake here.

We can talk about having the right to strike. When that is taken away, as it is in this case, what's left? What's left here? There doesn't seem to be much left. The amendment gives us a way out from the confrontational styles of the past and gives this government a chance to have a second look at what they're doing with the health care problems. Bill 27 compounds the problems, and amendment A1 to Bill 27 allows us to get away from further pursuit of old-style

confrontational tactics, that we seem willing to use with labour negotiations. I'm afraid this is only going to lead to a further poisoning of the negotiating environment and a lack of confidence in the collective bargaining process, a lack of confidence in the Labour Relations Board. It goes on and on and on.

Now, this amendment will, as I said before, allow this government to take a second look. It's almost like if this government were the Senate and they were going to take another look at one of their pieces of legislation. Amendment A1 could actually be called the Senate second look.

Dr. Taft: A sober second thought.

Mr. MacDonald: A sober second thought even.

We could have a look at the implications of the legislation here. Like, we cannot be pitting one union against another in competition to represent far fewer bargaining units. I don't view that as healthy for labour relations. Now, as I understand it, union leaders – and there are still a few of them up in the galleries tonight – are baffled by this current government's lack of consultation with them. They're willing to consult, and as far as I know from the research that I've done, they were shocked when they heard about the five-person cabinet committee meeting, the secret committee, but they are willing to go that extra mile to ensure that we have good labour relations in this province and a collective bargaining system that works for everyone.

For a group of individuals – and I'm talking about the regional health authorities here – to think that this way of dealing with an issue is the right way – well, I hope I'm proven wrong, but I think we're in for some turbulent times as far as collective bargaining goes if we pass legislation like this. If we pass this, I'm going to be very, very disappointed. When we have health care professionals and their representatives willing to be part of the process, I think they should be welcomed. They should not be shut out.

I understand that there are 64 or perhaps 70 nurse practitioners in the province. Who's going to look after their interests? Nurse practitioners, who have had the ability to prescribe medication as well as order and perform tests much like physicians, have been left to fend for themselves by this legislation from what I can understand. Now, I'm told it's going to be changed. They certainly are not governed by the Alberta Association of Registered Nurses. They don't have the same representation as doctors have through the AMA or various other groups. What's going to happen with this group? I need this explained to me. They certainly had affiliation with the UNA in the past, as I understand it. Where are they going to be now? There are many people who look at them as one of the answers to alleviating some of our problems with our public health care system.

While unions and health care professionals are upset by this legislation – and I'm suspicious too – they are convinced that the worst is yet to come in the regulations. I had outlined this earlier, and I'm not going to get into the details on that at this time, but like the Natural Gas Price Protection Act in 2001 it appears that the regulations for Bill 27 will cause more discomfort than the act. I've got nothing more to say about the Natural Gas Price Protection Act, but it wouldn't surprise me if the health care professionals are trying to negotiate sweaters into their collective agreement, white sweaters.

While we're talking about getting serious with this bill – and I certainly am serious about this bill – the hon. Member for Drayton Valley-Calmar may consider the fact that long-term planning for our health care professionals is the solution to our problems. The solution is not to strip away their rights or, as some people have described it to me, contract stripping. Amendment A1, Mr. Speaker,

as proposed by the Member for Edmonton-Riverview, gives everyone here a second chance. I would much prefer that the government go to the library, dust off the plan that they had devised in 1998-1999, when there were many more regional health authorities and everyone agreed that there was a shortage of professionals. If they could find the professionals, keeping them was another matter. That was the problem. It had nothing to do with the labour relations act.

Now, I would remind all members of this Assembly that before voting any further on this legislation, we need to know – and we talked about this a little earlier – whether the health care professionals will retain the seniority, the benefits and wages they've earned and successfully bargained to achieve in the past. We need to know where they're going to stand in all of this. We need to know the cost implications of all this, and I'm sure someone on the government side has a figure. It's astonishing to me that we're not getting an answer to just exactly what the costs are going to be. Perhaps the amendment would give the government members time to dig up that information. If they have to phone the Provincial Health Authorities association, well, so be it. Someone must know, and I for one do not want to see legislation such as this, the reason for particularly health care professionals who have just finished their degrees, finished their training to take one look at this and bolt to the United States of America. Good-bye. That's happened before, and we've got to learn from our mistakes and not let history repeat itself.

11:30

Now, sure, we have lived through job action 10 years ago and near job action in 1997. Yet when I look at this bill and I look at the amendment A1, I realize that the government hasn't dealt with the underlying problem that continues to plague our health care system, and that is the critical shortage of nurses. It's getting worse. They're working longer hours under high-stress working conditions, and that is taking an increasing toll on our nurses and our other health care professionals. That is – and I cannot emphasize this enough, Mr. Speaker – the root cause of the current problems. It has nothing to do with unsound labour relations or anything else. That's where we should start looking at solving the problems, not with this draconian legislation.

Thank you.

The Deputy Speaker: Okay. Questions? Comments? The hon. Member for Edmonton-Highlands.

Mr. Mason: Well, thank you very much, Mr. Speaker. To the hon. member. I'm sorry; I'm getting a little tired here, but I think this is an important question that needs to be resolved. So I'd like to ask the hon. Member for Edmonton-Gold Bar if he doesn't think that taking away health care employees' right to strike won't actually help the government to recruit more skilled health care employees to the health care system.

Mr. MacDonald: No, Mr. Speaker, and to the hon. member. This is going to make a bad situation even worse. I think we need negotiation, not confrontation. [interjection] See? We're getting confrontation already. The root cause of the problem is lack of long-term planning. It has nothing to do with labour relations gone sour or the fact that one group has more power than another. We have not had a record of unstable labour relations in this province, and the answer lies in long-term planning for health care professionals: recruitment, training, and retaining the workers.

Thank you.

The Deputy Speaker: Hon. Member for Edmonton-Centre, comments and questions?

Ms Blakeman: Debate.

The Deputy Speaker: Okay. Do you want to speak, then, hon. Member for Edmonton-Centre?

Ms Blakeman: Thank you. I do, and I would like to speak in favour of the amendment A1 that has been brought forward by my colleague from Edmonton-Riverview, which would, if this is a reasoned amendment, have the bill "be not now read a second time because it is the Assembly's view that the bill infringes on the rights of workers in an unreasonable way."

[Mr. Lougheed in the chair]

I think, as my colleague from Edmonton-Gold Bar said, this does allow everyone to take a step back and be reasonable, take a reasoned and considered look at what's happening here. When I was speaking on the principle of the bill, I talked about the work that had already been done by the union leaders in attempting to achieve a voluntary reduction in the number of collective bargaining units to do with regional health authorities, and this would allow the government to go back and allow that process to roll out more rather than simply pre-empting it, which is in fact what happened, to everyone's surprise, I think.

My colleague for Edmonton-Riverview brought up the issue of the Manzankowski report and the amount of money that was allocated to it and how little we've actually seen come out of it except for legislation like this, which I don't think is moving forward health care in the province. I think the minister and I are going to have to agree to disagree on this one. I don't see it being about the common good. There's a phrase that keeps turning up in the propaganda – I mean, the literature – that's put out by the government on how this is going to make everybody happy. I'm sorry; I'm not going to be able to find this in a hurry. But I don't think that's the case.

One of the issues that is of particular interest to me around the whole issue of rights of workers is what's been created in Alberta around staff shortages. We know that when there were enormous cuts in health care services and, I think, a fair amount of disrespect thrown about particularly around nurses, we had nurses fleeing the province and being recruited away in very high numbers, and then, in fact, we had to spend as much money as was saved in incentive bonuses to get those same nurses to come back because we had such a shortage in the province. How many times are we going to repeat that scenario? I don't think that losing the right to strike is going to be seen as a big benefit by nurses and other health care professionals, and if this is another reason for them to leave the province, what is the government going to do with that effect on staff shortages?

When we look at the doors that are being opened up around private health care – I mean, there are only so many health care professionals here, and I'm still deeply suspicious of the link or lack of link around this. Does this bill make it even less attractive for people and more attractive for private providers of health care to be able to recruit health care professionals and to pay them even less well? I'm deeply suspicious of where the government is going with that whole relationship between the people that we trained to provide health care services to us in our public system and what the government is doing to set up that they get transferred into the private system.

Going back a little bit to a report that was put out, Current and Emerging Health Workforce Issues in Alberta: Questionnaire Findings, Final Report, from Alberta Health, March 1999. As part of that, there were a number of different tables that appeared. In particular, I'm looking at table 5-2, Top Three Health Authority Issues Impacting Health Workforce.

- A. Health workforce recruitment is an issue . . .
- D. The increase in labour relation difficulties . . .
- F. Nursing recruitment.
- G. The unattractiveness of health professions as viable career options.

I don't see how this legislation is addressing any of these issues; therefore, an amendment like A1, which stops this process and lets everyone go away and calm down and come up with something better, is something that I am highly supportive of.

Under table 5-4, Strategies Identified by Health Authorities to Address the Issue of Quality of Work-Life – very interesting. “B. Consultation with Alberta Labour to streamline certificates and bargaining processes.” I guess this is what we got from that, and others have already pointed out that it was the employer who was requesting these changes, not the workforce that was requesting these changes, not the public that was requesting these changes and, I think it could even be argued, not the government that was requesting the changes. So they're responding to the employer, and this becomes employer driven. You need a balance and one that carries with it respect, and I think that we're tearing that basis apart.

11:40

I know that I had a constituent send me a very long and detailed letter, and they worked in housekeeping at one of the hospitals and were very proud of the work that they had done there and were very puzzled at what they saw as a lining up by the regional health authority to privatize the services they were working in. Yet this individual was pointing out that they, in fact, had received and their team had received awards for the work and that people were constantly saying: this place is really clean; you guys are doing a great job. They were very frustrated by what they were constantly hearing from the regional health authority telegraphing to them that they were going to be privatized at the next contract go-rounds. They couldn't understand this because when they looked at the problems that had been experienced in Calgary around some of the same housekeeping issues and where there had been a lot of problems – and that was from a privatized firm – they couldn't understand why there would be such a push from the regional health authorities to do this, and I couldn't answer the questions for that individual. I see some of the same direction, that hand pushing things along here from the regional health authorities. I don't think that it's in the best interests of the worker in the end run.

The other thing that could be addressed – and this is just a small point, but there's a phrase that is used constantly throughout the legislation of “receiving collective agreement.” I checked in the definitions section at the front of the amending act. It's not defined there, so I actually pulled the statute for the Labour Relations Code and checked to see if there was a definition there, and there isn't. Now, as I said, I'm not a labour person and I'm not conversant with all the terms, but we should all be able to easily understand from the legislation what's being talked here. So this would allow there to be some clarification around the receiving collective agreement that is used so often particularly in the sections around regulations being done.

You know, it's “establishing types of collective agreements from which the receiving collective agreement for a region-wide functional bargaining,” et cetera, et cetera, “respecting the manner of determining from which type of collective agreement the receiving collective agreement,” et cetera, et cetera. It appears in half a dozen of the clauses here that are talking about the regulations that'll be developed, and there's no definition for it anywhere. I even sought a definition through Parliamentary Counsel, and they may not have had the time to get back to me, but I didn't hear back from them. So it gives an opportunity to clarify some of that.

You know, when I think about this government's sort of track record, somewhere I was reading – oh, it was in *Hansard* – about one of the question exchanges with the Minister of Human Resources and Employment in which he was pointing out that he felt that there had actually been a very positive working relationship between the government and labour groups and was using as an example of how wonderful this was the number of days lost to strikes, I think. I can't agree with this, and certainly in my life and as I look at those around me that are involved in labour issues, I don't think this government has been very friendly to unions.

[The Deputy Speaker in the chair]

I think that there is a need for a replacement worker legislation here in Alberta. When I look at the strikes that just go on forever, why are they able to go on so long? Well, because the employers can bring in replacement workers the next day, so there's no impetus to get them back to the bargaining table so that they can actually settle this. I think there needs to be replacement worker legislation, but I don't see it coming from this government.

I think there also needs to be – and I may not have the right phrase here – first contract arbitration legislation. Again, that's the root, that's the cause underlying a number of these very, very long strikes that workers have been trying to get. That's what was underlying the Shaw Conference Centre. They were trying to get that first arbitration. They go on strike to try and get it, the employer brings in replacement workers, and everybody is out on strike for extended periods of time. Finally we were able to get something settled with the Shaw Conference Centre. But I'm thinking of ones like Dynamic Furniture in southern Alberta; that went on for more than a year. I mean, how is that a good labour atmosphere in Alberta?

I mean, I'm not kidding myself. I don't think that passing this amendment is going to have the government pop up tomorrow with replacement worker legislation and first arbitration contract legislation, but I think it's an example of where we don't see leadership being given by this government in its labour relations. I think that we could go a long way down that path to make things better, and this legislation that's before us as Bill 27 is not a positive move for labour relations in Alberta. I think to say, “Oh, well, it's just 10 percent,” well, 10 percent of how many? How many people are we talking about here whose lives are affected? Why is 10 percent not acceptable in this instance to make a positive move, but other pieces of legislation come before us which affect only 10 percent of the people? So there's an inconsistency there from the choices that I see the government make.

Those are the points that I wanted to make in support of the amendment. I can't say that I'm hopeful that it'll get passed, but I think it's important that we continue to raise these issues in the Assembly, and I'm happy to speak in support of the amendment.

Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar on the comments and questions.

Mr. MacDonald: Yes, please, Mr. Speaker. In light of Bill 27 and amendment A1, as presented by the Member for Edmonton-Riverview, and whenever we look at the preamble of the current Labour Relations Code, which reads, “Whereas it is recognized that legislation supportive of free collective bargaining is an appropriate mechanism through which terms and conditions of employment may be established,” do you view A1 as a positive thing, and members should support it so we can have another look at Bill 27 to see if it meets that preamble?

The Deputy Speaker: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you. Yes, in that Bill 27 does not come anywhere close to what's being set out here in the preamble.

An Hon. Member: You're supposed to be talking about the amendment.

Ms Blakeman: Yeah. That's why there's an amendment because the bill is not coming anywhere close to this. [interjection] Yeah, and the preambles are not enforceable, but it does set out the tone of it.

The Deputy Speaker: Hon. members, this is not the time in which you can fire questions back and forth. There is one person that is being recognized at a time. If you want to ask questions, please do so, rise in your place, but don't heckle.

The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Speaker. So, yes, I am very supportive of the amendment for exactly the sentiment that is set out in the preamble, and we need to make sure that that sort of idea is upheld.

The Deputy Speaker: Hon. Member for Drayton Valley-Calmar, were you asking a question? No.

Rev. Abbott: Mr. Speaker, I never said a word.

The Deputy Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thanks very much, Mr. Speaker. Well, there's a first time for everything.

I would like to ask the hon. Member for Edmonton-Centre how many unionized people she thinks live in Edmonton-Castle Downs.

11:50

The Deputy Speaker: Hon. members, you know, the question should be relative to what the hon. member just spoke about, and posing those kinds of things – it's really not trivial pursuit here.

If the hon. member wishes to answer the question, she may do so. If not, then Edmonton-Highlands, a better question.

Mr. Mason: Well, thank you very much for that, Mr. Speaker. I would reckon that there would probably be an awful lot.

But if question and answer is finished for the hon. member, then I'm prepared to enter into the debate on the motion.

The Deputy Speaker: Okay. The hon. Member for Edmonton-Highlands in debate on the amendment.

Mr. Mason: Well, thank you very much, Mr. Speaker. I do appreciate this amendment by the MLA for Edmonton-Rutherford. The question is whether or not we should actually give . . .

Mr. McClelland: Point of order.

The Deputy Speaker: The hon. Member for Edmonton-Rutherford on the point of order.

Point of Order Clarification

Mr. McClelland: I'm sure the hon. Member for Edmonton-Highlands meant Edmonton-Riverview.

The Deputy Speaker: Presumably this is a point of clarification, and it's now been clarified.

The hon. Member for Edmonton-Highlands.

Debate Continued

Mr. Mason: Thank you very much, Mr. Speaker. The hon. Member for Edmonton-Rutherford is in fact correct. I did err, and I meant to refer to the hon. Member for Edmonton-Riverview.

He does have an excellent amendment here because he's suggesting, through this amendment, that we not read Bill 27, the Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003, a second time because it's the Assembly's view that the bill infringes on the rights of workers in an unreasonable way, and I think that it does. It does infringe on the rights of workers in an unreasonable way. First of all, it takes away their right to choose which particular union they want to belong to. It gives too much power to unaccountable people to merge and combine locals of labour unions into larger organizations when, in fact, that process was under way in a voluntary fashion. So it's arbitrary, and it's the arbitrariness of it that I think is the greatest problem.

Mr. Norris: Arbitrariness?

Mr. Mason: I think "arbitrariness" is actually a correct word, hon. minister, so perhaps you'd like to check it, and then when you enter into debate on this motion, I think you can probably stand up and do that. [interjection]

The Deputy Speaker: Hon. member, we do have someone who wishes to speak, so the hon. Minister of Economic Development will be on my list after the hon. Member for Edmonton-Highlands.

Mr. Mason: Well, Mr. Speaker, I am not going to hold my breath for the hon. Minister of Economic Development to actually stand up and put his comments on the record, but we can always hope.

So the question is whether or not workers, then, have the right to strike. That's another key piece, and you know it might be interesting to review how workers got the right to strike in the first place because it wasn't given to them by governments. This may surprise members of this Assembly that when labour began to be used as a way of producing goods in factories during the industrial revolution, workers were working in these factories and mines in deplorable conditions. They were terrible, and they had child labour, little children in mines pushing coal carts. They would work for 10 or 12 hours a day. They didn't have a day off, not even Sunday, and the mortality rate of workers was astronomical. The whole existence of working people at that time was deplorable, it was inhuman, and something clearly had to be done. This was the society that existed in the 1800s, and I know that this particular frame of mind, of the 1800s, is very, very attractive to many members on the government side, but I think we can see that there was some modernization that occurred, and perhaps there'll be some modernization of government members' attitudes towards labour.

The entire process was that people were displaced from the land where they farmed or where they were peasants or serfs. They were displaced from the common land, and they created a labour pool that had nothing to do, nothing to sell but their own labour, and that is how they were able to exist. So they sold their labour very cheaply at the time. But it may interest some hon. members to know that it was not legal at that time to form unions or to go on strike. In fact, they would round people up and put them in jail for doing so, but the conditions were so bad, Mr. Speaker, that people fought back, and

they defied the laws that existed which made striking illegal and which made their freedom of association illegal, and there were many strikes. There was much violence. Many people were arrested and put into jail, but they eventually forced the governments of the day, which were dominated by large landowners and big factory-owning industrialists, to change the legislation. So the right of workers to organize and to collectively bargain for the price of their labour was established as a right. It was not something that was handed to them by the state. It was something that they took from the state by themselves, and the motion deals with the infringement of this bill on the rights of workers, so I think it's relevant to talk about where the rights of workers actually came from. They did not get handed to the workers by some benevolent government. They were taken by the workers for themselves because that was the only way that they could exist with any degree of humanity.

So the rights of workers in my view, Mr. Speaker, transcend the ability of governments to infringe them. They do not come from government; they come from the workers themselves. The government may place some restrictions on those rights of workers, but it always must do so with a view that the rights of those workers exist independent of the legislative authority of any government.

We have seen, for example, this Premier, the Premier of this government, go down to southern Alberta and appear at a rally for a number of farmers who illegally sold their wheat to the United States, in contravention of the federal laws. There was a rally that was there to defend those law-breaking farmers and part of their campaign against the Wheat Board, Mr. Speaker. So there was the Premier standing up for the rights of those farmers to break a bad law. [some applause] All of these members applaud. Yes. They all applaud because they know that the Legislature does not have unlimited power to take away the rights of people, and all members who just applauded have clearly acknowledged that this particular point that I'm making about the rights of workers is a valid one.

I might just note as an aside, Mr. Speaker, that all of the farmers who ran for the Canadian Wheat Board on a platform of being allowed to trade with the United States were defeated in a democratic organization. [interjections]

Speaker's Ruling Decorum

The Deputy Speaker: Hon. members, if you don't think that the hon. Member for Edmonton-Highlands is being relevant to the amendment, then stand up and make your point of order, then the hon. Member for Edmonton-Highlands can respond, and then maybe we might be able to make some sort of comment with respect to the two arguments. Just shouting it out is not parliamentary and shows a lack of knowledge of the rules of the House or of manners.

The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. I appreciate that ruling.

12:00

Debate Continued

Mr. Mason: You know, I'll talk maybe a little bit about the situation in Poland because I know that the hon. Member for Edmonton-Castle Downs was from that country. I know that he's the first MLA of Polish extraction to be elected to this Assembly, and I think that's something to be very proud of, Mr. Speaker.

Let's talk about solidarity. Let's talk about labour organizations. I'm sure the hon. Member for Edmonton-Castle Downs would probably think that the events in Poland surrounding Solidarnosc were a very positive development. There the workers and the

professional people got together and went on strike and challenged the government and challenged laws that they didn't agree with. I'm sure he wouldn't disagree with that particular action. So the question is: why does he disagree with unions in this province objecting to their rights being taken away by this government? Is this government so much different from the Jaruzelski regime in Poland when it comes to respecting rights of labour?

Well, you could argue that point all day, Mr. Speaker, but the point is that workers have a right to organize and have a right to collectively set the price of their labour. It is not the right of any Legislative Assembly to infringe unreasonably upon that right, and I think that I would be backed up by the International Labour Organisation and United Nations in making that statement.

So the question is: does this act do so? I think that it clearly does infringe on the rights of workers in an unreasonable way, and I think workers have every right to oppose this legislation. I would hope that the Assembly would realize that they're going too far and that in bringing forward this legislation, this minister and, as well, the Minister of Health and Wellness are trying to do things the easy way.

Instead of working with people and getting agreement and trying to go through the process, sometimes time consuming, of actually getting agreement and making sure that everybody's rights are respected, they do what many members of this Legislature would like to do, and that is cut off the debate, cut to the chase and do what they wanted to do all along instead of going through a proper process of debate, amendment, and taking into account the positions of all parties. If this government didn't act in that way, I don't think members of this Assembly would think that that's how democracy ought to operate, but they clearly do, Mr. Speaker. They clearly believe that the Legislative Assembly is an annoyance, that it's something that is inconvenient, time consuming, and so on. I would warrant that the government feels the same way about unions.

Mr. Speaker, I just want to say that people who enter the health care profession do so because they have a profound compassion for other human beings. They do not and would not withdraw their services lightly or unless they were provoked to the extreme to do so. The suggestion that I think the government is making in this act is that health care professionals would be prepared to withhold their labour lightly or frivolously or use it as an unfair hammer over the health authorities' or the provincial government's head in a way that is, I think, just completely unreasonable to assume.

The Deputy Speaker: Order, hon. gentlemen. In your place.

The hon. Member for Edmonton-Highlands.

Mr. Mason: Well, thank you very much, Mr. Speaker. That gives me a chance to gather my thoughts and carry on.

You know, here are some words of wisdom.

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

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

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

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

... it is recognized that legislation supportive of free collective

bargaining is an appropriate mechanism through which terms and conditions of employment may be established.

Mr. Speaker, this is the preamble to the existing labour code of this province, and this particular act that the minister is putting before the Assembly is a violation of these principles, and I urge members to support this excellent amendment and hoist, or not hoist, and not read this bill a second time this evening.

The Deputy Speaker: Questions or comments? The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Edmonton-Castle Downs.

Mr. MacDonald: Thank you, Mr. Speaker. To the hon. member: given that there's a great deal of sympathy in the general public for health care employees and their cause and that certainly this public sentiment is added to by the well-publicized effects previous health care cuts have had on the working conditions of health care employees throughout the province, not only do health care employees enjoy the public sympathy, but they are generally perceived as being more credible than their employers or the government. Would the hon. member, in light of Bill 27 and amendment A1, agree with that statement?

Mr. Mason: Could the hon. member just repeat that last part?

Mr. MacDonald: Yes. Certainly.

The Deputy Speaker: If you can't hear from that distance, hon. member, we've got a bit of a problem. We do have other people who want to ask questions of the hon. Member for Edmonton-Highlands.

The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you, Mr. Speaker. I find it rather unusual and peculiar that the Member for Edmonton-Highlands would make allusions to the solidarity movement in Poland, but if memory serves me right, that movement actually rose against a socialist government, a communist government, a government that, I imagine, the hon. member would be more inclined to form if he were ever in a position to form a government. If I could refresh his memory, one of the first legislations that was introduced by this new movement was for the privatization of health care. Can you elaborate on that?

The Deputy Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker, and thank you for the question. Well, I was referring to that movement specifically in respect to labour relations because I was trying to stay on topic.

The Deputy Speaker: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

Mr. Horner: Thank you, Mr. Speaker. I just wanted to make a comment in relation to some of the comments that the hon. member was making whilst he was trying to stay on topic with relation to the Canadian Wheat Board. He had made a comment that all of the members who had been elected to the Canadian Wheat Board were not pro choice, and that simply is not true. There was an additional member elected to the Canadian Wheat Board who is pro choice.

Mr. Mason: Well, I think that pro choice is perhaps an unfortunate way to describe it, but my understanding is that the member that was elected that is in favour of being able to sell wheat individually into

the American market was actually elected in Saskatchewan and partly overlaps into Alberta. But in the major districts in Alberta in which some of these farmers stood for the positions, they were defeated and pro Wheat Board farmers were elected.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.
12:10

Mr. MacDonald: Thank you very much, Mr. Speaker. I have a question for the hon. Member for Edmonton-Highlands, and it is this. If there are significant increases in the fines that are going to be levied against health care labour groups, does this member feel that amendment A1 in relation to Bill 27 will further erode collective bargaining in this province?

The Deputy Speaker: The hon. Member for Edmonton-Highlands.

Mr. Mason: Thank you very much, Mr. Speaker. To the hon. Member for Edmonton-Gold Bar: I absolutely believe that it's going to further erode collective bargaining. Ultimately unions are faced with the ability to withdraw their labour, which creates a situation in which both sides, quite frankly, suffer. Both the employer and the employee suffer. It creates a tremendous urgency to try and find some middle ground and resolution, and that's why it has stood the test of time. The other alternatives such as the minister has suggested are basically putting the workers, then, at the mercy of the state to make a decision through some means or another. Ultimately somebody has to decide for the workers whether or not what they're asking for is fair and just.

Mr. McClelland: In the health care sector when workers withdraw their labour, is it not the patient that suffers?

Mr. Mason: Mr. Speaker, there's no doubt that the patients can sometimes suffer, but the government has as much responsibility as the unions do.

[Motion on amendment A1 lost]

The Deputy Speaker: The Minister of Human Resources and Employment to close debate.

Mr. Dunford: Yes. Thank you, Mr. Speaker. Again, I thank everyone for their participation this evening. We've heard quite an array of views, but I stand by the earlier comments that I made in terms of the greater good, which is the delivery of a quality and timely health care system in Alberta. I would urge all of the members present here tonight to vote in favour of second reading of Bill 27.

[The voice vote indicated that the motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 12:12 a.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Abbott
Ady
Broda

Jacobs
Johnson
Knight

Norris
Ouellette
Renner

Cenaiko	Lord	Smith	Totals:	For – 34	Against – 4
Danyluk	Lougheed	Snelgrove			
Ducharme	Lukaszuk	Stevens	[Motion carried; Bill 27 read a second time]		
Dunford	Mar	Strang			
Forsyth	Masyk	Taylor	The Deputy Speaker: The hon. Deputy Government House Leader.		
Friedel	McClelland	VanderBurg	Mr. Zwozdesky: Thank you, Mr. Speaker. I know that there are some members who are anxious to move on and do other business tonight, and we've been discussing that, but in view of the hour I would move that the Assembly now stand adjourned until 1:30 p.m.		
Graham	McFarland	Vandermeer			
Herard	Nelson	Zwozdesky			
Horner					
Against the motion:					
Blakeman	Mason	Taft	[Motion carried; at 12:25 a.m. on Tuesday the Assembly adjourned to 1:30 p.m.]		
MacDonald					