

Legislative Assembly of Alberta

Title: **Wednesday, March 19, 2003**

1:30 p.m.

Date: 2003/03/19

[The Speaker in the chair]

head: **Prayers**

The Speaker: Welcome.

Let us pray. O Lord, guide us all in our deliberations and debate that we may determine courses of action which will be to the enduring benefit of our province of Alberta. Amen.

Please be seated.

head: **Introduction of Visitors**

The Speaker: The hon. Member for Bonnyville-Cold Lake.

Mr. Ducharme: Merci, M. le Président. Aujourd'hui j'ai 10 invités assis dans votre galerie à la suite de la célébration ce matin à la rotonde marquant la cinquième édition des Rendez-vous de la Francophonie et la Journée Internationale de la Francophonie, qui se déroulera le 20 mars. Je leur demanderais de se lever à tour de rôle. Ils sont M. Luketa M'Pindou, vice-président de l'Association canadienne-française de l'Alberta; Mme Claudette Tardif, doyenne de la Faculté Saint-Jean; M. Paul Pelchat, président de l'Association canadienne-française de l'Alberta, régionale d'Edmonton; Mme Elaine Lafèche, présidente de la Fédération des parents francophones de l'Alberta; Mme Thérèse Conway, présidente de la Fédération des aînés francophones de l'Alberta; Mme Patricia Rijavec, présidente de l'Institut Guy-Lacombe de la famille; M. Richard Murphy, président de la Chambre économique de l'Alberta; Mme Rita Hébert, présidente du Centre d'arts visuels à Edmonton; M. Corey Loranger, président de la Francophonie Jeunesse de l'Alberta; et M. Denis Tardif, directeur du Secrétariat francophone. S'il vous plaît, joignez-vous à moi pour leur souhaiter la bienvenue.

The Speaker: The hon. Deputy Speaker.

Mr. Tannas: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and through you to the members of the Assembly the mayor of Turner Valley, Her Worship Kelly Tuck. Kelly is in your gallery this afternoon, Mr. Speaker, and I would ask all hon. members to give her the warm traditional welcome of the Assembly.

head: **Introduction of Guests**

The Speaker: The hon. the Premier.

Mr. Klein: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to Members of the Legislative Assembly a group of individuals who participated in a fund-raising auction held this past November in support of the Juvenile Diabetes Research Foundation. These very generous farm leaders purchased an auction item in support of that foundation. That auction item was lunch with me and a visit to the Legislative Assembly today. Visiting the Assembly are David Blackwood, chairman of the Alberta Turkey Producers; Bill Feenstra, chairman of the Alberta Milk Producers; Kent Olson, president of the Alberta Cattle Feeders Association; and Bill Wildeboer, chairman of the Alberta Pork Association. They're seated in the members' gallery, and I'd ask that they all rise and receive the warm welcome of the Assembly.

The Speaker: The hon. Minister of Seniors.

Mr. Woloshyn: Thank you very much, Mr. Speaker. I'd like to introduce some teachers and helpers and a few students from the Connections for Learning school, and I do owe them an apology. As they were coming up to the House, I was going down to have our picture taken. I'd like Kim Herbert, Heidi Zwickel, Heather Marrelli, Hilda Hildebrand to stand and receive the welcome along with their students.

The Speaker: The hon. Minister of Municipal Affairs.

Mr. Boutilier: Merci, M. le Président. It's my pleasure today to introduce a member of the Northern Alberta Development Council as well as a very longtime resident of the constituency of Fort McMurray, the oil sands capital of the world. He has sat on road committees for years on end and is, indeed, a former bank manager of the Commerce bank in Fort McMurray. It's my pleasure to introduce Mr. Arthur Avery. I'd ask him to rise in the members' gallery and receive the warm welcome.

The Speaker: The hon. Minister of Community Development.

Mr. Zwodzesky: Thank you. Mr. Speaker, it's a great pleasure to rise today and introduce to you and through you two young women who are visiting us from Ukraine. Our first guest is Daria Koucherets. She's here from Ukraine's capital of Kiev, and for the past five months she's been studying economics at the University of Alberta's Faculté Saint-Jean. She is one of the recipients of the Alberta/Ukraine special recognition award, which our Premier announced during his historic mission to Ukraine last may. She was also a guest at our most recent meeting of the Advisory Council on Alberta-Ukraine Relations, and she's pursuing a PhD. She's already fluent in Ukrainian, English, Russian, and French, and perhaps others that I'm not aware of.

Our second guest is Natalia Mykolska. She arrived here in Edmonton on February 5, and she joins the Alberta International and Intergovernmental Relations department through a six-month internship under the Canada/Ukraine internship program administered by the Centre for Trade Policy and Law at Carleton University. She's providing research support and assistance also to our Advisory Council on Alberta-Ukraine Relations. She has a law degree and a master's degree in European studies, and I'm delighted that she's here joining us.

I see that they are both standing. [remarks in Ukrainian] Please join me in welcoming them.

The Speaker: The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you, Mr. Speaker. To you and through you to the members of this Assembly it's my pleasure to introduce 20 residents of the Lions residence in Castle Downs led by group leader Mrs. Gerda Rebekowich. Also, it is impossible for me to name all the individuals, but I must identify one lady who, as it turns out, was my high school teacher, Miss Flaman. I would like to ask them to rise and receive the warm welcome of this Assembly.

Thank you.

The Speaker: The hon. Member for Edmonton-Glenarry.

Mr. Bonner: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and through you to all members of the Assembly 50 bright and energetic grade 6 students from Lago Lindo elementary school. They're accompanied today by teachers Mrs. Murray and Mr. Peters as well as parents Janice Krill, Greg Mallet,

and Barb Kent. They are seated in the public gallery, and with your permission I'd now ask that they rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I have two sets of introductions today. First, I'm pleased to introduce to you and through you to this Assembly parents who are worried about what the government's budget cuts to our public education will do to their children's future. My guests are seated in the members' gallery. They are Hayley Grundy, Melanie Shapiro. I would ask that they rise and receive the warm welcome of this Assembly.

Mr. Speaker, I'm also thrilled to introduce to you and through you to the Assembly 29 international students from the University of Alberta who are accompanied by their group leader, Miss Constanza Kehling. I believe they are sitting in the public gallery. I would ask them to rise and receive the warm welcome of the Assembly.

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

Dr. Taft: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly a constituent of mine, Marilyn Bercovich. Marilyn is very concerned with services to autistic schoolchildren in our public school system. I'd ask Marilyn to rise and receive the warm welcome of the Assembly.

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

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to introduce to you and through you to this Assembly parents who are worried about the government's budget cuts and how they will affect their children's school. I believe my guests are seated in the members' gallery. They are Karen Ferrari and Preet Sara. I would ask that they rise and receive the warm welcome of this Assembly.

head: **Oral Question Period**

The Speaker: First Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Energy Deregulation

Mr. MacDonald: Thank you, Mr. Speaker. This government has replaced democracy with three draconian decrees. Using a political sledgehammer to end debate on controversial bills which this government has no mandate for is an abuse of the trust Albertans have placed in their government. Albertans always demand to know what this government is up to. My first question is to the Premier. Given the high utility bills, that are the number one concern of Albertans, how can this government continue to force their energy deregulation policy on Albertans?

1:40

Mr. Klein: Mr. Speaker, that was the most confusing preamble I think I've ever heard.

Mrs. McClellan: Well, he's playing to the audience.

Mr. Klein: He must be playing to the audience, Mr. Speaker. He starts out about the use of time allocation and somehow melds that into the whole utility question. I don't know how one relates to the other in the slightest bit other than one of the pieces of legislation,

of course, alludes to energy. To answer the question, I'm not sure even what the question was.

Mr. MacDonald: What Alberta consumers are confused about is your energy deregulation policy.

Again to the Premier: is this government so ashamed of its energy deregulation policy that the Premier and this government are forced to sever and end public discussion on energy deregulation because you're afraid that the consumers are going to find out the truth about your energy deregulation policy?

Mr. Klein: Mr. Speaker, I'm not going to get into legislation. That is before the Legislative Assembly, and there will be ample time, notwithstanding time allocation, to debate the issue. What the residents of this province want to see is the business of government being done, not dragged out, not talked out time after time after time for purely political reasons. They want to see legislation passed, and the legislation will provide a much better scenario for competition, for customer safety, for access to choice. That's what it's all about.

Mr. MacDonald: Again, Mr. Speaker, to the Premier: if we can't debate energy deregulation policy in this Assembly, will the Premier agree to a provincewide radio debate immediately with the Official Opposition on this issue to let Albertans know what the government is really doing to them and their expensive utility bills?

Mr. Klein: Mr. Speaker, there have been to my knowledge seven hours of debate already. Seven hours. There's not very much that can't be said in 10 or 15 minutes. It's when the same things are repeated over and over and over again, it's when the Liberals get up and grandstand for purely political reasons that we have to bring in time allocation, which, in my mind, is the responsible thing to do in order to bring about reasonable closure to an issue and to demonstrate to Albertans that we are interested in doing the business of the Alberta people and not political grandstanding.

The Speaker: Second Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Speaker. Given that this government has spent over \$7 billion on energy deregulation, seven hours of debate is not too much to ask.

Now, headlines also tell the truth, and this says, "Small business grumbles over electricity deregulation." The Premier cannot ignore the truth, so I hope that the Premier has had an opportunity to have a squint at this morning's business section and knows firsthand how small business feels about energy deregulation. To the Premier. Since energy deregulation nearly one-quarter of small businesses surveyed report electricity rate hikes of 50 percent, and this is before the latest price spike. How can the Premier state that electricity deregulation in this province has been successful?

Mr. Klein: Mr. Speaker, first of all, I don't know what the Official Opposition would like to do. Would they like to go back to regulation, to brownouts, to blackouts, to a situation where there was no incentive to bring new power onstream to provide competition, to have marketers out there offering customers various kinds of deals relative to electricity?

Mr. Speaker, I go back to a comment I made either yesterday or the day before in the Legislature. We heard nothing, absolutely nothing, from the Liberals when the price of electricity was 4.4 cents a kilowatt-hour. You know, if the price is up, then they yell and scream. When the price is down, they say absolutely nothing other

than perhaps mislead the Alberta public by going out and saying: we're responsible for the low prices of electricity. So when the price is up, blame the government. When the price is down, they take the credit. That's the way it is, and that's how they like to play politics.

Mr. MacDonald: Let's go back to yesterday. Can the Premier tell Albertans where they can buy electricity for 4.4 cents a kilowatt-hour? I'm sure they will want to phone his office and get in on that deal. Tell us where you can get electricity for that price.

Mr. Klein: Mr. Speaker, if he would keep his ears open and his mouth shut for a change, he would probably hear what I said. I said that six months ago it was 4.4 cents a kilowatt-hour. Six months ago, not yesterday. They can't buy it today for that particular price, but there's nothing that says that it won't go down in the future. Electricity like any other commodity fluctuates. It goes up, and it goes down. That happens in a regulated market or in a deregulated market. If he needs any more clarification, I'll have the hon. Minister of Energy respond.

Mr. Smith: Well, Mr. Speaker, the member is clearly referring to an article on a survey reported by the Canadian Federation of Independent Business. Now, I think the Department of Economic Development keeps close figures on what occurs in small business, and I would ask the Minister of Economic Development to supplement.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Given that as the price of electricity goes up, the government's popularity goes down, can the Premier explain how the lowest offer received for the last unit of generation required to meet demand sets the Power Pool price? This is not a free market. Will the Premier now commit to change the system so that the Power Pool sets one low rate for all Alberta customers?

Mr. Klein: Mr. Speaker, relative to how the Power Pool operates, I'll have the hon. minister respond.

Mr. Speaker, in response to the preamble I would like to have the hon. Minister of Economic Development talk a little bit and answer a question relative to the scenario as it exists in Alberta today for small business.

The Speaker: The hon. minister.

Mr. Norris: Well, thank you, Mr. Speaker, for allowing me to offer this input. When I got elected with the group in 2001 – and a great group it is – the original premise that was put forth by the opposition is that this province was on its way to economic ruin because of the situation which was then electrical deregulation and gas prices. We listened over and over in that session about how this province was clearly going to lose any kind of Alberta advantage that they talked about. Well, my desk is full of evidence that proves them absolutely wrong – absolutely wrong – and I'd like to share some of it with you.

I would like to start with some of the real indicators of the economy. The capital investment . . .

The Speaker: Hon. minister, please, please, please. We've now had five minutes on this set.

The hon. Member for Edmonton-Mill Woods.

Education Funding

Dr. Massey: Thank you, Mr. Speaker. An inner-city Edmonton

school must cut close to \$300,000 from its budget. Gone is the equivalent of three teachers, gone are the smaller grade 1 classes gained as a result of the small class size project research, and gone is part of the reading recovery program. My questions are to the Premier. How can the government claim that Edmonton schools are adequately funded when this inner-city school must face such devastating cuts?

Mr. Klein: Mr. Speaker, there are numerous stories from schools throughout this province that tell of the profound success of the students and of the experience of teachers and the experience of parents, and I'd be glad to go through this list. The Liberal opposition, of course, is intent on finding only the negative, pinpointing very specific schools where there might be a problem – we don't know – a school . . .

1:50

An Hon. Member: There are lots of schools.

Mr. Klein: Lots of schools, and there are lots of success stories. He said that lots of schools have problems. But that is the purpose of the opposition: to go around and tell Albertans how bad things are. I take great exception to statements that budget cuts – there are no budget cuts. Stay tuned and see what happens when the budget is tabled. As a matter of fact, there's been a 46 percent increase in education funding over the past six or seven years. A 46 percent increase. Where do they get this notion? How can they tell people such untruths as to say that there are budget cuts? And they get away with it. That's the unfortunate thing about it. It's shameful, and they should stand up and apologize to the Alberta public.

Dr. Massey: You might want to ask your Economic Development minister.

How many budget-cutting horror stories does the Premier need to hear before he moves to adequately fund Edmonton schools? How many stories do you need to hear, Mr. Premier?

Mr. Klein: Mr. Speaker, again, this is absolutely shameful. It is not the truth. There are no budget cuts. As I said, there has been a 46 percent increase in spending over the last six years or seven years. There's been a 6 percent growth in enrollment. There are no budget cuts. They are not telling the truth, and they should be ashamed.

The Speaker: The hon. member.

Dr. Massey: Thank you. My last supplemental is to the Minister of Learning. Why are grade 1 class sizes increasing in this school given that the government spent half a million dollars in research showing that just exactly the opposite should happen?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. As I alluded to yesterday, we just finished our class size study, which showed that the size of classes in Edmonton public has actually decreased slightly this year. The average size in kindergarten, I believe, was 19.7. The average size in grades 1 to 6 was in the 23 range, slightly lower than it was last year. When it comes to the individual schools, it is the Edmonton public school board's responsibility how they shift resources around. Those are the facts.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Olds-Didsbury-Three Hills.

Dr. Pannu: Thank you, Mr. Speaker. Parents in Edmonton are outraged that core school programs are facing the axe. For example, Windsor Park elementary is facing the loss of three support teachers who provide ESL instruction and work with struggling students. Parents will keep putting the pressure on this government until it relents. To the Minister of Learning: will the minister accept his responsibility and tell this House what concrete actions he will take to prevent the loss of three teachers and an increase in class sizes at Windsor Park elementary?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. One of the actions that we have already taken is the audit of Edmonton public. As I've said in this House before, we have already achieved in the range of approximately \$4 million or \$5 million. We hope to have the results of that audit done by the end of next week, although it could be a little later than that.

Mr. Speaker, when it comes to budget decreases, I have to emphasize that there have been no budget decreases. There have been no budget cuts in Alberta since 1995. Over that time, we've put 46 percent – 46 percent – back into the education system.

Some Hon. Members: How much?

Dr. Oberg: Forty-six percent. There has been an increase in school-age population of around 6 percent over that time frame.

The other point that I really have to say is that the teachers received an increase of around 14 percent, making them the highest paid in Canada by about 8 to 10 percent per year. Our students do the best of anywhere in Canada and, arguably, the world.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. The minister didn't answer my question. Let me repeat it. Let me repeat the question to him. How does the government expect children at Windsor Park to learn in an environment where class sizes already average 27 students even before the loss of three teachers?

Dr. Oberg: Mr. Speaker, I do not believe that it is the Minister of Learning's responsibility to dictate to each individual school where and how their resources should be allocated. We allocate our resources to the Edmonton public school board. They have subsequently allocated them out to their schools. We have found some issues, we have found some problems with the way that Edmonton public is putting out their dollars, but again it is preliminary data, and we hope to have the final data by the end of next week or the first part of the week after.

Dr. Pannu: My second supplementary to the same minister, Mr. Speaker: why are parents at Edmonton schools being forced to fund-raise at casinos in order to purchase computers, computers that should be funded by the government as part of the core curriculum?

Dr. Oberg: Mr. Speaker, I think that the real question that needs to be asked in Edmonton is why Edmonton Catholic is doing so well and why Edmonton public is having issues. They have exactly the same funding formula. Edmonton Catholic has signed an agreement. They're doing well. So I believe that that's the real issue that needs to be discussed.

The Speaker: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Centre.

Enforcement of Access Orders

Mr. Marz: Thank you, Mr. Speaker. Many calls to my constituency office deal with the breakup of families. The problem is further compounded by parents failing or refusing to abide by court-ordered maintenance payments and/or access orders. This government deals with breach of maintenance orders in a number of ways to ensure enforcement. However, the same cannot be said for breach of access orders, leaving court action as the only recourse. Can the Minister of Justice please explain why his department does not take steps to enforce access orders with the same enthusiasm and energy as it does with maintenance orders?

The Speaker: The hon. Minister of Justice and Attorney General.

Mr. Hancock: Well, thank you, Mr. Speaker. I appreciate the comment being made about the enthusiasm of enforcement with respect to maintenance orders, because that's a very, very important part of government policy in terms of helping children and families in Alberta. The maintenance enforcement program has the legislative authority to enforce court-ordered child maintenance payments but, as the member rightly points out, does not have the same direct involvement in the enforcement of access orders, nor does it have the legislative authority to enforce access orders. Maintenance enforcement provides the program the authority to collect and disburse payments on behalf of the program's creditors and debtors, and it can't be emphasized enough how important that is to children in the province of Alberta. No one need fear the enthusiasm of the maintenance enforcement program if they pay their child support payments as ordered by the courts.

Custody and access are not related issues, however, Mr. Speaker. We've done surveys in terms of bringing forward the new family law, which we promised to bring forward to the House this spring, and in discussion with Albertans they indicated again that they do not believe that maintenance and access ought to be linked. Maintenance is with respect to the obligation of parents to support their children, and that's an important issue. Access is also very important but separate from maintenance issues and shouldn't be linked. The enforcement of access orders is done by people who exert their access rights through the courts. It's an expensive process sometimes. Sometimes it's a very problematic process. But the only way that you can actually have someone ordered to carry out an activity is through the process of the courts.

The Speaker: The hon. member.

Mr. Marz: Thank you, Mr. Speaker. To the same minister. Obviously, it is very expensive to hire lawyers to do this, to go through the courts, but not very effective because the original order is ignored. So what's the minister prepared to do to bring fairness and equity to this system?

Mr. Hancock: Well, Mr. Speaker, the first thing, of course, is the legislative framework for that, and we have the hon. Member for Calgary-Lougheed and her maintenance review of a few years ago. That committee made some recommendations with respect to access. Of course, the hon. Member for Red Deer-South piloted a bill through this House in 2000 which strengthened the access provisions under the Provincial Court Act and in other legislation which provides parents the opportunity to more easily enforce their access orders. It isn't completely effective at this stage, Mr. Speaker. We do have to do more to look at how we can assist parents in enforcing access, because I can't say strongly enough that children having

access to their parents and parents being able to stand in the position of being a parent to their child is extremely important, separate from the issue of maintenance but extremely important. More needs to be done to allow that, but I think we can look to the good work that the hon. Member for Red Deer-South did in bringing forward that amendment in 2000. It is being much more effective than it was in the past. People are finding that they can use that process to enforce their access orders, and we'll do everything we can within reason to streamline that process.

The Speaker: The hon. Member for Edmonton-Centre, followed by the hon. Member for St. Albert.

2:00 Legal Guardians' Access to Medical Information

Ms Blakeman: Well, thanks very much, Mr. Speaker. Many elderly people who can no longer make decisions about their own health care are fortunate enough to have relatives whom they can appoint as guardians. However, these legal guardians are being denied access to medical information about their relatives and are precluded, therefore, from making a proper decision about their care. My questions today are to the minister of health. Is it a hole in the legislation that's preventing guardians from accessing necessary medical information, or did the government leave the law open to inconsistent interpretation by on-site staff?

Mr. Mar: Mr. Speaker, in our review of the Health Information Act we have made some changes as it relates to who may or may not get appropriate health records for the purposes of finding out what's happened to an individual with respect to their medical treatment and so on. If there is a suggestion here that there needs to be a further amendment made, I'm certainly willing to entertain that, but to this point this is the first time that this issue has been raised by this hon. member or by anybody, to my knowledge.

The Speaker: The hon. member.

Ms Blakeman: Thank you. Well, given that it's been raised a number of times by elder advocacy groups, I'm surprised the minister hasn't heard.

I take it, then, that he will accept an amendment from this side during the debate on the Health Information Act this spring.

Mr. Mar: Well, Mr. Speaker, as the hon. member knows, she's certainly entitled to bring forward an amendment. We are interested in making sure that our legislation is good legislation. We're not unwilling to look at constructive amendments from the hon. member, from her or other hon. members of this Assembly. If it's a constructive amendment, we'd certainly be willing to entertain it.

The Speaker: The hon. member.

Ms Blakeman: Thank you. An additional issue then: given that auxiliary hospital staff told one legal guardian that she would have to pay to see her elderly mother's medical chart, can the minister explain the rationale behind this decision to allow charging for essential information?

Mr. Mar: Mr. Speaker, I'm left at a disadvantage in that I'm not aware of this particular set of circumstances, but if the hon. member wishes to bring it to my attention by way of correspondence and is able to document that this in fact was the case, then I'd be certainly more than happy to look into it for her.

The Speaker: The hon. Member for St. Albert, followed by the hon. Member for Edmonton-Riverview.

Electricity Marketing

Mrs. O'Neill: Thank you, Mr. Speaker. Yesterday in question period the Member for Edmonton-Gold Bar related an incident in which an employee of an electricity retailer allegedly used unfair pressure tactics to convince an elderly Albertan to sign a long-term electricity contract. Now, the member asked the Premier: "How is this government ensuring that an energy marketer is not abusing the trust of a consumer or exploiting any fear or lack of knowledge or experience of a customer?" Such allegations are of concern to me, Mr. Speaker, and therefore my questions today are for the Premier. Could the Premier please outline for this Assembly and for all Albertans what measures are in place to protect consumers from high pressure or unfair sales tactics in the marketing of electricity?

The Speaker: The hon. the Premier.

Mr. Klein: Thank you, Mr. Speaker. When the question was asked yesterday, I didn't have all the information before me. Like all members of the government side I was concerned with allegations made in the House, and I was also concerned, more concerned as a matter of fact, to read a Liberal news release yesterday that was maliciously titled Gov't Policy Leaves Seniors Vulnerable to High-Pressure Sales.

No government can guarantee that there will never be unscrupulous salespeople, regardless of what kind of product is being offered for sale. What the Alberta government does do is guarantee that there are strong, effective laws in place to protect Albertans who are approached by salespeople who use inappropriate or illegal pressure tactics. Under the leadership of the Minister of Government Services our government has developed a very strong set of rules to protect consumers in the area of electricity marketing in particular. I'm going to go through it, Mr. Speaker, because it's very important. The allegations raised by the hon. Member for Edmonton-Gold Bar were very serious and very misleading.

Under the electricity marketing regulation of the Fair Trading Act all electricity marketing companies must be licensed, must post a \$1 million security bond, must ensure that all employees comply with a 17-point code of conduct. Under this code of conduct marketers must show identification when approaching a consumer; make timely, accurate, and truthful comparisons regarding their product or service; and ensure that all data they use to support their claims is reliable. It is also very important for members to know that consumers may cancel any agreement to buy electricity from a marketer within 10 days for any reason and without penalty. So if someone has second thoughts about a contract after signing, they have every right to cancel that contract.

In summary, protection for consumers of electricity is very strong, Mr. Speaker.

The Speaker: The hon. member.

Mrs. O'Neill: Thank you, Mr. Speaker. Given that Alberta has such strong rules in place to protect consumers, can the Premier tell the Assembly what penalties are in place for anyone who is found guilty of breaking those rules?

Mr. Klein: Again, Mr. Speaker, quite contrary to the very misleading headline, Gov't Policy Leaves Seniors Vulnerable, under our legislation penalties for violating these rules are severe. A marketer

found guilty of breaking these rules is subject to a fine of up to \$100,000 or two years in jail or both. In the case that was raised in the House yesterday, I understand that Government Services is looking into the practices of the marketer in question to decide if any further action is warranted.

The Speaker: The hon. member.

Mrs. O'Neill: Thank you, Mr. Speaker. Finally, my second supplemental is to the Premier. Where can Albertans go to get more information about their rights as consumers or to file complaints about marketers?

Mr. Klein: Mr. Speaker, the department has made widely available two very useful publications, which, again, the hon. Liberal Member for Edmonton-Gold Bar failed to mention, purposely and maliciously, in his news release, a consumer tip sheet called Electricity Marketing: What Consumers Should Know and a booklet entitled How to Shop for Electricity. As well, any consumer who requires further information or has complaints about the conduct of an electricity marketer can call the toll-free consumer information line to get immediate assistance. The number is 1-877-427-4088. I hope he took it down, and I would hope also that if members of the opposition are serious about helping consumers, they will pass this information on to constituents. That would do a lot more good than issuing ill-informed, malicious, and misleading and harmful news releases.

The Speaker: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Edmonton-Meadowlark.

Private Surgical Facility Contracts

Dr. Taft: Mr. Speaker, contracts that this government approves for surgical services between health regions and private operators state, "The Operator will comply with all requirements of the Occupational Health and Safety Act." My questions are to the Minister of Health and Wellness. What action will the minister take when an operator violates this section of the contract?

Mr. Mar: Mr. Speaker, one is not properly posing a question in the House if it is hypothetical. I did ask the hon. member in a very reasonable fashion just yesterday that if he was aware of such circumstances where a private surgical facility operator was breaching a particular occupational health and safety provision, he ought to bring it forward. I did that yesterday: 25th Legislature, Third Session, Tuesday afternoon, March 18, issue 17 at page 559.

2:10

Now, Mr. Speaker, I certainly would take the matter up if such an allegation were brought forward and it were demonstrated to be in fact correct. I would take it up with the minister responsible for occupational health and safety, the Minister of Human Resources and Employment, and it would depend, of course, on the nature of the breach. Is it a major breach? Is it a minor breach? This is the reason why our House rules say that you cannot ask a hypothetical question. If he does have facts, then he ought to bring them forward in the proper manner.

Dr. Taft: Mr. Speaker, it's not credible that this minister doesn't know about this violation. I have raised it repeatedly in this Assembly, and charges have been laid.

What policies exist to deal with senior medical staff of regional

health authorities who face charges of endangering the health and safety of their employees?

Mr. Mar: Well, Mr. Speaker, again we have an hon. member asking a question based on hypothesis or innuendo. I asked him, again, in a very reasonable fashion just yesterday that if he was aware of such breaches, then he ought to bring them forward. To make such allegations in this House – and he did indicate that he's made them in this House – without providing documentation, without providing any kind of evidence of such allegations in fact being true, it is very difficult to answer. That is exactly the reason why we do not allow in our rules hypothetical questions to be asked.

Dr. Taft: Mr. Speaker, charges have been laid.

Can the minister explain – probably not, but I'll try – how a private operator can hold a contract approved by his department while charges are being pursued against that operator by another government department?

Mr. Mar: Well, Mr. Speaker, he has not identified who this operator is. He has not identified what the charges are. He has not provided any information or evidence of his allegation. I've asked, a very reasonable request, for this hon. member to provide the evidence of the allegations of which he speaks. To make such insinuations about people who are not in this Assembly and not able to answer those charges themselves is entirely inappropriate.

The Speaker: The hon. Member for Edmonton-Meadowlark, followed by the hon. Member for Edmonton-Ellerslie.

International Travel Restrictions

Mr. Maskell: Thank you, Mr. Speaker. Many Albertans travel internationally for pleasure or on business, and I know from my previous working life that this is a favourite time for school field trips to international destinations, and of course it's also a popular time for family travel. As far as the efforts to maintain trade and cultural ties, ministers, government officials, and government of Alberta employees occasionally travel out of the country. My first question is to the Minister of International and Intergovernmental Relations. With the global uncertainty and impending war in Iraq, does the Alberta government plan to restrict travel by Alberta government officials?

Mr. Jonson: The government has indeed approved a temporary travel restriction policy in the event of war with Iraq, and it applies to all government MLAs and public employees on government business. They will be restricted from traveling outside North America after war is declared or under way. This restriction is designed as a safety measure, Mr. Speaker. The Alberta government is being cautious in light of what could develop globally, and the travel restriction will be in effect for two weeks to allow us to fully assess the international situation. Exceptions may be considered on a case-by-case basis, depending on the importance of the proposed travel.

The Speaker: The hon. member.

Mr. Maskell: Thank you. My first supplemental is to the Minister of Learning. What information has he provided to school groups planning international travel at this time?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. Yesterday afternoon I sent a letter to all school board chairs, and if I may quote from this, I will be tabling this at a later time.

We do not recommend travel to any countries listed in the travel advisories by the department of Foreign Affairs and International Trade. In addition to Iraq and Afghanistan, as of today, travel is not recommended in much of the Middle East, and a number of countries in Africa and Southeast Asia. I also urge you to exercise caution with travel plans that include stops or travel to the United States and Europe.

Mr. Speaker, ultimately it is up to the school boards, but I do hope that they look at the Department of Foreign Affairs and International Trade web site to determine the day-to-day travel advisories that are being posted on that site.

Mr. Maskell: My second supplemental is to the Minister of International and Intergovernmental Relations. What information can he provide to other Albertans who might be planning trips outside of the country?

Mr. Jonson: Mr. Speaker, the Alberta government, of course, cannot prevent members of the public from traveling. However, given the current world situation, members of the public are strongly encouraged to ensure that they are fully informed before making international travel plans. As the hon. Minister of Learning has just said, before traveling, everyone should check out the countries with respect to warnings that have been issued by the federal government. It also has been said that information is available on the government of Alberta web site, link to Security, and people should also make sure that they know their rights as consumers and what options are available if they decide to cancel as they go about arranging travel.

Naming of Natural Areas

Ms Carlson: Mr. Speaker, Albertans have been blessed with a province whose natural attributes are both beautiful and eclectic. There are many responsibilities that accompany such blessings. One of these is the responsibility to name our province's natural areas and landmarks. Unfortunately, this government has turned what should be a nonpartisan exercise into a highly political process, with parks named after former but still living high-ranking Tory politicians. Why has the Minister of Community Development refused to consult with the Alberta Historical Resources Foundation on the naming of natural areas even when the explicit mandate of this organization is to be the naming authority in this province?

Mr. Zwodzesky: Well, Mr. Speaker, the hon. member raises a good question. Unfortunately, she just has it a little bit wrong. In fact, within the act in question the minister does have the right to consult with whomever he wants, obviously, but more importantly has the right to name whichever provincial parks he or she wishes to. There is a process, however, whereby certain other parts of the Historical Resources Foundation may be consulted with respect to the naming of local areas or other types of geographic parts of the province.

Insofar as provincial parks are concerned, they are exclusively under the act, with the minister having the right to make those appointments. A proper consultation process is followed through that, and that's the process that I followed.

Ms Carlson: Mr. Speaker, to the same minister: why has the province made the naming of natural areas and landmarks a political process, contrary to former cabinet ministers in this government and to long-standing conventions and traditions adhered to where physical features of provinces are not named after living individuals?

Mr. Zwodzesky: Mr. Speaker, those can be named after whosoever it's the pleasure of the minister to name, following the consultation he or she undertakes. If the member has a particular case in point that she wishes to raise, I'd be happy to respond more fully to her, but the fact is that the legislation, as far as I remember it anyway, is very clear. That allows the minister to name a certain protected area or protected space howsoever the minister wishes to do so, and we have named many of these. We're very proud of the special places we have. It's been a tremendously successful program, and it came to a successful conclusion on July 24, 2001.

Ms Carlson: Mr. Speaker, to the same minister: when is this government going to realize that the natural areas and landmarks in this province should be nonpolitical zones for all Albertans, which was recognized by a former minister of this government? Steve West made that commitment.

Mr. Zwodzesky: Mr. Speaker, we have some of the most incredible scenery, the most incredible, beautiful parts that any of the world could ever hope to have right here in Alberta. There were a couple of people who come to mind that were very instrumental in ensuring that this particular program of special places came into being. One of them was a former Premier. One of them is the current Premier when he was the Minister of Environment. Another one is a late cabinet minister who was involved in the parks and protected areas. So as you look at some of these very special programs, which, by the way, are sanctioned and endorsed by world-reputed organizations, I don't think it goes too far and it certainly is within keeping to have some of them recognized and named in honour of those people who helped make them happen.

The Speaker: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Whitecourt-St. Anne.

2:20

Education Funding (continued)

Mr. Mason: Thank you very much, Mr. Speaker. McCauley school is a high-needs inner-city school in my riding of Edmonton-Highlands. Despite student numbers staying the same, the McCauley school budget will be \$280,000 less this September. This is very significant and will mean three fewer teachers at the school, two fewer support staff, and larger class sizes. Meanwhile, another school in my riding, Riverdale elementary, is facing about a 15 percent cut in its budget next year, resulting in the loss of two teachers. My question is to the Minister of Learning: why is the government placing high-needs inner-city children at risk through its refusal to make up the shortfalls caused by the recent teachers' settlement, thereby resulting in these draconian cuts?

Dr. Oberg: Well, Mr. Speaker, again, for about the fifth or sixth time in this Legislative Assembly, there was approximately \$298 million that was given to school boards for a \$260 million settlement. We are currently working with Edmonton public to find out where their issues are, what is going on with them. We have found a considerable amount of money to date. The audit should be done, again, by the end of next week hopefully, and I'll be able to have more answers for you at that time. We are working with Edmonton public, and we're confident that we can get down to some answers.

The Speaker: The hon. member.

Mr. Mason: Thank you, Mr. Speaker. Has the minister stopped to

think about how these cuts will negatively impact on vulnerable children, leaving them to fall through the cracks and not become, ultimately, contributing members of our society?

Dr. Oberg: Well, Mr. Speaker, first of all, the premise of the question is absolutely wrong because there have been no cuts to Edmonton public, and there will be not be cuts to Edmonton public in the future.

Mr. Mason: Mr. Speaker, how can the minister just brush aside the kinds of cuts being faced by Riverdale school, including larger class sizes and the loss of library, math, computer support, and reading recovery programs?

Dr. Oberg: Mr. Speaker, Edmonton public stated that they were having a deficit of about 13 and a half million dollars. As I've stated, since that time we have found a considerable amount. We have to put this into perspective. This is on a \$600 million budget, so you're talking about 1 or 2 percent at the absolute most. What we need to do is work with Edmonton public, which is exactly what we're doing, and I hope to have some answers for you by the end of next week if the audit is finished at that time.

The Speaker: The hon. Member for Whitecourt-St. Anne, followed by the hon. Member for Edmonton-Glengarry.

Alberta Supernet

Mr. VanderBurg: Thank you, Mr. Speaker. In Whitecourt-St. Anne my libraries, community offices, and other public facilities have been patiently waiting for the Alberta Supernet services. I read in a news release that the dispute between Bell West and Axia has been resolved. To the Minister of Innovation and Science: what is your department doing to ensure that the construction schedules that are in front of them today are being approved in a timely manner to get on with the work that needs to be done?

The Speaker: The hon. minister.

Mr. Doerksen: Well, thank you, Mr. Speaker. Several weeks ago in the House I did report to the Assembly that there was a commercial dispute between Bell and Axia and that my responsibility was to make sure that Supernet was built according to the contract and built on time. Since that time, both of the companies and the government have worked very hard to find a resolution to this issue, and yesterday we reached an agreement that will allow Bell to proceed unimpeded in building both the base network and the extended network and will allow Axia to get on with the business of selling services and operating the network, that will be to the benefit of all Albertans.

Mr. VanderBurg: My final question to the same minister: when will I finally see some work in Whitecourt-St. Anne on this project?

Mr. Doerksen: Mr. Speaker, that is a very important question. Every member of this Assembly is desirous to see the Supernet hooked up to the facilities in their community. Because of the agreement that was reached yesterday, we are able to now get to the business of actually building the network. We have confirmed and Bell is committed to delivering the project on time by the end of 2004. We will have some amendments to the build schedule, and as soon as those are finalized, we will be reporting on those publicly so that the hon. Member for Whitecourt-St. Anne will know definitively when the services will be available in his community.

Emergency Preparedness

Mr. Bonner: Mr. Speaker, with war looming in Iraq, it's more important than ever that Albertans know that we are prepared for any type of attack. There are concerns about how ready we really are. In addition to the Auditor General's report last year on this province's preparedness, new concerns have surfaced regarding the funding given to our emergency personnel to counter and react to emergencies. To the Minister of Municipal Affairs: how can many Alberta police forces be ready for an emergency when they claim that they are underfunded by millions of dollars?

The Speaker: The hon. minister.

Mr. Boutilier: Thank you, Mr. Speaker. I think the question is a timely one and an appropriate one for this Assembly. First and foremost, I want to say that the safety and security of Albertans is this government's top priority. I want to say that over the past year we've provided funding to our emergency responders, first responders, in eight municipalities across Alberta, the big and medium-sized cities, to deal with radiological as well as chemical and nuclear. In fact, that equipment is going to first responders based on what they identified. So we're pursuing, again, that objective of keeping Alberta safe, and certainly we're achieving that.

Mr. Bonner: Back to the same minister, Mr. Speaker: given that the 2001-2002 Auditor General's report says that many provincial departments don't have adequate emergency plans, what has your department done to address these concerns?

Mr. Boutilier: Let me first and foremost, Mr. Speaker, describe Alberta's plan. It's to plan for, respond to, and recover from. I can say that in working closely with what the Auditor General had identified, we have 13 ministries, the top critical infrastructure ministries, that have completed their business resumption plans, and not only that, they are being tested. So I can say that we're planning, we're responding, and certainly, if need be, recovering from any kind of event that may result here in Alberta.

Mr. Bonner: Mr. Speaker, to the same minister: given that the police chief in Calgary has said that this province still has no protocols or divisions of responsibility in case of an attack, do we have these provisions? If we don't, why not?

The Speaker: The hon. minister.

Mr. Boutilier: Thank you, Mr. Speaker. Again another very good question. Every municipality in this province, all 360, has emergency operation plans. That is their responsibility as first responders. We're funding, we're trading intelligence, and without question the province of Alberta is being viewed not only in Canada but across North America as perhaps the best prepared in dealing with emergency operation plans.

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

Agricultural Policy Framework

Rev. Abbott: Thank you, Mr. Speaker. Many of my constituents are concerned with the speed at which the agricultural policy framework negotiations are progressing. They've heard that a number of farm organizations want to delay the implementation for a year because they feel that the April 1 deadline is too soon. My first question is for the Minister of Agriculture, Food and Rural Development. Will

the implementation of the safety net chapter of the APF be delayed until 2004?

Mrs. McClellan: Mr. Speaker, the safety net chapter, I believe, can be separated out into a couple of areas. All members understand that in Alberta we announced very significant changes to our crop insurance program some six weeks ago, and producers are busy utilizing those programs and, indeed, signing up for them. The outstanding program is, of course, the net income stabilization account, and that is where some of the uncertainty is.

Mr. Speaker, I have encouraged all of our farm groups – and there's one of the chairmen in the gallery today that would recall that as late as yesterday I encouraged them to look at it from an Alberta perspective, to look at this program on the basis of what is best for Alberta producers, because while it is a national program, certainly we have some interests that we want to have dealt with. My concern is that if it is not concluded by April 1, then what protects our producers over the next year? The government of Canada's agriculture minister has clearly said that they are no longer in the CFIP or the income disaster program. So I don't want to see our producers left without that protection. Now, true, Alberta has a farm income disaster program of its own, which the government of Canada contributes to in part, but because Alberta's program is more enhanced than any other province's, they only contribute to a part of it. We would lose that contribution.

I believe that we have to have our industry look at the program and say, "Does this meet our needs?" and get on with it. I am very concerned about our being one year more without a good net income stabilization program.

2:30

The Speaker: The hon. member.

Rev. Abbott: Thank you, Mr. Speaker. My final question is for the same minister. What if negotiations don't produce a finalized NISA agreement by the April 1 deadline?

Mrs. McClellan: Well, Mr. Speaker, I prefer to think on the other side and hope that in the next 10 days we will conclude negotiations on that. My understanding is that to conclude this, you have to have seven provinces and 50 percent of the producers in Canada sign off. The preference certainly would be that you would have 10 provinces, the territories, and the government of Canada sign off, and that would give you a hundred percent of the producers. However, as I've indicated and maybe somewhat selfishly, my concern is with the producers in our province and to ensure that they have every protection that they can and the best risk management tools that are available to them to make the best decisions on their operation.

This government has not let our producers down in the past; we won't let our producers down in the future. We'll continue to have programs. Are they the best? Well, I think that we could improve them, and a successful NISA conclusion would do that. So we're going to work hard with our officials, with our industry leaders – our industry leaders, not people from somewhere away that tell us what's best for us. If our industry leaders say that this is a program that'll work for them, we'll be signing that program off.

head: **Recognitions**

The Speaker: The hon. Member for West Yellowhead.

Royal Canadian Legion, Cadomin Branch

Mr. Strang: Thank you, Mr. Speaker. I'm pleased to rise today to

congratulate the Royal Canadian Legion, Cadomin branch 124, who will be celebrating their 70th anniversary on March 23. Over the past weekend the Royal Canadian Legion, zone 2, had their rally in Cadomin, and it was well attended by 80 people. This is an interesting note as the community of Cadomin only has 80 permanent residents. At the time of the Royal Canadian Legion branch 124's charter in 1933, the town of Cadomin was thriving, with approximately 2,500 residents. The Legion was the heart of the community, and the community was one of the biggest along what is called the Coal Branch.

The Legion is a meeting place and plays a vital role in the community, offering recreational facilities, and works closely with the recreation board and the volunteer fire department. The Legion presently has 58 members, and they are scattered across Canada. I wish this Royal Canadian Legion branch in Cadomin all the success in the coming years. Congratulations, Legion members.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Red Deer-North.

Richard Christensen

Mrs. Jablonski: Thank you, Mr. Speaker. I'm very proud and honoured to stand in the House today to tell you about Richard Christensen. Richard Christensen is an 11-year-old boy from G.H. Dawe school in Red Deer-North who paid attention in class when Wes Van Bavel from the Red Deer fire department taught fire safety. Two days after learning about fire safety, Richard went into his kitchen to get a glass of water and saw flames and smoke coming out of the oven door. Richard then saw the fire flare up higher and remembered what to do. Richard remembered not to throw water on a grease fire because it will get bigger and that the first step was to turn off the source of heat, so he switched off the oven and ran to a neighbour for help. The neighbour was able to put out the grease fire and saved Richard's home.

Richard has been awarded the national Gateway Safety Net Publications award and is a hero to his family and his neighbourhood. I want to commend Richard and his neighbour for their quick thinking and for their quick action. I also commend the Red Deer fire department and Wes Van Bavel for an excellent fire safety program that works. Congratulations, Richard. We are all very proud of you.

The Speaker: The hon. Member for Bonnyville-Cold Lake.

Les Rendez-vous de la Francophonie

Mr. Ducharme: Merci, M. le Président. Du 10 au 23 mars, 2003, on célèbre au Canada entier Les Rendez-vous de la Francophonie. Durant cette période de temps on célèbre les communautés francophones afin de promouvoir la langue et la culture françaises tant par ses activités sociales et ses célébrations que par sa dimension humaine et communautaire. Les Rendez-vous contribuent à renforcer les liens entre les anglophones et les francophones du Canada et favorisent un plus grand respect entre ces deux communautés. De plus en plus nos municipalités albertaines se joignent aux Rendez-vous en tenant des cérémonies pour reconnaître leurs communautés francophones. Parmi ces municipalités cette année on compte Edmonton, Lethbridge, St. Paul, et Calgary. Félicitations à ces municipalités.

En guise de conclusion, M. le Président, vous me permettez un mot sur l'Association canadienne-française de l'Alberta. L'association a été fondée en 1926, et depuis son établissement l'association maintient un membership imposant qui se chiffre aujourd'hui de plus

de 7,000 membres. L'association a toujours encouragé le développement d'un réseau de bénévoles d'un bout à l'autre de la province, comprenant 10 régionales, un regroupement jeunesse fort et actif, une fédération des aînés, une fédération de parents, et de nombreux autres organismes et groupes. L'association a appuyé la fondation de la Faculté Saint-Jean, de la radio française, et de la télévision française en Alberta.

Merci, M. le Président.

[Translation] From March 10 to 23, 2003, Les Rendez-vous de la Francophonie are held throughout Canada. During that period of time attention is focused on Francophone communities with the idea of promoting French language and culture as much through community and human relations as through social activities and celebrations.

Les Rendez-vous contribute to the reinforcement of links between Francophones and Anglophones in Canada by fostering greater respect between the two communities. More and more of our municipalities are joining in the Rendez-vous by holding ceremonies to recognize their Francophone communities. Edmonton, Lethbridge, St. Paul, and Calgary are some of the municipalities that did so this year. Congratulations to all of them.

To conclude, Mr. Speaker, allow me a word on the French-Canadian association of Alberta. The Association canadienne-française de l'Alberta was founded in 1926. Over the years the association has maintained a strong membership that presently stands at 7,000 members. Also, it has encouraged the development of a full network of volunteer organizations throughout the province, including 10 regional offices, a strong and vibrant youth organization, a parents' federation, a seniors' federation, and many more organizations and groups. The association also supported the foundation of the Faculté Saint-Jean and the French radio and television stations in Alberta.

Thank you, Mr. Speaker. [as submitted]

Edmonton Journal Indoor Games

Dr. Taft: The spirit of athletics, the fun of competition, the friendship of teammates, the excitement of victory, the glow of fitness and good health: these were all in ample supply last week during the annual *Edmonton Journal* games. Now in their 25th consecutive year the *Journal* games are a mainstay on school calendars and an institution of Alberta's indoor track and field season.

This year over 600 schools from Red Deer and north sent over 6,000 students aged six to 18 to the *Journal* games. For five days the University of Alberta Buttefield rink rang with cheers and squeals of excitement as children of all abilities raced their best. To add to the fun, there was a teachers' relay, a masters' mile, and an invitational pole vault match. Twenty-seven different events were staged, and over a hundred sets of medals were presented.

Sponsored and organized by the *Edmonton Journal* and supported by 60 volunteers, these games are a model of efficiency and fun. As a parent, a spectator, and a citizen I am pleased to have this Assembly recognize the *Journal* games as a wonderful celebration of the very best spirit of both sport and community.

The Speaker: The hon. Member for Calgary-West.

Provincial K1 Ski Competition

Ms Kryczka: Thank you, Mr. Speaker. Last weekend my husband, Gord, and I spent two exciting days at Sunshine Village in the Banff-Cochrane constituency cheering on skiers racing in the provincial kinder 1, or K1, ski competition. Over 120 11- and 12-year-old boys and girls competed for their area clubs, traveling from Fort

McMurray, Grande Prairie, Edmonton, Pincher Creek, and from centres along the Bow Valley corridor including Calgary.

Alpine Alberta is a ski racing development program under Alpine Canada, which is very ably headed by Ken Read, Olympic skier. More than a hundred proud parents helped the Sunshine Ski Club host the meeting, including ex Canadian ski team racers Bill and Mike Irwin and lifetime parent volunteer and sponsor and skier Randy Tarchuk. The provincial K1 champions, Tristan Tafel from Canmore and Stephanie Irwin from Calgary, are both members of the Banff Alpine Racers Ski Club. On April 4 to 6 Tristan and Stephanie will be part of the four-member Alberta team to the Whistler Cup and international competition of 150 K1 and K2 racers. Stephanie, your family including very proud grandparents, Karen and Gord, wish you well in Whistler.

Thank you.

The Speaker: The hon. Member for Lac La Biche-St. Paul.

2:40 Lac La Biche Fisheries Enhancement Group

Mr. Danyluk: Thank you very much, Mr. Speaker. On March 1, 2003, I had the privilege of attending a fund-raising banquet hosted by the Lac La Biche Fisheries Enhancement Group. This group has been an instrumental force in the development of environmental projects in the Lac La Biche area.

Of note, their vision for the Alexander Hamilton park project with the collaboration of the municipality started out as a fishpond and has evolved into a multi-use activities park, which takes away the fish stocks pressure from the surrounding lakes. The Lac La Biche causeway project can be credited to this group's commitment to fisheries resources. They are currently working together with the county and world-renowned scientist David Schindler on a study of the water quality in the lake of Lac La Biche. This group raises tens of thousands of dollars each year and provides an additional \$150,000 in volunteer support.

Congratulations to the banquet organizers and all the other community partners for a job well done and another phenomenal success. Thank you.

The Speaker: The hon. Member for Edmonton-Strathcona.

Parent Advocacy Groups

Dr. Pannu: Thank you, Mr. Speaker. I rise today to recognize parent advocacy groups who spend countless hours working with their local schools alongside the teachers and administrators of the schools. These are parents whose primary commitment and concern is that Alberta's children receive the best possible education from kindergarten to grade 12, groups such as Albertans Promoting Public Education and Learning, the Edmonton Advocates for Public Education, Parents Advocating for Children and Teachers, Whitemud Coalition of Schools, the Riverview coalition of schools, Calgary Association of Parent and School Councils, Support Public Education – Act for Kids, Parents Advocating for a Catholic Education, and numerous others on parent school councils, who deserve our sincere thanks and high praise for their passion, dedication, and very hard work.

Thank you, Mr. Speaker.

head: Presenting Petitions

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I would like

to present a petition that has been organized by Joanne Black of Calgary, and this petition states:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to implement the income recommendations of the 2001 MLA Committee Low Income Programs Review.

This is signed by 31 Calgarians. Thank you.

head: **Tabling Returns and Reports**

The Speaker: The hon. Minister of Community Development.

Mr. Zwodzesky: Thank you, Mr. Speaker. I rise to table five copies of a letter from me as minister responsible for multiculturalism to Dr. Celia Smyth, chair of the Northern Alberta Alliance on Race Relations, on the occasion of the International Day for the Elimination of Racial Discrimination, March 21. It's an effort that I certainly support, and I know that all members in the Assembly do as well. Congratulations and thank you to NAARR.

The Speaker: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Speaker. I have a number of tablings this afternoon. The first is from Darcy Handy from Grande Cache, who is very concerned about caribou management in this province.

The next two are from Aileen Pelzer and Eileen Patterson from different areas in Alberta, and they're very concerned about what's happening in Evan-Thomas in Kananaskis, where there is proposed development.

My last tabling is the required number of copies of approximately 850 letters from people very concerned about grizzly bear management in this province. This is one set, Mr. Speaker, and the other four sets were sent to the Clerk's office earlier. As Albertans will know, the Endangered Species Conservation Committee has been recommending that the status of Alberta's grizzly bears be upgraded from a species that may be at risk to one that is threatened with extinction in Alberta, but this government doesn't seem to agree.

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

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. I have four tablings this afternoon. The first one is a research document from the Canadian Federation of Independent Business entitled *Still in the Dark*, a second look at the impact of electricity deregulation/pricing on Alberta small and medium-sized business.

The second tabling I have this afternoon is a Profile of Alberta Seniors. This is a document that was put together by many people, but one in particular, Mr. Neil Reimer, is a constituent of Edmonton-Gold Bar.

The third tabling I have is a letter from a parent, Deborah LePage of Edmonton. It is addressed to our hon. Premier, and she is expressing her concern over classroom size and maintenance of our schools.

The fourth letter is again addressed to the hon. Premier. It is from Vern Griesheimer, and it is a letter expressing displeasure with the way the government is dealing with our children's education.

Thank you very much.

The Speaker: The hon. Minister of Learning.

Dr. Oberg: Thank you very much, Mr. Speaker. I rise today to table the letter that I alluded to in the answer to the hon. Member for Edmonton-Meadowlark. This was a letter that was sent out to all school boards yesterday about international travel.

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

Dr. Taft: Thank you, Mr. Speaker. I am proud to stand today to table a letter to the Minister of Learning from Dr. and Mrs. Bercovich expressing concerns over cuts to special-needs students and asking the minister: what are they to do?

The Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I've got two letters to table today. The first letter is addressed to the hon. Member for Edmonton-Mill Creek and copied to me from Mr. R.H. Foerger. Mr. Foerger admits that he is not an expert in school budgets but expresses frustration at the fact that his son's junior high school turns down the heat, forcing students to wear jackets in school. He asks why this is necessary in a province as blessed with natural resources as ours.

The second letter, Mr. Speaker, is addressed to the Premier from Roger Abbott. Mr. Abbott is urging the Premier to ask for the resignation of the Minister of Learning for some years ago firing the Calgary school board, antagonizing teachers, and refusing to attend public school meetings about education.

Thank you, Mr. Speaker.

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

Mr. Mason: Thank you, Mr. Speaker. I have two tablings today. My first tabling is a letter from Katherine Koch and Sharon Enslen. The letter draws attention to the increased class sizes and reductions in teachers that Riverdale school faces due to budget shortfalls. The letter then encourages parents to make their frustration and anger known to the Premier and the Minister of Learning.

My second tabling is a notice from McCauley school which was sent home to parents. It indicates to parents that the school will likely have to eliminate three teaching positions, two support staff positions, and create larger class sizes as a result of budget shortfalls for next year.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: Committee of the Whole

[Mr. Tannas in the chair]

The Chair: I'd like to call the Committee of the Whole to order.

Bill 27

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

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. I'm happy to stand and take my place to talk to Bill 27, the Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003. In fact, this is my first opportunity to speak to this bill seeing as in second reading it went through the Assembly Monday evening after 9, and I was otherwise committed and couldn't speak to it.

2:50

This is a situation where we see the heavy hand of a large majority government coming forward to push legislation through this House

in the fastest possible time, so you have to ask yourself the question: why do they do that? There's a huge majority: 74 out of a total of 83 seats. What would be wrong with them bringing in legislation and taking some time for all Albertans to be able to study it and for opposition to have the opportunity to thoroughly review the legislation, to send it out to various stakeholder groups, to have perhaps on important pieces of legislation, significant pieces of legislation, like Bill 27 is, the opportunity and the time to be able to do things like hold town hall meetings or other kinds of public hearings so that we can get input and have the maximum amount of feedback on legislation? In fact, what would be wrong with the government doing exactly the same thing? Instead, what do we see with this legislation? We see it coming into the House for second reading Monday of this week after 9 p.m., when most people aren't paying attention to what goes on here under the dome, past midnight of that evening, and then brought back today in committee and brought back under the shadow of closure.

What we see when we look at today's Order Paper for only day 18 of this Legislative Assembly is a government motion under notice. In fact, we see three government motions under notice, all three of them dealing with closure. Mr. Chairman, it's now renamed time allocation by this government because they don't like the thought of closure, but time allocation where debate is limited on a bill is still closure no matter how you dress it up and try to trot it out for people to take a look at.

So now after one evening of debate and by our records less than 140 minutes of debate by the Official Opposition, less than 40 minutes of debate by government, less than 50 minutes of debate by the other opposition party represented here in the Legislature, and less than 25 minutes of debate by the minister we're seeing closure brought in on a bill that is a significant bill for this Assembly to be talking about. So Monday night it comes in. This is only Wednesday. Two days later we see a closure motion come in. The hammer will be brought down at what is likely the most available opportunity, perhaps tomorrow, perhaps Monday night, but certainly before we see the spring recess of this Legislature.

Why would they do that? Why would they give this the bum's rush through the Legislature? Because usually that means, in my experience in this Assembly, that something is wrong with the bill or that a large number of people are not going to like the legislation.

So what is this bill all about? Well, if we take a look at the highlights of the legislation, it talks about making employees of the same employers subject to the same dispute resolution process and taking away the right to strike. So union-busting, really, is what happens, I think, when you take away an individual's right to strike. That's been, in my experience, a place where this government has wanted to go for a long time.

We saw right-to-work legislation rear its ugly head in this Legislature some years ago, and it was abandoned for whatever reasons, but I always see it looming just under the surface with quite a few supporters in terms of taking a look at how we can better see this government drive its agenda with as little possible feedback and input from the people who supply the services and the products in this province, the workers, Mr. Chairman. That's always very much of concern to us and very much of concern to people involved in those particular areas. This time it happens to be the regional health authorities. Perhaps after the spring break we'll see that it's school boards and teachers. It looks like that's the kind of agenda we have here.

Another highlight, if you can call it that – really, it's not a highlight as I see it – is excluding nurse practitioners from labour relations coverage. I find that particularly offensive, Mr. Chairman. It's what we see often happens to professions that are disproportion-

ately represented by women. For many reasons they seem to be less able to organize and bring a strong voice to the table. Many of those reasons are because women are still primary caregivers in most households and in fact lead the largest number of single-parent families in the province and across the country. Here we see another problem surfacing for them, and that is that they are going to be excluded from that kind of coverage.

Why would they do that? It's a divide-and-conquer strategy. We've seen it happen before in this Legislature, and here it goes again. It's a real problem when we see health workers losing the right to strike and a particular group singled out for not being able to access coverage.

Another part that this bill talks about is ensuring that severance isn't paid to a person who continues in the same job even though the name of the employer has changed. That tactic can often be used as a trick, Mr. Chairman, and that's definitely a very bad disadvantage for people. It's not their fault that the business name changes for whatever reason. They should have some consistency. If they have an allegiance to an employer by going to work every day and fulfilling the terms of their contract, then the employer also has the same set of responsibilities to the employee, and that's to provide the kind of coverage that was outlined in the original contract of employment and not to be fooling around with that and jeopardizing a person's current benefits or future rights to benefits.

The other part that this bill talks about is an area that I'm not quite as familiar with, and that's creating the four regionwide bargaining units within each health care region, creating 36 bargaining certificates. I will leave that particular part of the discussion for some of my colleagues who are a little more informed on that particular area.

So what are our major concerns here? We fundamentally believe that the right to strike is a human right and shouldn't be taken away from anybody by any government, and if this government thinks that by taking away that right to strike, they are going to be in any way, shape, or form able to improve relationships between workers and themselves, they are sadly mistaken in that.

We're seeing a stage where we're going back into bargaining with some health care workers, where we're seeing possible massive restructuring and definitely at least some significant changes in health care. So we're already living in an environment of great uncertainty for health care in this province and for health care workers.

Instead of operating on a good-faith basis, what this government does is bring in this kind of legislation. If the government thinks that preventing work stoppage by unhappy unionized health care employees by prohibiting strike action – it's not right. Here they have employees already very upset, very apprehensive, and very concerned about what the government is doing. That's certainly not going to stop the potential for work stoppage.

What would be wrong with the government coming to the table in good faith? What would be wrong with them just saying: "We respect your right to strike as a basic human right. We respect your ability to walk away from the table and decide to take job action if you want to, but we don't think it's going to go there. We think that we can operate in good faith in such a manner that good decisions are made and that striking wouldn't be an option that workers would go to." Instead, this government is confrontational and aggressive right off the bat, and that's not a way to problem solve, particularly when we face what are going to be some of the most important decisions that we will make in this decade in terms of how health care is delivered, who delivers it, and how those services are provided on an individual basis.

3:00

We've seen enough strikes in the past to know that prohibiting a strike doesn't mean there won't be one. Taking away the right to

strike doesn't prevent work stoppage. It just really impedes any kind of conciliatory or amiable labour relations, and I don't think that should be the starting position for any government regardless of how clever they think they are or regardless of how large a majority they have. The day may come, Mr. Chairman, when they pay the price for that kind of work.

It doesn't take much effort by people of this province to take a look at past election results and analyze them and see that in many cases this large majority has a fragile edge to it. Two hundred votes one way or the other and we could've seen quite a different makeup in this Legislature, and 200 votes one way or the other isn't much for groups to start organizing on. I would suggest that we're going to see different strategies during the next election where people are a lot more targeted in what they do and where they go so that they can have a government that becomes more responsive to what it is they're asking for. I think that this is one group of workers that we could see doing exactly that, Mr. Chairman.

If we took a look at what happened in the last election, we would see that what would've happened is that this government would've still been the majority, but we would've seen around 30 or 35 members making up oppositions, more in the New Democratic opposition, more in the Liberal opposition. What that does is significantly change how accountable the government can be. That comes close to starting to put the government in a minority situation, and it's my personal belief that a minority government is the best government for people. While they, generally speaking, don't last very long, on average about nine months, what happens is that they have to respond to the needs of constituents because nonconfidence votes are very close to the potential of daily operating procedures, and consequently they tend to pass legislation that better meets the needs of people in the province. That is very well where this government could find themselves the next time, and that would be a very happy place for me to be. I'm quite happy to be in opposition, especially with the government operating the way it is, and I'm quite happy to be in a position to hold their feet to the fire on issues. It would be immensely easier if we had a larger opposition in this Assembly, and I think this government is walking itself right into that particular corner, and I personally couldn't be happier. Why? Because this government has done a number of things that I find are not very democratic, and this piece of legislation is an excellent example of that.

The government has yet again proven itself, Mr. Chairman, to be a foe to labour unions by taking this step towards abolishing labour unions in Alberta. We see that pitting labour unions against each other in a competition to represent far fewer bargaining units is not healthy for labour relations in Alberta. It is quite surprising that this is the step they took when we have seen such a lack of consultation with the union officials and the government. Not surprising to us who sit here in the Assembly day after day and see the kind of steamroller tactics that this government brings forward, exemplified this week in many cases: by this legislation, by the closure motions being brought in, by their request for additional funding in appropriations, where the government was completely appalled that we would expect them to answer any questions or provide any detail on their request for a \$5 billion advance on their yearly spending. It's the way this government has become accustomed to dealing with people, and I believe that this custom of theirs is going to cost them in the long run. In the short run it hurts the people of the province because the government is not responsive. They're not prepared to go to the table and consult in an open kind of comprehensive fashion.

They talk about roundtables and they talk about consultation processes and they talk about mail-in votes and opinions, but when

we pull off the layers of the detail, what we see is a government who gives lip service to those processes. We see mail-in consultations where questions are tailored to deliver a certain kind of response. Much to the chagrin of the government, I think, they didn't get the kind of response they wanted to on the last one, which was the Alberta heritage savings trust fund, so I'm sure that they'll continue to consult over the years until they do get the answer that they want. We see a number of roundtables where people sitting at the table say that if, in fact, there ever are outcomes of the roundtable process, they don't match what they heard at the table, and they find them to be a waste of time, and they opt out of the process.

We've seen, unfortunately, this year that a number of environmental groups agreed that they will not be involved in these consultation processes of the government anymore because the outcomes don't even come close to those decisions that they thought were made at the table. We have seen that many organizations and businesses and people have expressed concern about people opting out of the process because they feel that even if their opinions are contrary to what that group brought to the table, they're an important part of the process and they result in better decisions. But this government doesn't want better decisions. They want a process that gets from A to B as quickly as possible and that meets their political agenda and their particular political filters that they make decisions by. In the long run I don't have a problem with them getting there that way because, of course, they're representing particular positions and they would like to have decisions tailored that way, but often we see much better decisions made when the government is inclusive, when it incorporates other ideas.

We all know that if you put five people around the table who think exactly the same way, you're not going to get nearly as good or innovative or forward-thinking results as you do if you put five people around the table who all have divergent views. That's where we get some real progress in terms of initiative and in terms of good ideas, but those haven't been the kinds of processes that this government has wanted or asked for, even in terms of consultation on a key bill like Bill 27, the labour relations restructuring act. That's a real shame because while at the end of the day I'm quite sure that the labour unions and the government wouldn't have come to agreement on this kind of a bill, we would have seen some provisions in the legislation at least that would have recognized the need of health care workers in this province, but it isn't the way that this government likes to do business. In fact, what we see with this legislation is a whole lot of stakeholder work just going right down the drain.

There was a move in the province to voluntarily reduce the number of bargaining units in the health regions, and it was progressing, not as fast as this government wants, but if there's one thing that I have learned after 10 years in this Legislature, it is that legislation that is rammed through at a quick pace always comes back for revision and often comes back with huge flaws in it that end up being costly for Albertans, costly in terms of financial costs and in this case potentially health costs. So that's a real problem.

This government believes everything can be done better by business and by individuals rather than government, but I think historically we have seen that that has not been the case. Historically we have seen that labour unions have a place in the workplace, and I believe that as time goes on, we will see that they continue to have a function in the workplace that is positive and progressive, that labour unions, too, are evolving to a stage where they are more responsive to the needs of people and this government.

I have more to say, Mr. Chairman. I'll be back.

3:10

The Chair: The hon. Member for St. Albert.

Mrs. O'Neill: Thank you very much, Mr. Chairman, for the opportunity to mercifully put an end to these ramblings. I have to do a little clarification before I speak to the bill. One of them is the fact that a number of people here have made reference in the last couple of days when speaking to this bill about basic human rights, and they have intimated that basic human rights were being denied when someone does not have the opportunity to strike. I would certainly acknowledge that the right to strike is a democratic right, but it's not a basic human right, and we need to clarify that because we in government are certainly in no way looking to deny anyone their basic human rights. In fact, we spend a great deal of energy working at making sure that people have the opportunity to exercise their basic human rights.

To the point, Mr. Chairman, I welcome the opportunity to speak to Bill 27, the Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003. It is my observation – and I know of others too – that it's not an easy piece of legislation to debate because it does deal with what some might identify as competing values. I don't see them as competing, but I see them as complementary. The right to be treated fairly as a worker is very, very important, and the right to be treated fairly as a patient is also equally important. The interest behind and the intention behind this particular piece of legislation is to address both of those fair treatment issues. I see this piece of legislation as striking a necessary balance.

The amendments facilitate better operations, fairer working conditions, and, I would say, more effective and seamless patient care. It is important for us to look at it from the perspective, as we all know, of the health care that is provided or those attendant services that surround the direct delivery of health care.

Albertans, I know, should be proud of our health care system, and I receive testimony to that effect frequently from my constituents. I believe that in Alberta we have one of the best and I would say the most progressive in Canada for patients and caregivers alike, but this didn't happen by accident, Mr. Chairman. Since we are leaders in health care, we are that way because we understand that to be the best means to find new ways of delivering health care and being committed to a vision that looks after all that is attendant upon the delivery of health care. When we started down the road towards health reform, we understood that the road was going to get rough from time to time. It's not easy, and indeed we are looking to make sure that they are always decisions that are made for the best of everyone.

We also understand that we must stick to our vision and make the necessary changes that bring us closer to better patient care for all Albertans. In my mind, this means we must be flexible and we must be willing to adapt where we see a need for change, and of course that is what Bill 27, in my estimation, is all about because it, number one, provides the regions with the flexibility they need to use the workforce to the best of its ability. Everybody wants that, those of us in the workforce and those of us who are recipients of the health care provided by the regions. Secondly, it provides a level playing field and fairness for workers. Workers know where they are at as they work within the environment and within the culture and within the, I would even say, ambience of the delivery of health care. Finally, I would argue that it ensures that health care workers are available and that patients can count on those services at all times. We know, number one, that that's what patients and citizens want, and, secondly, we also know that that is what we as workers are interested in providing.

As the hon. Minister of Health and Wellness said in referring to health care reform: it's about being responsive to the needs of Albertans and to the needs of health care workers and providers. I

see this legislation as a means to provide that responsiveness. In my mind, Bill 27 is necessary legislation to move health care reform forward for the betterment of everyone, reforms that will see Albertans enjoying improved access, expansion of primary health care, a strong workforce, better collaboration among regions, and ongoing sustainability. I also believe that Bill 27 is not the exclusive answer to health reform, but it is a necessary step on the road to that reform.

So providing our regional health authorities with the flexibility to develop the best team of health professionals helps Alberta's health system remain not only the best place to work but also the best place to receive care. I would urge everyone in this Assembly to vote so that we can have the environment we want in the workplace.

The Chair: Before we proceed further in committee on Bill 27, I wonder if we might have the committee's agreement to briefly revert to Introduction of Guests.

[Unanimous consent granted]

head: **Introduction of Guests**

(reversion)

The Chair: The hon. Minister of Transportation.

Mr. Stelmach: Well, thank you, Mr. Chairman. I wish to introduce to you and to the members of this Assembly two guests sitting in our members' gallery that have come to watch the proceedings of the House this afternoon. They are Robbyn and Dallas Ducheminsky from Tofield. Robbyn participated in Mr. Speaker's parliament I believe two years ago and is a first-year university student in the science program at the University of Alberta. Dallas is working here in Edmonton and is also a tremendous golf enthusiast. They're wonderful members of the Tofield community, and I would like them to rise and receive the traditional warm welcome of this Assembly.

The Chair: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Chairman, for this opportunity. I want to thank the House for allowing me to introduce a guest sitting in the public gallery, Mr. Les Steel, president of the Alberta Federation of Labour. I've known Mr. Steel for many, many years and developed a great deal of respect for his commitment to democracy, for being a model citizen and a highly respected and forceful leader of labour in this province. He's here, of course, to watch us debate Bill 27. Bill 27 is a matter of great concern to labour organizations in this province, so he's here to witness the debate. I'll ask Mr. Steel to please rise and receive the warm welcome of the Assembly.

Bill 27

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

(continued)

The Chair: The hon. Member for Edmonton-Strathcona in debate.

Dr. Pannu: Thank you, Mr. Chairman. Bill 27 is a piece of legislation that's going to have a very, very profound impact on the rights of Albertans who work in the front lines of our health care system, provide us the services that we need when we are ill, when our health is in crisis, when we are threatened with serious health consequences if we don't get good treatment, and they do a wonderful job, of course, of providing these services to us if and when we need them. This bill, as I said, will have profound consequences,

most of them, from their point of view, negative consequences, consequences that they simply find unacceptable. I think the nurses' organizations and other groups to be affected have made their position very clear. The union movement has found the bill so unacceptable, as a matter of fact, that they have chosen to launch a NAFTA challenge to the proposed labour law.

So when I hear the debate in this House about how good this bill is, how it already has or should have the support of every Albertan because it's going to provide flexibility, it's going to provide improved responsiveness, and it's going to improve accessibility, I really find it hard to believe those statements about what this bill was intended to do and the understanding that some of my hon. colleagues have in this House about the intentions behind this bill. That certainly is not how this bill is seen by the labour movement, by the frontline health care workers, and certainly the New Democrat opposition is in agreement with the thrust of the criticism and the profound concerns that nurses, physiotherapists, X-ray technicians, and other workers who will be affected by this bill, whose democratic rights will be taken away by this bill, have on this bill. Their concerns are real. Their concerns are genuine. Their concerns are important for this House to address.

3:20

As I mentioned just a moment ago, Mr. Chairman, the one unacceptable feature of this bill is its most antidemocratic nature. This proposed legislation takes the right to strike from all employees of the regional health authorities. The question then, of course, is: why is the right to belong to a union being taken away from the nurse practitioners? That even goes beyond just taking away the right to strike. So that's the second feature of it: the antidemocratic feature. The right to strike will be taken away, will go, will disappear.

The right to belong to a union will disappear for the nurse practitioners. Nurse practitioners, just to draw attention to who these people are, Mr. Chairman, are people who work very hard in their jobs. They've improved their experience, clinical skills, as well as pursued improvement of their academic qualifications so that they can perform tasks that most of their other colleagues who are not licensed practitioners cannot. It's a strange way to both recognize and acknowledge the efforts of this group of practitioners and the commitments that they have made to their professional activities when we take away from them the right to belong to a union in return for their demonstrated commitment to become better practitioners, invest in the development of their professional skills, seek higher professional qualifications, academic qualifications. It's ironic that the very group that's being targeted here for withdrawal of the right to belong to a union, a very, very drastic, antidemocratic step, are the people who in fact are highly committed clinicians and practitioners and professionals. It makes no sense to me, and I haven't heard any justification of why it is that these nurse practitioners should be punished rather than rewarded for their demonstrated commitment to their work and the demonstrated capacity to learn their skills, to expand the pool of skills that they can have, and in fact the demonstrated evidence that they have done so.

It really boggles the mind to hear someone say in this House that this bill is good for everybody, that it is benign, that it should be welcomed because it will improve the health care system. It won't. The system is improved only when the people who deliver the services are fully respected, are given dignity, and also when their morale is put up front as an issue which may be affected by any changes in legislation or framework of negotiations or whatever. This bill, in a sense, strikes at the very root of those factors, those practices, those provisions in the law which will send a positive

message to the frontline practitioners and the people who deliver these services to us. So if the morale is to be hurt by the provisions of this bill, the morale of nurses and licensed practitioners and other technical personnel, then why are we proceeding with it?

This is not to say that we shouldn't pay any attention to people who do the toughest and perhaps in some cases the dirtiest work in our hospitals, who keep our operating rooms clean, keep our hospital floors clean, the custodial service workers and the janitorial service workers. These are men and women who work awfully hard on unpleasant jobs to make sure that the standards of cleanliness in our hospitals and the rooms in the hospitals are up to the mark, and they do everything they can to ensure that there's no problem that arises from lack of cleanliness. How are we rewarding them? We are saying: we will take the right to strike away from you so that you can't bargain with your employers on a level playing field.

I heard that this bill is about making the playing field level. When you take away from employees the right to strike, I ask: how? The ultimate weapon that they have to seek parity with employers when they are negotiating is the very one that's being taken away. So I submit, Mr. Chairman, that this provision of the bill that will take the right to strike away from these workers, will in fact make the playing field highly uneven, uneven to the detriment of the very workers on whose skills and ability to provide services we depend.

So these are some of the questions that I hope the minister of health or the Minister of Human Resources and Employment or anyone else in this Assembly would try seriously to address about how this bill in fact is designed to level the playing field. My contention is that it does the exact opposite. There's something Orwellian about the language we are using here. Are there some misconceptions here which are honest and genuine? If that's the case, I'd like to certainly hear from the other side as to why they are claiming that this is a bill designed, in fact, to level the playing field.

So for that reason, Mr. Chairman, I think that since the bill, flawed as it is, is before us in committee stage, we should do everything we can to improve this flawed bill. I have an amendment that I would like to propose. This amendment is ready to be circulated. As the amendment is being circulated to members of the House, I just want to begin speaking about this.

The Chair: Hon. member, we will call this amendment A1. What I would suggest you do is move it, then wait a moment till the members have received a copy. We would ask the pages to deliver it to people who are actually in their seats and then do the rest later.

So if you'd move it, hon. member.

Dr. Pannu: Okay, Mr. Chairman. I am ready to move amendment A1, as you have numbered it, to Bill 27, Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003. My motion is as follows: I move on behalf of my colleague for Edmonton-Highlands that Bill 27, Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003, be amended by striking out section 4.

3:30

The Chair: Hon. member, I think most people now have or appear to have their amendment, so if you'd begin your explanation, please.

Dr. Pannu: Thank you, Mr. Chairman. I suppose you are resetting the clock to start ticking or whatever it needs. [interjection] The hon. Treasurer has something to say, but I guess she'll have her turn in a moment. I'm very glad that she's here and paying attention. Wonderful. It's good to see such a healthy interest in the proceedings of this House by the front benches of the government. I'm

delighted, indeed, that she's so interested in the bill. In fact, every Albertan should take an interest and pay attention to what the bill is about and what it's likely to do, what harm it will do.

This amendment, Mr. Chairman, is a genuine attempt to limit the harm that this flawed bill will do. It simply is an attempt to make sure that we give this House an opportunity to amend this bill so that one of the main flaws in this bill, one of the most antidemocratic aspects of this bill is simply omitted or eliminated or withdrawn from the bill.

The right to strike, as I submitted a few minutes ago respectfully, Mr. Chairman, to all members of the House, is a fundamental right. It's a right that should not be tampered with except under the most extreme conditions, and even then I would hesitate to withdraw the fundamental democratic right. Democratic rights are to be protected by our Constitution, by our Legislatures, by our Parliament, not eroded, not attacked, not withdrawn, not taken away. As democratically elected representatives of the people, it's our obligation to respect both in letter and in spirit what the Constitution has to say with respect to the rights that we have, which protect us against undue and unreasonable treatment, may it come from our governments, may it be coming from employers or others.

So there is this certain notion of inviolability of certain fundamental rights, and it seems to me this bill if amended as I'm proposing will certainly reaffirm our commitment to the inviolable nature of the right to strike. The right to strike is never used by anyone and certainly by people who provide us with health care services unless they're absolutely pushed into a situation where they must use it as a last resort. There's evidence in this province that the right to strike has been a most rarely used instrument by our health care workers. It's not something that's lightly used. It's not something that is lightly recommended to the union rank and file by union leaders.

I would certainly, therefore, call on the House and invite them to look at evidence with respect to how often that right, while it's legislated, while we have kept it here, has been used by health care workers, any category of them who have this right to strike, in the past 20 years. We'll find that only once or twice, under extreme circumstances where they were unable to get anything by sitting around the bargaining table, was this right ever used by these workers. So if there is very little evidence of abuse of this right, then I see no justification for taking it away from these workers by way of this piece of legislation, Bill 27.

Secondly, Mr. Chairman, the right to strike is something that levels the playing field between employers on one hand and employees on the other. Employees exchange their services for remuneration from employers who hire them to provide those services, and whether the workers work in the public sector or the private sector is of little consequence here. What is important is that the playing field be kept level. The terms of employment are best negotiated when the playing field with employers and employees is as level as it can be.

By removing the right to strike, we seriously risk making the relations between employers and employees not better but much worse because were we to approve this bill and including section 4, which I'm trying to convince this House to strike from the bill, we would create conditions of unequal power, extreme inequality of power between employees on the one hand and employers on the other, in this case regional health authorities on the one hand and the health care workers who will be affected by this bill on the other.

Over 7,000 workers will be affected by this provision, and they'll be affected negatively, to the detriment, I submit, Mr. Chairman, of the betterment of not only the workers but of the system of health care that we have as such. It clearly will not serve the interests of those who lose the strike, but it certainly also will not serve us in any

way in improving our ability to make our health care system better and make the delivery of the health care services any better or more accessible or more prompt to Albertans, who day in and day out without prior notice at many times need to rush to our health care institutions to receive these very, very important health care services. [Mr. Pannu's speaking time expired] I'm done?

The Chair: Yes. That's 20 minutes.

Dr. Pannu: Okay. So I urge, Mr. Chairman, my colleagues in the House to support this amendment. Thank you.

The Chair: The hon. Government House Leader.

Mr. Hancock: Well, thank you, Mr. Chairman. I'm delighted to have the opportunity to rise and speak to the amendment in the context of the bill that's under discussion in this House, a bill which has had some four and a half hours of debate prior to today and will have a considerable amount more debate over the next few days as we deal with a very, very important subject for Albertans and as we deal with it on a timely basis so that when regional health authorities are merged from 17 into nine, effective April 1, they'll have a structure in place to deal with how you appropriately and effectively bring together the people who work for those health authorities in a sane and sensible way. It's very appropriate to have the opportunity to speak to not only the timeliness of the bill and the need to have it dealt with on a timely basis and have it passed in this House within the next week or so in order for it to be in effect for April 1. It needs to be passed with the section which the hon. member is trying to remove by his amendment, and I'll speak specifically to that amendment for the moment because the hon. member is asking that section 4 be struck out.

3:40

Well, what is section 4, Mr. Chairman? Section 4 adds subsection (c) to section 96(1), and subsection (c) is, "employers that are regional health authorities and all of their employees to whom clause (b) does not apply." That basically adds to the section which prevents workers from striking and prevents employers from locking out employees. That essentially, then, makes a level playing field for all employees and employers within the regional health authorities system.

The act as it stands now, of course, exempts employers who operate approved hospitals as defined in the Hospitals Act and all the employees of those employers. So this is a relatively modest change, Mr. Chairman, but a modest change which is important. As you will remember from the past number of years, as we go through the labour processes and the negotiation processes in the health field, there has always been question as to whether something is an approved hospital as defined in the Hospitals Act, whether it's on the list or off the list, and who's in and who's out. This amendment makes the act very clear. If you're a regional health authority, you can't lock out your employees, and if you're an employee of a regional health authority, you can't go on strike.

The opposition, and particularly the member who brought the amendment, would have us believe that this is a massive intrusion into the rights of the worker, but the reality is that it's a modest number of people, by my understanding approximately 3,000 to 3,500 people, who will be caught by the amended act who are not already caught under the existing act. Mr. Chairman, each and every employee of the regional health authorities will know who they are, that they're within the Labour Relations Code in that way. There is no question. It's clear, it's concise, it's effective, and it means that

all people who are involved in delivering health care services – and the vast majority of them now, under the existing act, are under section 96(1)(b). In terms of this reorganization, that makes it clear that all health care employees paid by regional health authorities now come under the act, and regional health authorities in all instances, not just in cases of approved hospitals, come under the act and can't lock out their employees. So it puts in a fair process. Why is that necessary? I mean, you could just go ahead and leave the existing structure. Well, it becomes necessary because of what's happening in the rest of the act, which brings some rationality to the process.

Now, a member opposite – I don't remember which one; I believe it was Edmonton-Ellerslie – said earlier that there's been a process over the last number of years, a voluntary process where employers and employees working together can rationalize the number of unions and the number of bargaining units and that sort of thing. But it was 1994, I believe, when the regional health authorities were first initiated with 17 regional health authorities instead of in excess of 200 hospitals and health facilities. It's taken almost 10 years, and as I understand it, Mr. Chairman, there are still issues as a result of that regionalization, issues before the Labour Relations Board, and the Labour Relations Board is still looking at how those unions and bargaining units and employer/employee relationships can be rationalized based on the new structure, which is now some eight years old.

So as we move to rationalizing the boundaries of the health authorities and bringing the number of health authorities down from 17 to nine, it behooves us to look more closely with the benefit of hindsight at some of things that were done in the initial regionalization process and to take care of those issues up front and hence, prior to those boards coming into place on April 1, having in place the appropriate bargaining structures so that employers and employees have clarity, know where they stand on that issue. One of those important parts is to know that as health care workers, with all of their sisters and brothers in health care, they are subject to the same rules and that the employer is subject to the same rules with respect to all of their employees regardless of whether they're in an approved hospital or in some other health facility. That, Mr. Chairman, is a very good reason why members of the House should defeat the amendment, support the bill in its current form, and do it on a timely basis.

I just want to mention that again because earlier in debate – and I appreciate that we're on the amendment now, but it has relevance to the amendment – the issue was raised about the lack of debate and the fact that on the Order Paper today appears a motion relative to time allocation. Of course, the opposition would suggest, in fact have suggested I think, that it's the death of democracy as we know it when they know only full well that putting a notice on the Order Paper is not necessarily indicative that the motion will be moved nor is it indicative of when it will be moved. But if it's not on the Order Paper, one thing you can be certain of: it can't be moved. Therefore, it is a prudent process, not the death of democracy, to put a notice on the Order Paper so that it can be utilized at an appropriate time.

Well, when's an appropriate time, Mr. Chairman? An appropriate time is after all members of the House have been afforded an opportunity to participate in debate and to make the statements that they need to make to argue the merits of the bill. How much time does it take to argue the merits of a bill, including bringing forth amendments like the hon. Member for Edmonton-Strathcona has brought forward this afternoon? Well, this particular bill is a very important bill, but it's not a very big bill. The principles behind this bill are fairly straightforward, fairly simple. We've had about two and a half hours of debate in second reading on the principles of the

bill. We're now into the committee stage, and there's been in excess of an hour of debate before we started the debate on the amendment. [interjections] In excess of an hour. Only now is one of the hon. members bringing forward an amendment, and in committee it's the time we look at the line-by-line analysis of the bill.

One would expect that if the hon. members opposite had line-by-line analysis to do, they might bring forward their amendments so we could deal with the line-by-line analysis. But they don't do that, Mr. Chairman. What they do is they continue to debate the principles of the bill, if you can call it that. They complain about lack of time, but they wait for over an hour of debate before they even bring forward any suggested changes to the bill. So I'm pleased that the hon. Member for Edmonton-Strathcona has now brought forward an amendment because now we can do what we're supposed to be doing in committee, which is a line-by-line analysis.

I just wanted to raise that because it's somewhat disingenuous, I think, for the opposition to call it the death of democracy as we know it – my words probably, not theirs – when they say that they don't have time to review the bill, they don't have time to debate the bill, yet they don't use the debate in the manner in which it's intended: debate on principle in second reading, line-by-line analysis in committee.

In terms of undue haste I think it's fairly straightforward and obvious from the bill that it is necessary to pass this bill, it ought to be passed prior to April 1 so that it can be effective for the health authorities when they come into place.

I have other matters that I'd like to address, Mr. Chair, but they're probably not relevant to the amendment that's before the House no matter how wide I stretch the question of relevancy. I'll save them for when we've dealt with this amendment and perhaps can come back to them when other amendments, if there are other amendments brought forward, are on the table.

The Chair: The hon. Member for Edmonton-Glenarry.

Mr. Bonner: Thank you very much, Mr. Chairman. It is, indeed, a pleasure this afternoon to rise and speak to amendment A1. I don't know how many times we've heard ministers responsible for labour in this province say that we have as a whole enjoyed labour peace in this province, but we also have to look at the right to strike being a fundamental human right, and it should not be taken away by any government or any piece of legislation.

3:50

Now, then, we have just heard the minister say that this bill will level the playing field. How does this level the playing field? We have enjoyed in this province excellent health care provided by professionals who certainly go above and beyond to provide the best care that they can for people in hospitals. The problem in this province, Mr. Chairman, is not the care the people get when they finally get to the hospital; it is getting to the hospital, getting past the lineups that have been created by this government because it constantly underfunded health care for the last decade. So this legislation is not going to level any playing field. It certainly will protect the rights of the sick and the injured, but it will also be doing it at the expense of workers' rights.

As well, on this particular amendment the minister also spoke about delivery and how this will improve health care. Now, I think that in the collective bargaining process when we do have two sides that sit down and have open and honest negotiations and those negotiations lead to a settlement, then we certainly do not have the bitterness that occurs after a strike; we do not have the hard feelings of workers against employers or vice versa.

We also have a lot of skepticism on the part of government members as to why anybody would challenge their legislation. Well, I think we have been given in this province many, many examples as to why we would challenge this legislation. I can think of what occurred at the *Calgary Herald* strike, where strikers were allowed to stay out on strike, and any of the tools available to the minister, any of the processes that were made available, were certainly not instituted at that particular time.

We also have the situation where in a province of many, in a province of great wealth, in a province where we talk about an Alberta advantage, we still have workers who have the lowest minimum wage in Canada, and this is a government that wants us now to remove the right to strike when we have union workers in this province who I'm certain if some employers had their way would be working for minimum wage.

I also find in speaking to this amendment, Mr. Chairman, that when we look at the union movement in this province, there isn't one person in this province that hasn't benefited because of what they stood for, rights for workers and improving the workplace not only in a monetary fashion but in safety and certainly in innovation. So we do have to look at both sides of this coin and say: yes, the unions have contributed much to this province.

As well, when we look at this particular amendment, an amendment I support, we look at comments that were made in debate earlier on this afternoon that we balance the playing field by not allowing the employers to lock people out or by not allowing the workers to strike. This is not a modest change. I'm sorry. This can never, ever be considered a modest change. If I did hear the minister correctly when he was speaking, he said that this would only affect in the neighbourhood of 3,500 workers. Well, 3,500 workers that are affected by legislation which limits their ability for job action certainly is not and can never be considered a modest change. I would think that if I were one of those workers in that position, my right to strike being taken away would have violated the whole idea of labour negotiations.

I can see, as well, why the unions do look at this government with some skepticism and look at this bill with skepticism. We have a situation here where a bill came before this House, and I don't believe the unions were consulted as to what was going to be in this bill. It reminds me of Judge Friedman's report, where the playing field is certainly not balanced but it is tilted in favour of the employers. So can't you see down the road the same situation happening if we go ahead and pass this bill as it now stands? We will be having MLA committees; we will be having someone like Judge Friedman taking a look at this issue and this piece of legislation, which is being ramrodded through this Assembly. It will have to be looked at rather seriously. Again, down the road we will be having to make changes to this legislation to deal with the unjustness to workers who will be denied their right to strike.

Mr. Chairman, this is not a bargaining structure that's going to work. It isn't a bargaining structure that has been successful in this province for many, many years. In looking at the merits of this bill, I cannot see how we can say that this bill removing the right to strike of workers deserves merit. This bill does not deserve merit, because the principles of the bill are wrong. This is poor legislation, and the principles of this bill are not straightforward and simple. There is an undercurrent that flows through this bill which is certainly not going to lead to more harmony in the relationship between employer and employee. It's certainly going to create stress, it's going to create divisions, and it's going to create ugly job action down the road. There is no doubt about it.

All we have to do, Mr. Chairman, is look at what has happened in the history of this province. If this government thinks it's preventing

work stoppages by unhappy unionized health care employees by prohibiting strike action, it is sadly mistaken. We only have to look at the Alberta Union of Provincial Employees, local 2424, two-day strike in 2000 or the United Nurses of Alberta's 1988 strike to know that prohibiting a strike doesn't mean that it won't happen. Certainly, those types of strikes that occur disrupt the whole labour negotiations that occur in this province. These types of strikes when people are forced into them certainly jeopardize the care that those health care professionals can give to people.

4:00

Just before I close, I was listening quite intently as the minister described that this process in the Committee of the Whole is where we examine this bill clause by clause, yet previous speakers in this Assembly today have not done so. So I think that, you know, before he tells the opposition that we are not examining this bill clause by clause, perhaps that would be good advice for him to give members on his own side.

So with those few comments, Mr. Chairman, I will certainly cede the floor at this time and give another hon. member in this Assembly the opportunity to speak to this piece of legislation, which, quite frankly, I cannot support, but I will support the amendment as proposed by the hon. Member for Edmonton-Highlands. So thank you for this opportunity.

Mrs. Jablonski: Mr. Chairman, I'm pleased to rise in the House today to speak to Bill 27, the Labour Relations (Regional Health Authorities Restructuring) Amendment Act, 2003, and to the amendment. Alberta has the lowest rates of lost time due to job action in the country, and because unionized employees in this province do bargain in good faith without resorting to illegal activities, I believe that Bill 27 will ensure patient safety and simplify collective bargaining in the health care sector, and that's why I will not support the amendment.

Mr. Chairman, health care is all about healing the patient and keeping him or her healthy. Health care needs to be patient-centered and needs to ensure patient safety. I believe that Bill 27 with section 4 is important. The good delivery of health services is about being patient-centered and ensuring patient's safety. Bill 27 including section 4 will be important to the delivery of health services for many reasons, and I would like to mention three. Bill 27 will streamline bargaining, create flexibility in the health system, and will ensure severance is only used for individuals losing their jobs.

I think that it's obvious how Bill 27 with section 4 will streamline collective bargaining. For employers this will mean that instead of having to negotiate over 400 collective agreements, they will only have to negotiate 36. This means that each of the nine health regions will deal with four sets of negotiations, one for each bargaining unit. For employees it will mean that people doing similar jobs will be treated fairly and consistently. It brings people together by creating bargaining certificates for employees doing similar work: nurses/auxiliary nursing, paramedical, technical and professional services, and general support services.

In the present system in the David Thompson health region there are 96 different agreements that would have to be negotiated. The same types of workers at different hospitals can belong to separate unions and locals. Many employees receive different wages and receive different benefits. In the new legislation with section 4 there will be four sets of agreements and workers doing similar work and being paid the same and having the same terms and conditions. This legislation will make bargaining in the regional health authorities more consistent, more manageable, and more effective.

Bill 27 with section 4 will also ensure that severance is used for

the purpose that it was created for. It will assure that severance is only used for individuals who are actually losing their job. Staff who keep essentially the same job but change employers as a result of health authority boundary changes or moving mental health services into the regions will not be eligible for severance. For staff neither the stability nor the existence of their employment is threatened, and their terms and conditions remain substantially the same. This legislation will ensure that severance is not used for purposes it was not intended for. It will protect Alberta taxpayers from potentially paying thousands of dollars in severance to individuals that are continuing to work.

Bill 27 including section 4 ensures that the Labour Relations Board will be granted special temporary powers to ensure that the bargaining units are amalgamated in a manner that is fair to all concerned. This process will be outlined in the regulations if this legislation is passed. This legislation will streamline bargaining in the health care sector for employers, employees, and unions, will ensure all workers are treated fairly and consistently, and ultimately will result in better services for Albertans.

Bill 27 cannot serve these needs without section 4. Therefore, I urge all members to defeat this amendment. Then, Mr. Chairman, we will know that health care in Alberta is patient-centred, ensures patient safety, and meets the needs for the greater good. To quote one of my favourite *Star Trek* characters, Mr. Spock: the needs of the one do not outweigh the needs of the many. I know that if the very logical Mr. Spock were here today he would agree with me in urging everyone to support Bill 27 with section 4.

The Chair: Are you ready for the question?

The hon. Member for Edmonton-Mill Woods on amendment A1.

Dr. Massey: Yes. Speaking to the amendment, Mr. Chairman, I think we have to be clear exactly, again, what the amendment is doing. Section 4 of the government's Bill 27 says:

Section 96(1) is amended by adding the following after clause (b):

(c) employers that are regional health authorities and all of their employees to whom clause (b) does not apply.

That's being added to the act under the section that names the essential workers who are not allowed the right to strike, including firefighters and some hospital workers. The intention of this amendment is to wipe out the addition of further employees to that clause that would prevent them from taking job action.

It's a good amendment, Mr. Chairman, I think for a number of reasons. First of all, I don't think it's been demonstrated that there is a problem. The government certainly hasn't come forward with evidence that this addition is needed growing out of some past experience in job action. So it seems curious that it's here. Why would we widen the number of essential workers, take away rights of workers, when the experience has not been such that that action is warranted? I think that one of the largest arguments for supporting this amendment is that there hasn't been any demonstrated reason for having these additional workers labeled as such.

I listened to the Government House Leader claiming that somehow or other this makes all people equal, that they all know exactly how they're being treated, and I'm really finding trouble with that argument. What is the advantage of all workers knowing the status of other workers? There are workplaces all over the province where workers have different status, and just to be able to stand up and say, "Well, now they all know what their status is," seems to me, again, a rather weak argument.

So I guess that for those two reasons I would support the amendment, Mr. Chairman, and hope members of the House do likewise. Thank you.

The Chair: The hon. Member for Edmonton-Ellerslie on amendment A1.

Ms Carlson: Thank you, Mr. Chairman. I, too, support the amendment for all of the reasons outlined by my colleagues and the member who moved this amendment. In the interest of time I would call for the question on the amendment.

[The voice vote indicated that the motion on amendment A1 lost]

[Several members rose calling for a division. The division bell was rung at 4:09 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the chair]

For the motion:

Bonner
Carlson

Massey

Pannu

4:20

Against the motion:

Ady
Amery
Boutilier
Calahasen
Cao
Cardinal
Danyluk
DeLong
Doerksen
Dunford
Fritz
Gordon
Goudreau
Graydon

Haley
Hancock
Hlady
Hutton
Jablonski
Jacobs
Klapstein
Kryczka
Lord
Lukaszuk
Magnus
Mar
Marz

Maskell
McClellan
Nelson
Oberg
O'Neill
Pham
Rathgeber
Renner
Smith
Stelmach
Vandermeer
Woloshyn
Yankowsky

Totals:

For – 4

Against – 40

[Motion on amendment A1 lost]

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. It's too bad that that amendment was defeated. We will shortly try another one because so far I haven't heard anything this afternoon that convinces me that this legislation has been improved. So with that I would like to send an amendment to the table to be distributed to all members.

The Chair: Move it, and then when everybody has got it, we'll give you a signal to go ahead.

Ms Carlson: Thank you, Mr. Chairman. I would move on behalf of my colleague from Edmonton-Gold Bar an amendment, that I assume will be called amendment A2, that states that Bill 27 be amended in section 5 in the proposed section 162.1(1) by striking out clause (f).

The Chair: You may proceed with amendment A2.

Ms Carlson: Thank you, Mr. Chairman. For the ease of those members who are following this bill's progression, I would refer

them to page 2 of the bill where we go to part 2.1, Special Provisions Regarding Regional Health Authorities, where it talks about the Lieutenant Governor in Council regulations.

So a series of those regulations are listed under 162.1(1), being (a), (b), (c), (d), (e), and (f). Subsection (f) actually shows up on page 4 of the bill, and it reads as such: "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." That is the specific clause that we would have deleted by this particular amendment. That's a binding arbitration clause, which we think doesn't belong in any kind of a bill or at any table. That role is best left to an arbitrator when two parties who are in negotiations can't come to an agreement, in agreement with each other or as determined by the government, and go into arbitration. This shouldn't be an automatic part of the regulations of any kind of a negotiation when we're talking about health care workers. So we think it's in the best interests of the legislation and the best interests of the workers of this province if that particular clause be deleted.

Mr. Chairman, I will keep my remarks short on this particular amendment, enabling us to get through the number of amendments we do have on this legislation before closure is brought to bear.

The Chair: The hon. Minister of Human Resources and Employment.

Mr. Dunford: Yes. Thank you very much, Mr. Chairman, and thank you, of course, to the members for the amendment, but I would encourage on behalf of the government all members in the House not to support the amendment. Section (f), that is detailed here, is consistent with all of the other provisions, consistent with everything that we have been saying about the specific situation that we're involved with here, which is the regional health authorities' restructuring.

So with that, Mr. Chair, thank you very much.

The Chair: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Chair. I rise to speak in support of amendment A2, that's been moved by the hon. Member for Edmonton-Ellerslie on behalf of the Member for Edmonton-Gold Bar. It's another part of the bill that I find rather objectionable and regressive that this amendment tries to address and fix. This is the second serious flaw in the bill. Although it looks minor in terms of the number of words used, it seems to change the situation from where it's now to what it'll become. It makes the Labour Relations Code more authoritarian and antidemocratic in that the Labour Relations Board is being given additional powers to be able to make binding decisions all by itself. It may not even be the board as a whole. It may be a wise chair of the board who could make these decisions just in his or her own wisdom. Regardless of whether it's one member of the board or the labour board as a whole which would have the powers to make these arbitrary decisions in the form of binding arbitration, it is something that we don't need. The labour laws of this province are already, I think, somewhat unsympathetic towards the workers, and to add this kind of very, very powerful new element to the powers of the board I think will make things worse, not better. The purpose of any changes in labour legislation, I'm sure members of the House will agree with me, should be to improve our labour laws: make them more fair, make them more just, make them less authoritarian, and make them more democratic. If the changes that are proposed in Bill 27 don't do it, then surely we have the opportunity to amend those elements of the

bill one by one to improve what's being proposed as a response to the restructuring of health authorities that's going to be undertaken as of the 1st of April.

4:30

So I think the amendment, if passed by this House, will remove from the bill another unwholesome feature of it. Therefore, I will certainly be supporting this amendment and call on other members to consider seriously doing the same, Mr. Chairman.

With those brief remarks I take my seat and let other members speak.

The Chair: The hon. Member for Edmonton-Glengarry.

Mr. Bonner: Thank you very much, Mr. Chairman. I, too, would like to add a few brief comments in regard to amendment A2, which was introduced by the Member for Edmonton-Ellerslie on behalf of the Member for Edmonton-Gold Bar. What this particular amendment will do is certainly eliminate one of the clauses in this new bill that is extremely contentious, and in doing so, it will certainly allow the workers of this province a more democratic, fairer situation. When we talk about leveling the playing field, this is one of those amendments that will level the playing field.

I have great difficulty when I read the proposed section (f), "authorizing the Board to make binding determinations." The minute I see the word "binding," I can only harken back to negotiations last year between the Alberta Teachers' Association and this particular government. An arbitrator was appointed, and we passed legislation in this House to tie the hands of the arbitrator, to certainly limit the arbitrator's ability to make a fair and just settlement of the issues that were between the school boards and the teachers at that particular time. It was only through the sheer determination of the arbitrators that they did establish wiggle room, that they were able to come up with an arbitrated settlement that the parties seemed willing to live with. Certainly we have seen through the actions of the government since that arbitrated settlement that this government has not lent its support to that settlement.

I think that when we listen to the comments of the Member for Edmonton-Ellerslie and we listen to the comments from the Member for Edmonton-Strathcona, yes, this is a clause that will certainly grate on members when we allow these types of regulations to be authorized by the board.

So with those comments I will take my seat, Mr. Chairman, and certainly encourage all members of the Assembly to vote for this amendment.

The Chair: The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Chairman. Speaking in favour of amendment A2, the amendment would strike from Bill 27 the regulation-making capacity of the cabinet, the Lieutenant Governor in Council, and it would take away the authority of the cabinet to make regulations "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."

This isn't the only bill where we've raised as a huge concern the role of regulations. We've asked and we've had a number of speakers ask why we haven't seen the draft regulations for Bill 27 as are available for Bill 19. The draft regulations for Bill 19 have been available on the Internet for some time. It seems to me that that is a sound practice for the government to follow, and I think they have to be given credit for having posted those regulations and allowing

people to see what's going to be in the regulations before the legislation is actually passed in the House. Now, they are regulations, and you have to remember that they can be easily changed, much more easily than the bill itself, but it is progress and a move in the right direction to see them. With such an important bill as this, a bill that affects the lives of thousands of Albertans and makes a pretty fundamental shift in terms of how we view certain classes of workers, it seems to me that this is a bill that cries out for the draft regulations to be available to people so that we can see what's intended.

So the intent of this amendment is to limit the regulating capacity of the Lieutenant Governor in Council, and I think it's an amendment that deserves support from all members of the Legislature. Again, I would urge the government, as quickly as they can and before this bill is closed in the Legislature, to make available the draft regulations.

Thanks, Mr. Chairman.

[The voice vote indicated that the motion on amendment A2 lost]

[Several members rose calling for a division. The division bell was rung at 4:37 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the chair]

For the motion:

Bonner	Massey	Pannu
Carlson		

Against the motion:

Ady	Hancock	Nelson
Amery	Hlady	Oberg
Calahasen	Hutton	O'Neill
Cao	Jablonski	Pham
Cardinal	Jacobs	Rathgeber
Danyluk	Klapstein	Renner
DeLong	Knight	Smith
Doerksen	Kryczka	Stelmach
Dunford	Lukaszuk	Strang
Fritz	Magnus	VanderBurg
Gordon	Mar	Vandermeer
Goudreau	Marz	Woloshyn
Graydon	Maskell	Yankowsky
Haley	McClellan	

Totals:	For – 4	Against – 41
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[Motion on amendment A2 lost]

4:50

The Chair: The hon. Member for Edmonton-Glengarry.

Mr. Bonner: Thank you very much, Mr. Chairman. I'd like to make a few comments in Committee of the Whole and certainly to look at the role of the Labour Relations Board and how it is tasked with making many decisions on how this new process will work. Yet in doing so, in trying to strengthen legislation to improve this process, which I don't think this bill will do, it allows a single member of the board, the chair or the vice-chair, to make decisions alone.

In this particular case the job of the Labour Relations Board gets even tougher with the way this act is. While they are to be commended for the good work they do in this province – and I think it is because of their work that we have had a relatively good period of

employer/union relationships over the last decade – the very nature that we have a Labour Relations Board suggests that it should be the board that makes these decisions and particularly when these decisions impact many, many people. Certainly, I would think that when we have particularly the makeup of the Labour Relations Board that we would get a cross section of views and views that would lead to a settlement long before they would lead to job action.

So, again, in the interests of fairness and impartiality that workers expect when they get this far down the path in labour negotiations, they certainly don't want to turn this responsibility over to one person. So if we are going to do that and if we get a particular individual who does make a ruling that is unfair to one party or the other, does that mean now that we are going to have to also institute an appeals process where the decision that this individual made can be reviewed to ensure fairness to all parties?

In looking at this and on behalf of the hon. Member for Edmonton-Gold Bar, I would like to move that Bill 27 be amended in section 5 in the proposed section 162.1 by striking out subsection (3).

The Chair: Hon. member, just wait until we all get the copies.

We're now ready, hon. Member for Edmonton-Glengarry, so please proceed.

Mr. Bonner: Thank you. Can I correctly assume that this is amendment A3?

The Chair: A3. It is, yes.

Mr. Bonner: Thank you very much, Mr. Chairman. I did move this particular amendment on behalf of the hon. Member for Edmonton-Gold Bar, and it deals primarily with the Lieutenant Governor in Council regulations, section 162.1, by striking out subsection (3). Subsection (3), quite briefly, reads, "The Board may hear any matter or conduct any business under this Part through the chair or a vice-chair sitting alone."

This is another part of this entire bill, Mr. Chairman, that certainly isn't constructive, and it's certainly a part of this bill that will do exactly what we try not to do in labour relations, and that is to create a greater strain. By its very nature the dispute between employer and employee once it reaches this stage is certainly an estranged relationship, and we don't want to further antagonize either party. We certainly don't want to put additional strain on the whole idea of the settlement resolution that both parties are trying to achieve. So this is another very contentious section of the bill.

When we look at the way things are set up here, even though strikes are not allowed under this proposed legislation, with these contentious sections of the bill and particularly with the fact that we are asking one person to make a decision or one person could make a decision on the whole process, again, we are putting a tremendous amount of faith that the person who is in this position is going to be fair and impartial. But I also see that by leaving this particular clause in the bill – this is certainly one of those clauses that will lead to some type of job action – we will see tactics that will be used as an alternative to a full-blown strike. I look at things such as a work slowdown. I look at work-to-rule. I see a refusal to work overtime, and certainly that would impact the health care profession today in a huge manner. We have people in this province right now who have answering machines, and it's to identify callers and to take messages just so that they will not be pressured into having to work unwanted overtime. It also in the way of job action could lead to a tactic such as a sick-out or dress code infractions.

5:00

Again, Mr. Chairman, I would urge all members of the Assembly to vote in favour of this very worthwhile amendment. It certainly isn't a cure for a bad bill, but it will perhaps ease some of the tensions that this bill is currently creating with trade unions.

I thank you for this opportunity to make these comments.

The Chair: The hon. Minister of Human Resources and Employment.

Mr. Dunford: Yes. Once again, Mr. Chairman, I would urge all members to vote against this particular amendment. There's some boogie-woogie going on over there in terms of the speech. Basically, it should be recognized and I think the hon. member does recognize that the members of the board are ethical people, well-trained, professional. Whether it's one or three probably wouldn't matter in ordinary situations all that much.

Really, the whole reason for providing this bill is, again, that it's specific, that it's happening in terms of the reorganization of the regional health authorities. We must move this along, and subsection (3) would go a great deal in helping us do that.

The Chair: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Chairman. I'll take a few minutes to comment on amendment A3, which moves that subsection (3) be struck from the bill. I think there are good reasons why this amendment should be supported. This bill, really, in various provisions that it has in it will, in my best judgment, undermine the collective bargaining process as it will affect these workers. It tightens the noose, as it were, around these workers and their ability to negotiate under reasonable and fair circumstances the terms of their employment, the conditions of their work, and the remuneration that they will ask for. Furthermore, these workers deal with life-and-death issues. They deal with our health care matters under conditions where we ourselves are unable to make judgments in our own best interests, and we defer those judgments to be made by doctors, by nurses, by other health care attendants.

As part of the negotiations that necessarily are part of getting collective agreements in place, these workers find that they have the responsibility to make sure that patient safety, patient rights are not undermined by the desire of employers to change workloads without the consent of the health care deliverers, the people who deliver health care services, because delivery of those services is affected by how many patients a nurse on a ward is charged to take care of. So workloads and the ability of the employee in the health care system to negotiate those workloads are critical. It is fundamental to securing the conditions in hospitals, conditions that would protect patient safety and protect patient well-being and patient rights. Employers, when under financial and fiscal pressure, when excited by new managerial models and ideologies, sometimes tend to think that more can be done with less. Not so, Mr. Chairman, in the case of workers who deal with life-and-death issues.

So to put sort of arbitrary powers in the hands of the Labour Relations Board is not only unfair to the patients; it has the potential of putting in jeopardy the patients' safety and patients' interests and patients' rights. Not only will it bind the hands of health care workers in negotiating conditions which they think are appropriate and necessary, as a matter of fact, to ensure patients' safety, for which they are responsible, but it also in my view is unfair to put this kind of undue burden on the Labour Relations Board, which is a third party unfamiliar with the conditions of work on the ground floor, at the place of work, at the point of delivery, and are asked to make these decisions sometimes.

As I said before, that's what subsection (3) is about, empowering the chair or vice-chair, one or two members of the board, to somehow summon this wisdom to be able to make the decisions contrary to the advice that they may get from the real stakeholders, who in this case are the patients and their families, in the first place, but equally important are the health care delivery workers, whose job it is, whose obligation it is, whose legal obligation it is to ensure patient safety and respect for patient rights.

So for that set of reasons, I support this amendment. I think it will improve this very flawed document, which has very little information in it. It takes away from this Assembly the powers to debate and scrutinize the details of this bill, if it goes forward, but certainly it's an amendment that will make the minimum necessary improvement in the existing legislation that is Bill 27.

With that, I close my comments on this particular amendment, amendment A3.

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I rise to speak to this amendment because I think it's appropriate to point out just what's happening with respect to the amendments being brought forward here. Amendments are brought forward on a clause-by-clause basis now to negative virtually everything in the act. And that's appropriate. It's the role of the opposition to do that. One might do it more efficiently by bundling amendments so you could deal with some of these things all together, but to deal with them clause by clause is useful as well.

Just to point out, then, what we're dealing with in this section "by striking out subsection (3)." Well, subsection (3), as the member who moved this amendment points out, allows the board to "hear any matter or conduct any business under this Part through the chair or a vice-chair sitting alone." So what's the problem with that? Well, it gives a single member broad and encompassing authority.

5:10

Well, let's look at the Labour Relations Code, section 9(10), which says:

Notwithstanding subsection (6), the Chair or a vice-chair may sit alone to hear and decide a question under section 12(3)(b), (d), (l), (m), (n) or (o), 14(2) or 76(4).

When you look at those sections, of course, you find that those are sections of the act which deal with certain items which would create efficiencies that it makes sense a chair or a vice-chair ought to be able to deal with sitting alone rather than having a panel to deal with those sorts of things.

Then it goes on to say in subsection (11):

The Chair or a vice-chair sitting alone may

- (a) where all of the parties consent, or
- (b) where, after a period of notice determined by the Board, none of the parties object, grant any order or directive within the Board's jurisdiction.

Then you look at subsection (12):

When the Chair or a vice-chair sits alone under subsection (10) or (11) or the Board meets as a panel, the Chair, vice-chair or panel, as the case may be, is deemed to be the Board for the purposes of the Act.

So when we look at the Labour Relations Code, Mr. Chairman, we find that there are quite a broad set of circumstances, some with consent of the parties and some without, where the chair or a vice-chair might sit to make determinations.

Then we go back and see that, well, this section is rather broader than that. It says that it can "for the purposes of this Part" sit on any application. So then you have to really question: is it necessary? Ought this to be taken out and create no circumstances under which a board chair or a vice-chair might sit alone? Or is it necessary to

enumerate in exhaustive detail only those areas that perhaps one might determine are appropriate for a board chair or a vice-chair to sit alone? Or is this a circumstance where it might be left to the board chair, which is a very important position, or a vice-chair? We leave the chair and the vice-chair of the Labour Relations Board – very, very important positions; you hire good people to be on those boards – some discretion to decide: is this topic a matter of process which a board chair or a single person sitting alone ought to be able to determine, or is it something that is of such import and substance that you ought to empanel a panel of three or a larger group to hear it?

I think that's what we're really talking about here: what discretion is left in the hands of a board chair or a vice-chair? In fact, under the Labour Relations Board it's the chair who determines when things are heard by a panel or when things are heard by the chair or a vice-chair alone. What discretion ought to be left to that person to determine when it's appropriate to have a single person hearing it – and usually that's in a process issue – or when it's appropriate to empanel something?

This amendment being brought forward and being debated by members of the opposition is saying that this is a fundamental problem and it's a breach, and it's actually, really, just carrying forward the terms of the Labour Relations Code perhaps more broadly than it's expressed in other sections but in the same manner and for the same purposes as it's expressed for the overall Labour Relations Code and just clarifies that that's applicable to this particular section. A nefarious amendment, Mr. Chairman. I think not. I'd ask people to vote against it.

Ms Carlson: Mr. Chairman, we wouldn't want the minister to confuse his argument with the facts, and I would refer him to the Labour Relations Board's own web site, that states:

The courts have held that the Board is not biased simply because the panel is not evenly balanced between labour and management representatives. However, where possible this is done to ensure the appearance of fairness.

So we know that the appearance of fairness is as important as making fair decisions.

I urge everyone in this Assembly to support this amendment.

[The voice vote indicated that the motion on amendment A3 lost]

[Several members rose calling for a division. The division bell was rung at 5:14 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the chair]

For the motion:

Bonner	Massey	Pannu
Carlson	Nicol	

Against the motion:

Ady	Graydon	Maskell
Amery	Haley	McClellan
Boutilier	Hancock	Nelson
Calahasen	Hlady	Oberg
Cao	Hutton	O'Neill
Cardinal	Jablonski	Ouellette
Danyluk	Klapstein	Pham
DeLong	Knight	Rathgeber
Doerksen	Kryczka	Renner
Dunford	Lukaszuk	Smith
Fritz	Magnus	VanderBurg
Gordon	Mar	Vandermeer
Goudreau	Marz	Woloshyn

Totals:	For – 5	Against – 39
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[Motion on amendment A3 lost]

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I would move that we call it 5:30 and adjourn until 8 p.m., at which time we'll return in Committee of the Whole.

[Motion carried; the committee adjourned at 5:27 p.m.]

