



Province of Alberta

The 28th Legislature  
First Session

# Alberta Hansard

Monday evening, December 2, 2013

Issue 77e

The Honourable Gene Zwozdesky, Speaker

## Legislative Assembly of Alberta The 28th Legislature

First Session

Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC), Speaker  
Rogers, George, Leduc-Beaumont (PC), Deputy Speaker and Chair of Committees  
Jablonski, Mary Anne, Red Deer-North (PC), Deputy Chair of Committees

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Bikman, Gary, Cardston-Taber-Warner (W)  
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DeLong, Alana, Calgary-Bow (PC)  
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    Deputy Government Whip  
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Fritz, Yvonne, Calgary-Cross (PC)  
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)  
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Hale, Jason W., Strathmore-Brooks (W)  
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    Government House Leader  
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    Deputy Government House Leader  
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Notley, Rachel, Edmonton-Strathcona (ND),  
    New Democrat Opposition House Leader  
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Olesen, Cathy, Sherwood Park (PC)  
Olson, Hon. Verlyn, QC, Wetaskiwin-Camrose (PC)  
Pastoor, Bridget Brennan, Lethbridge-East (PC)  
Pedersen, Blake, Medicine Hat (W)  
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Quest, Dave, Strathcona-Sherwood Park (PC)  
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    Premier  
Rodney, Hon. Dave, Calgary-Lougheed (PC)  
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Sandhu, Peter, Edmonton-Manning (Ind)  
Sarich, Janice, Edmonton-Decore (PC)  
Saskiw, Shayne, Lac La Biche-St. Paul-Two Hills (W),  
    Official Opposition Deputy House Leader  
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    Leader of the Liberal Opposition  
Smith, Danielle, Highwood (W),  
    Leader of the Official Opposition  
Starke, Hon. Dr. Richard, Vermilion-Lloydminster (PC)  
Stier, Pat, Livingstone-Macleod (W)  
Strankman, Rick, Drumheller-Stettler (W)  
Swann, Dr. David, Calgary-Mountain View (AL)  
Towle, Kerry, Innisfail-Sylvan Lake (W),  
    Official Opposition Deputy Whip  
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Weadick, Hon. Greg, Lethbridge-West (PC)  
Webber, Len, Calgary-Foothills (PC)  
Wilson, Jeff, Calgary-Shaw (W)  
Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)  
Xiao, David H., Edmonton-McClung (PC)  
Young, Steve, Edmonton-Riverview (PC),  
    Government Whip

### Party standings:

Progressive Conservative: 59      Wildrose: 17      Alberta Liberal: 5      New Democrat: 4      Independent: 2

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Donovan	Quadri
Dorward	Rogers
Eggen	Rowe
Hehr	Sarich
Luan	Strankman
McDonald	Xiao

**Standing Committee on the Alberta Heritage Savings Trust Fund**

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Amery	Eggen
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Casey	Sherman
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**Standing Committee on Families and Communities**

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Cusanelli	Notley
DeLong	Pedersen
Fritz	Swann
Goudreau	Towle
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Jeneroux	Xiao
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**Special Standing Committee on Members' Services**

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Fox	Strankman
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Casey	Stier
Fenske	Webber

## Legislative Assembly of Alberta

7:30 p.m.

Monday, December 2, 2013

[Mrs. Jablonski in the chair]

**The Acting Speaker:** Please be seated.

### Government Motions

**The Acting Speaker:** The Government House Leader.

#### Time Allocation on Bill 45

49. Mr. Hancock moved:

Be it resolved that when further consideration of Bill 45, Public Sector Services Continuation Act, is resumed, not more than two hours shall be allotted to any further consideration of the bill in second reading, at which time every question necessary for the disposal of the bill at this stage shall be put forthwith.

**The Acting Speaker:** Thank you, Government House Leader.

This is a nondebatable motion, but the opposition is allowed to speak to this motion.

**Mr. Anderson:** I have five minutes. Is that correct?

**The Acting Speaker:** Yes, that's correct. The hon. Member for Airdrie.

**Mr. Anderson:** Well, thank you, Madam Speaker. It's a pleasure to rise in the Legislature today and speak to this motion. It's good to see so many folks in the gallery. We don't usually get so many visitors here at night, but we're certainly glad to see all the folks here. It is the people's House, and we're happy to have them here.

I, of course, and my Wildrose colleagues – and I won't speak for my friends in the ND opposition or the Liberal opposition, but I'm sure they feel much the same – are very much opposed to this motion for several reasons. First off, we saw today the Speaker rule about a contempt of the Legislature and on how the process of the government publishing, essentially, the contents of bills and motions that they are going to bring into this House prior to actually bringing them to this House was a contempt of the Legislature and very disrespectful of our practices here.

The fact that this government would put on the table two very, very controversial bills, Bill 45 and Bill 46, and before they even started debating these bills, which we will start tonight, even before then, put on this government motion to limit debate on this bill to two hours, to just two hours, something that will affect so many people, literally tens of thousands of people if not more and indirectly well into the hundreds of thousands of people – they bring in a bill, and they give the opposition parties two hours in second reading to debate this bill. That is a travesty of disrespect and a travesty to democracy. That is what I believe. What we're witnessing here is what I would call gong-show government because that's what this is. This is not how government is supposed to work.

If you're going to bring in a bill like Bill 45 or Bill 46, anything like that, first of all you make sure that you explain what you are thinking of doing right up front months in advance so that you can go to stakeholders, so that you can go to constitutional lawyers, to, obviously, the labour representatives, to the people themselves and talk to them and understand their position and get their feed-

back on these things. Then you introduce the actual bill into the Legislature once you've gone through that consultation, and you give the opposition at least a week or two to digest the bill, so to speak, to understand it, to talk with stakeholders, people who are going to be affected by it, to talk with them, understand their position, understand the legal ramifications of the bill. Then a couple of weeks later at least – it should be longer but at least a couple of weeks – you bring it back, and then you have a good debate.

Sometimes that debate will take only two hours. Sometimes it might take 10 hours. Sometimes it may take 20 hours. Heck, it may even take a week, and that's okay because that's how democracy should work. We should respect the processes of this House enough to be able to have a good debate without the government coming in here and saying: "Nope. Sorry. You've got two hours and only two hours, and then we're shoving this thing through. We're ramming it down the people of Alberta's throats."

That's wrong, Madam Speaker. It's got to change, and if we have to bring a new government forward in 2016, we will, and we're going to change that. Laugh all you want, Deputy Premier. Laugh all you want. You're, politically speaking, digging your own grave.

Anyway, Madam Speaker, I look forward to the abbreviated, shortened debate. We will certainly do our best to represent the views of all Albertans in this Legislature in the short time that we have. That will be very difficult, but again, government, start acting your ages.

**The Acting Speaker:** Thank you, hon. member.

Government Motion 49 is nondebatable. I know that there were a number of you that wanted to speak to this, but there was only one opposition member allowed to speak for five minutes.

[The voice vote indicated that Government Motion 49 carried]

[Several members rose calling for a division. The division bell was rung at 7:35 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[Mrs. Jablonski in the chair]

For the motion:

Amery	Goudreau	Luan
Bhullar	Hancock	Lukaszuk
Brown	Horne	Olesen
Casey	Horner	Olson
Dallas	Hughes	Quadri
DeLong	Jeneroux	Rodney
Denis	Johnson, L.	VanderBurg
Dorward	Kennedy-Glans	Weadick
Drysdale	Khan	Webber
Fawcett	Klimchuk	Woo-Paw
Fenske	Lemke	Xiao
Fraser	Leskiw	

Against the motion:

Anderson	Bilous	Rowe
Anglin	Hehr	Sherman
Barnes	Mason	Swann
Bikman	Notley	Towle

Totals: For – 35 Against – 12

[Government Motion 49 carried]

## Government Bills and Orders

### Second Reading

#### Bill 46

#### Public Service Salary Restraint Act

**The Acting Speaker:** The hon. Minister of Finance and President of Treasury Board.

**Mr. Horner:** Thank you, Madam Speaker. I rise this evening to move second reading of Bill 46, the Public Service Salary Restraint Act.

Madam Speaker, a key part of the government's building Alberta plan is to ensure that we continue to live within our means while focusing spending on the services Albertans rely on. It is the men and women of the Alberta public service, from paralegals to probation officers, fire prevention officers to child and youth care workers, who deliver these programs and services with purpose and pride.

We saw first-hand during the summer floods the dedication of our employees in the response, recovery, and rebuilding efforts. Through long hours away from their families in difficult situations our employees showed resolve and incredible heart when it counted. We are profoundly appreciative of the important work being done by our public servants both in these kinds of extraordinary situations and in the duties they perform every day in every ministry and in every department of our government right across this province.

Madam Speaker, Bill 46 reflects the government's commitment to holding the line on spending to help us balance the budget while meeting Alberta's enormous growth challenges head-on. We will save more, and we will live within our means. Over the past year Albertans have been very clear that they expect government to show restraint, which is why the last budget held the line with almost a zero per cent increase in operating spending. As we've seen with our recent fiscal update, we are in fact starting to turn that corner.

This is good news, but we remain mindful that these improvements will be offset by investment required to rebuild Alberta after the flood. Our ability to keep turning that corner is dependent on continuing to make prudent financial choices. Public-sector compensation makes up roughly half of our total spending. That includes doctors and nurses, teachers and postsecondary faculty, and the employees of the Alberta public service. That's why we've been abundantly clear with the public-sector unions, including the Alberta Union of Provincial Employees, that we need to hold the line on salaries.

7:50

We worked hard with our doctors and our teachers on long-term deals that hold wages flat for three years and guarantee stability in education and health care for years to come. Albertans value those services and our front-line employees who provide them. The Public Service Salary Restraint Act has been introduced in an effort to reach a negotiated settlement with the union representing our government workers.

Madam Speaker, reaching a negotiated settlement with the union is our preferred option. Bill 46 is intended to kick-start those negotiations to reach a deal that is fair to employees and fair to taxpayers. Our public servants are paid fairly, and they should be. Sustainability in public-sector compensation means paying employees well for the work that they do on behalf of Albertans at a rate that is responsible to Albertans and to the taxpayer. This is the balance that we want to achieve through Bill 46. We must ensure we negotiate agreements with our public-sector partners

that are sustainable and place the government's finances on a strong footing going forward.

Pay packages in the Alberta public service are, in fact, very competitive in comparison with other provinces, but being competitive in the market doesn't mean we must drive the market. Research shows that our bargaining unit employees at the job rate maximums are generally paid more than comparable employees in other provinces. We still want to attract and retain a strong, skilled public-sector workforce through competitive pay and benefits and uphold Alberta's market edge, but we can do that in a way that ensures our overall growth rate for salaries is sustainable.

The services that public-sector employees provide are complex and vary widely. As a result, all agreements won't look the same. We have responded to each part of the public sector individually, making labour market adjustments where necessary. To date we've reached successful long-term agreements with Alberta's teachers and doctors that align with our principles of fiscal restraint, but there is more to do.

The collective agreement between the Alberta government and AUPE expired on March 31, 2013. The union left the negotiating table after just 12 days and now wants binding arbitration, which is a step that has not been taken in 30 years. Bill 46 will provide a framework within which the government of Alberta can negotiate with the Alberta Union of Provincial Employees towards a new four-year agreement. Madam Speaker, we pledge to return to the table in a sincere and earnest effort to come to terms on a deal that is fair to our hard-working public servants and fair to the taxpayers of Alberta. In demonstration of our intention to reach a negotiated settlement we have in fact already made a new offer.

This legislation provides the parties with two months to negotiate an agreement with the possibility of extending that time frame to four months. If despite our best efforts we are unable to reach a negotiated settlement with the union, the Public Service Salary Restraint Act applies a reasonable wage growth for the term of this particular AUPE agreement, which includes no wage increases in the first year, which is in alignment with other public-sector agreements; a lump sum to put some money in employees' pockets in year 2; and a pay rate increase of 1 per cent in the final two years.

Government has committed to responsible spending. It is government who has the ultimate accountability for how taxpayer dollars are spent, and it is government that must act in the interests of Albertans. Madam Speaker, everyone agrees that a negotiated agreement is better than a legislated one, and we are committed to using our best efforts to achieve that end. Through this legislation we are signalling that the negotiations need to focus on an agreement that is fiscally prudent. Decisions that directly impact the spending of taxpayer dollars and our ability to pay for the services Albertans rely on need to be made by government. We need to get back to the table, reach a reasonable deal, and move forward.

I sincerely hope that you will join me in supporting this important piece of legislation. Thank you, Madam Speaker.

**The Acting Speaker:** The hon. Member for Airdrie.

**Mr. Anderson:** Thank you, Madam Speaker. I want to start out by talking a little bit about who we're talking about here and who this bill affects, first off. This isn't some nameless individual sitting in a cubicle in the AHS office tower making \$250,000 or \$300,000 or a half-million dollars, sitting around a board table with a \$1 million severance package waiting for them when they're done. That's not who we're talking about right now.

We're talking about front-line public-sector workers. These are the Albertans in our hospitals right now cleaning up the floors from the messes of surgery and treatment and making sure it's clean and safe for other people to come. These are the individuals who are providing aids for our elderly and for the sick and for the handicapped and for those with disabilities. These are the individuals that are there for us when we're in danger as a province, as was pointed out, the ones that were on the front lines during the flood helping us to rebuild and recover and working amazing amounts of hours in order to do so at tremendous sacrifice. These are our front-line youth workers and child care advocates, child care workers. These are individuals who give so much to this province. Again, I would suggest that when we're debating a bill such as this, we do so and give these folks enough respect that we don't try to ram this thing through in a couple of days. They deserve more respect than that, in my view, Madam Speaker.

Now, Madam Speaker, negotiating a collective bargaining agreement that is fair for taxpayers is an important goal, of course, so that the public service employment agreements are affordable and sustainable and public services are sustainable. I haven't met too many Albertans, whether they're a member of AUPE or United Nurses or anyone else, that don't think that. Of course, salaries and public-sector services need to be sustainable, but collective bargaining does not give the government the right to terminate the legal arbitration rights of public-sector employees. That is a right that in 1977 Premier Lougheed first established. He said: "You know what? Our public-sector employees provide such critical services in care to the people of Alberta that we cannot afford to have them go on strike. If they go on strike – let's face it – things fall apart. It is devastating to our front lines. It's devastating to people in care, the sick, the elderly, obviously, our front-line emergency personnel, sheriffs, people like that. That would be so devastating to the economy, to the safety of Albertans, et cetera, we can't afford to have them strike."

But there was a quid pro quo when Premier Lougheed brought in that bill in 1977. I think it was Bill 41. He said that if we're going to take away the right of our government employees employed in essential services to strike, then we have to replace that with something that's fair. There has to be something that is fair and that they perceive and agree is fair. So Premier Lougheed introduced arbitration into the bargaining process so that if for whatever reasons the government or the labour leadership could not come to an agreement on what was a fair compensation package for our public-sector workforce, one side or the other could request arbitration. Then the matter would be referred to an independent third party with experience in dealing with these issues.

That independent party would hear from both sides of the debate, would hear the arguments from the government, would hear the arguments from the public-sector employees and union representatives and so forth, and would come back after deliberation and research and so forth, looking at all the different factors that are often too numerous, certainly too numerous to list here, with an arbitrated settlement, a decision, saying: "This will be fair. We know the government wants 0, 0, 1, 1. We know the union wants 3, 3, 3, 4." Whatever. I'm just making numbers up here. And then he says: "Okay. But this is what's fair." He comes out with an agreement, the agreement is put in place, and everyone feels they've been heard.

Now, that shouldn't be the regular course of business, of course. Usually, I would hope, that as adults and government as leaders, quote, unquote, in this province they could sit down and have a fruitful discussion and come to a negotiated settlement so we're not going to arbitration every time. You would think that would be

what would happen. But sometimes it doesn't work out – we understand that – and that's where arbitration comes into play. So that's the deal that was made. It was a fair deal.

8:00

During the debate in this House on granting Alberta's public-sector employees arbitration rights, there was a minister, Minister Merv Leitch, a great guy, a great, amazing person. He's actually one of the individuals – I was lucky – who helped me through law school, actually, with a wonderful scholarship, a constitutional scholarship. Just a very generous man. He understood the Constitution very, very well. He, actually, to this day in several instances will give out scholarships to students in constitutional law for a certain achievement.

Minister Leitch, at that time a very respected scholar and minister, said:

If they . . .

And "they" in this case is our public-sector workers.

. . . are not to have the right to strike, in fairness to them we must provide . . . the fairest possible labor relations system for the employees of Alberta short of providing them with the right to withdraw services or strike.

And he said much, much more.

His view of it was that, constitutionally, if we're going to take away the right of our workers to strike, we have to give them another right, something that they can go to and make sure that their rights are being respected and that fairness will prevail. So they came up with arbitration rights, and they put those in the law. That right of arbitration has been in the law since 1977.

Do you know how long that is, Madam Speaker? I was born a couple of months after that law was passed. That was over 35 years ago. For 35 years we've had this right, this legal right, on the books.

Never once in our history, not even if you go back to Ralph Klein – and everyone thinks that Ralph Klein was a cost cutter, all these things, slashing salaries. Guess what? A little interesting tidbit: he never took away, in his time, the right of arbitration from our public-sector workers. He came to a negotiated agreement. It's one that hurt, but even Ralph Klein respected the right of arbitration enough to leave those rights in there. He didn't just rip them out of the law because it became inconvenient, and he was asking for cuts, substantial cuts.

Yet this government comes to our public-sector workforce and says: "You know what? We're not coming to agreement as fast as we would like. You won't agree to what we want; therefore, we're going to impose an agreement on you and take away your arbitration rights so that you have no recourse. You can't go on illegal strike. That's already illegal."

We'll talk a little bit more about Bill 45. There are some problems with that bill as well, but most people, I think, agree that illegal strikes are not a good thing. There's already law on the books today that deals with illegal strikes, so that's a red herring, frankly. That's not what we're talking about here. We're talking about a government who didn't get their way, who, frankly, is throwing a temper tantrum and then taking the right of arbitration out of the law so that they can get their way and so that there's no recourse for our public-sector workers.

I hear on the other side constantly: this is just a way to get people back to the table. "This is a way to get our union leadership and our public-sector workforce back to the negotiating table," they say. Okay. Now, I guess I would say that most negotiations – when I think of the word "negotiate," I don't think of one of the negotiating parties holding a gun to the other person's head, Madam Speaker, but that's essentially what this does, figuratively

speaking. Of course it forces them back to the table. They don't have a choice.

What do you mean, that this is going to incentivize a negotiated agreement? What choice do they have? They can't go on illegal strike. They can't do that. Certainly, after Bill 45 if you even have a thought to go on an illegal strike, if they even call a talk-show host, if a union member, you know, some individual cleaning the floors at 2 a.m., decides to phone in to a talk show and says they should go on an illegal strike, they say: "Oh, that's illegal. Sorry. You were thinking about it." So that's what it's come to. We've got this red herring, Bill 45, within the context of Bill 46 that clouds the issue even further.

But, Madam Speaker, I believe, very much so, that Merv Leitch and Premier Lougheed had it right. Granting arbitration rights rather than leaving Albertans and public services at risk of strikes on the front lines was the way to go. I think that was the right decision.

Now, I want to make it clear. Before the last election the Wildrose was very clear in our statements. We said that we thought we could balance the budget in two years, and in that first year we would – I actually have the quote right in front of me. Until 2014 – that would be next year – "the Wildrose will work collaboratively and respectfully with public sector unions to hold the line on the current overall expenditure on front line public sector salaries."

There's nothing wrong with a government going into a negotiation and asking for a 0, 1, 3 or a 0, 2, 4 or a 0, 2, 2, 4 or whatever. There's nothing wrong with going in and asking for that and trying to negotiate that if that's what you need to control your expenses, if that's what you figure. That's okay. We have no grievance there. The grievance is not that you asked for a zero per cent increase this year or even a 0, 0, 1, 1. It is debatable whether that's really necessary, but let's say that it is. Say that's your first position: 0, 0, 1, 1. Okay. You have the right as the government to ask that. Premier Klein asked for way more than that, right? So you go in there and ask for it.

But the unions, or our public-sector employees, also have a right. They have a right to say: "No. That's not fair. These are the reasons. We have an inflated economy. It's tough to keep up with the rate of inflation. We don't want our members to become poorer over time with the inflation and so forth that is happening in Alberta right now." Then the government can come back and say: "Well, no. Actually, inflation isn't that much, and your salaries are above the average nationally" or whatever. It goes back and forth. That's part of the negotiation, and that happens. That's okay.

What you don't do when you don't get your way in the negotiation is sit there and say: "Okay. You know what I'm going to do? I'm going to take the legal rights that someone else has, I'm going to rip them out, and I'm just going to impose a settlement. That's just what I'm going to do because they just won't agree. They're just not being reasonable." So you take away their legal rights. You impose a settlement. Wham-bam; thank you, ma'am. All done. That's how this government is acting. It's wrong.

There's nothing wrong with asking. There's nothing wrong with fighting for sustainable wage increases. There's nothing wrong with that. Good. But you cannot then turn around and act like a dictator and impose an agreement and come in with heavy-handed legislation that essentially, Madam Speaker, takes away all the rights of unions to negotiate and to have good-faith collective bargaining. That's wrong. That's wrong. That's not the Alberta way. That's not what we do here.

We need to stop this ideological debate. Instead of words like "left-wing," "right-wing," "progressive," "conservative," and all these other words we throw around, we need to start using words like "fairness," "decency," "common sense," "fiscal responsibility." These are the words that I think Albertans today want to

see their politicians not only use but incorporate into their actions. This bill, Bill 46, and significant parts of Bill 45 are not respectful. They're not decent. They're not even fiscally responsible because of the poison that this is going to put into the waters of bargaining on a go-forward basis for government.

Madam Speaker, how am I doing for time today?

**The Acting Speaker:** Four minutes.

8:10

**Mr. Anderson:** Four minutes. Madam Speaker, I know that there are others that want to speak, and we will absolutely let them. If we didn't have closure, time allocation, we could all speak to it, but unfortunately we don't have that.

I will wrap up by saying that this bill, Bill 46, is unfair. It is unjust. It is a slap in the face to our public-sector workforce, and it's also a slap in the face to the rule of law. The rule of law, Madam Speaker, is what separates us from the barbarians, frankly, the rule of law, the fact that we cannot have government just toss out the law when it doesn't favour them. Because then what are we? At that point we're just a totalitarian dictatorship, and that's not the Alberta that I believe in.

The Wildrose supports the rule of law, fairness, and decency, and we are not going to balance the budget on the backs of our public-sector workers or our front-line services. That's not the way we're going to act. That's not the way this government should act. That's got to stop, Madam Speaker.

Thank you very much.

**The Acting Speaker:** Thank you, hon. member.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Madam Speaker. I would move that we adjourn debate.

[The voice vote indicated that the motion to adjourn debate carried]

[Several members rose calling for a division. The division bell was rung at 8:12 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[Mrs. Jablonski in the chair]

For the motion:

Amery	Goudreau	Luan
Bhullar	Hancock	Lukaszuk
Brown	Horne	Olesen
Casey	Horner	Olson
Dallas	Hughes	Quadri
DeLong	Jeneroux	Rodney
Denis	Johnson, L.	VanderBurg
Dorward	Kennedy-Glans	Weadick
Drysdale	Khan	Webber
Fawcett	Klimchuk	Woo-Paw
Fenske	Lemke	Xiao
Fraser	Leskiw	

Against the motion:

Anderson	Eggen	Rowe
Anglin	Hehr	Sherman
Barnes	Mason	Swann
Bilous	Notley	Towle
Totals:	For – 35	Against – 12

[Motion to adjourn debate carried]

**Mr. Hancock:** Madam Speaker, it appears we might have a number of bells tonight, and I wonder if we might ask for unanimous consent of the House to reduce the bells to one minute.

[Unanimous consent denied]

### **Bill 42 Securities Amendment Act, 2013**

**The Acting Speaker:** The hon. President of Treasury Board and Minister of Finance.

**Mr. Horner:** Thank you, Madam Speaker. I'm pleased to rise today to move second reading of Bill 42, Securities Amendment Act, 2013.

Bill 42 focuses on over-the-counter derivatives and the harmonization of derivatives regulation in Canada. These are complicated financial instruments, Madam Speaker, and as I mentioned at first reading, the lack of transparency around the over-the-counter derivatives was widely seen as a contributing factor in the 2008 financial crisis. Following that crisis, the International Organization of Securities Commissions introduced several new principles relating to the reduction of systemic risk, and the G20 made commitments to improve the regulation of over-the-counter derivatives markets. Canada along with the rest of the G20 countries committed to strengthening the regulation of this type of investment. Bill 42 supports these international commitments made by Canada.

I'll get into some more detail about the bill in a minute, Madam Speaker, but first I think it will be instructive to say a few words about the nature of this type of investment. Derivatives generally take the form of bilateral contracts under which the parties agree to payments between them based on the value of the underlying asset or other data at a particular point in time. The main use of derivatives is to minimize risk for one party while offering the potential for a higher return at an increased risk to another. The main types of derivatives are futures, forwards, options, and swaps. An over-the-counter derivative, which is the subject of Bill 42, is a derivative that is not listed or traded on any exchange.

What does the bill propose to do? Bill 42 creates a statutory framework for the regulation and oversight of over-the-counter derivatives, providing the Alberta Securities Commission with the authority to make rules dealing with derivatives. Under the framework proposed in Bill 42, over-the-counter derivatives would be traded through a derivatives exchange or an electronic trading platform. Trades would be settled through central counter parties, and all derivatives transactions would have to be reported to a trade repository. There would also be solvency requirements. Together these measures all serve to increase transparency in the derivatives market, helping to protect investors and reducing systemic risk.

The framework proposed in Bill 42 includes providing for the creation of a definition of a derivative and classes of derivatives; enhancing or creating new definitions of important terms such as "recognized trade repository," "security," "trade," and "clearing agency"; recognizing trade repositories and adding references to them in the Securities Act were needed; expanding or clarifying powers of the Alberta Securities Commission relating to the regulation and oversight of derivatives; replacing references to exchange contracts and future contracts with derivatives; repealing part 8 of the Securities Act, trading and exchange contracts, with requirements being moved into the rules; as well, adding a new section, 105.1, to provide that derivatives transactions are not void

for noncompliance with Alberta securities laws. This will harmonize Alberta with other jurisdictions like B.C. and Ontario.

Amending section 147 to provide for a security of a reporting issuer to include a related derivative for purposes of insider trading obligations: again, this amendment harmonizes with similar B.C. and Ontario provisions.

Madam Speaker, the proposed amendments in Bill 42 will contribute to the harmonization of derivatives regulation across Canada. Provincial and territorial regulators are being encouraged to agree on a harmonized approach to regulating derivatives capable of being adopted across Canada, and this bill is certainly an important step in that direction.

We've learned a lot from the 2008 financial crisis, and contributing to the reform of securities regulation is a priority for all jurisdictions, including Alberta. Bill 42 will support the ongoing collaborative work by provincial and territorial governments to further modernize, harmonize, and streamline Alberta's securities laws. The changes proposed in Bill 42 will support Canada's international commitments, helping to reduce risk and contribute to public confidence in the financial system.

Madam Speaker, for the last three years the World Bank has ranked Canada as one of the top five countries for protecting investors, ahead of the United States and the United Kingdom. We want to build on that success, and that's why the government of Alberta and the Alberta Securities Commission are committed to continuous improvement of our securities regulatory system. The commission along with provincial securities regulators in B.C., Ontario, and Quebec have been active contributors to the development of regulatory reforms for over-the-counter derivatives markets at the local, national, and international levels.

I encourage all members of the Assembly to support this bill. Thank you, Madam Speaker.

With that, I now move to adjourn debate on Bill 42.

[Motion to adjourn debate carried]

### **8:30 Government Motions** (continued)

**The Acting Speaker:** The hon. Government House Leader.

#### **Time Allocation on Bill 46**

52. Mr. Hancock moved:

Be it resolved that when further consideration of Bill 46, Public Service Salary Restraint Act, is resumed, not more than two hours shall be allotted to any further consideration of the bill in second reading, at which time every question necessary for the disposal of the bill at this stage shall be put forthwith.

**Mr. Anderson:** Well, here we go again, Madam Speaker. This motion, of course, again limits debate, this time on Bill 46. We talked earlier about the limiting of debate on Bill 45. We have had so far in this Legislature other than the mover of Bill 46 one speaker, myself, that has been able to address the Assembly on this issue. Apparently, the government thinks that that's just too much, too exhausting: "One person speaking out against a bill: we can't have that. Let's limit debate to two hours." If you do the math, if all the government speakers speak and use all of their time, that takes up more than half of that time, so at least an hour, and that leaves for the opposition a maximum of three people maybe, maybe four.

**An Hon. Member:** But we have four.

**Mr. Anderson:** Yeah. But a minimum, three people, can speak, and then it's over. So that's democracy, eh? In what country? Honestly. So we're going to allow three opposition voices, maybe four opposition voices to speak on this bill in second reading, and then we're going to shut 'er down. Honestly, it's painful. It's shameful. It's a hundred different adjectives. It's not right, Madam Speaker.

We can't keep running this House in this way. It's undemocratic, and it's wrong. It's disrespectful of the process. When we have people from all over the province – I just met a lady outside from Airdrie who made the trip, in this ridiculous weather that we're having right now, all the way here to be in the gallery tonight and to listen to debate on this bill. What are we going to give her? We're going to give her and hundreds of other colleagues like her, not to mention all of the folks watching this at home, who are very engaged and very interested, mostly our front-line public-sector staff and workers as well as their families and their friends and so forth, that are very engaged in this because they don't feel they've been consulted – they feel they've been wronged. They feel they've had their rights undermined by this government, and we're giving them an entire two hours of debate on this bill. I don't understand how this government thinks that's fair.

So we can make some arguments, but we're going to be essentially disenfranchising all but six, seven, eight, maybe, members of this House. There are 87 elected members. We might get seven or eight speakers, maybe nine. How is that democratic? It's not democratic.

It's also undemocratic in my view – and I understand it's in the standing orders – that I'm the only one that gets to stand on this motion, frankly. I want to hear from the Liberal leader. I want to hear from the ND leader. I want to hear from the government side about why they think that it is appropriate to limit debate on this bill to two hours. Why are we disenfranchising them? They have constituents. They have people that they represent. We have 17 Wildrose MLAs. We have people to represent. Yet I'm going to be the only one that gets to speak against this undemocratic motion that is being brought forward by the Government House Leader and his government. That's wrong, Madam Speaker.

We have got to get the rules of this House reformed to better respect democracy, to better respect the people of Alberta, because we're doing a huge disservice to them, and we're becoming, frankly, a laughing stock when it comes to democratic government all over the world. It's very, very shameful what's going on here tonight.

**The Acting Speaker:** Thank you, hon. member.

[The voice vote indicated that Government Motion 52 carried]

[Several members rose calling for a division. The division bell was rung at 8:35 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[Mrs. Jablonski in the chair]

For the motion:

Amery	Hancock	Lukaszuk
Bhullar	Horne	Olesen
Brown	Horner	Olson
Casey	Hughes	Quadri
Dallas	Jeneroux	Rodney
DeLong	Johnson, L.	VanderBurg
Denis	Kennedy-Glans	Weadick

Drysdale	Khan	Webber
Fawcett	Klimchuk	Woo-Paw
Fenske	Lemke	Xiao
Fraser	Leskiw	Young
Goudreau	Luan	

Against the motion:

Anderson	Eggen	Rowe
Anglin	Hehr	Sherman
Barnes	Mason	Swann
Bilous	Notley	Towle

Totals: For – 35 Against – 12

[Government Motion 52 carried]

**The Acting Speaker:** The hon. Member for Edmonton-Highlands-Norwood.

### Privilege Opportunity for Debate

**Mr. Mason:** Thank you, Madam Speaker. I wish to raise a question of privilege. Under Standing Order 15 it says:

(1) A breach of the rights of the Assembly or of the parliamentary rights of any Member constitutes a question of privilege,

and

(5) A Member may always raise a question of privilege in the Assembly immediately after the words are uttered or the events occur that give rise to the question, in which case the written notice required under suborder (2) is not required.

I would like to cite *Beauchesne*, section 25, on page 12:

In my view, parliamentary privilege does not go much beyond the rights of free speech in the House of Commons and the right of a Member to discharge his duties in the House as a Member of the House of Commons.

Therefore, Madam Speaker, the rights of members in this House to discharge their duties as members of this House are protected by the authorities and by the rules of this House, and a violation of that by the government through the passage of their time allocation motion constitutes, in my view, a question of privilege since, by shortening the time available to speak at each stage of two very important bills, they have effectively prevented many members of this House from being able to speak to the bills. These are fundamentally the responsibilities of members, to be able to speak to bills, to debate bills, and by the allocation of only two hours at each stage of the debate, it makes it impossible for each member who wished to speak to these bills to do so, therefore completely disenfranchising those members of this Assembly. Moreover, as the hon. House leader for the Wildrose has pointed out, the government tends not to speak much to bills in open debate. But during periods where time allocation has been applied and there's a limit, in this case two hours, the government speaks often to the bills, thereby shortening the amount of time available for opposition speakers even further.

So it's a misnomer to believe that we are actually getting two hours of debate on these bills on the opposition side. It actually in practice turns out to be closer to one hour. Each member is entitled to speak for 15 minutes; therefore, four members could speak at each stage only, and if the government decided not to debate the bills, then eight. Nevertheless, Madam Speaker, there are far more members of the opposition than that. I will go further and suggest to you that it is also a right of the members to be able to introduce amendments to bills, and this will clearly be impos-

sible given the two-hour time allocation that has been applied now to both Bill 45 and to Bill 46.

8:50

So, Madam Speaker, I would ask that you find that there is a prima facie case of privilege in the government's use or misuse, I should say, of the time allocation under the standing orders. If you were to do so, then I would further make the argument that the government must apply time allocation in such a way as to permit each member of the House to speak to each bill before time allocation is applied.

I put that before you, Madam Speaker. It's a very serious matter. What the government has done by passing this motion and the other one relative to Bill 45 is to simply silence a large percentage of this House, including many members on the opposition side who wish to speak and be on the record with respect to this bill. It is unacceptable by all parliamentary norms and absolutely prevents us from doing our job, which is the key principle when speakers rule on a question of privilege. Does the action of another member or the government or some outside body interfere with the member's ability to do their job as elected members of the House? It is clear that these motions as applied by the government do exactly that.

Thank you.

**The Acting Speaker:** Thank you, hon. member.

On this question of privilege I will hear from one member from each caucus, and then I'll rule.

The hon. Member for Airdrie.

**Mr. Anderson:** Thank you, Madam Speaker. The hon. leader of the ND caucus is absolutely correct in his assessment of a point of privilege here. There is a point of privilege. There is no doubt that this government, by bringing in time allocation – remember that the motion for time allocation was brought in even before debate started on these bills. Even before it started. What they're doing by doing this is disenfranchising all but a few people in this Assembly.

Now, time allocation is permitted under the standing orders, and I'm not going to sit here and say that it should never be used. If there's been debate going on for weeks – days, days, days, weeks, weeks, hundreds of hours or dozens of hours, whatever – then there is a point where everyone who has had their say has had their say and maybe, you know, the government does have to move on to other business and so forth. There is a role for time allocation. Everybody in here knows that.

But it's being abused, grossly abused, by this government. You cannot use a rule to interfere with the rights of members. We talk about privilege a lot in this House. There have been several points of privilege, and a lot of times the Speaker will say: "You know what? This was a very unfortunate incident, but it didn't interfere enough with the members' ability to do their job." This does exactly that. It couldn't be more on point, Madam Speaker. The government's motion as passed does not allow members of this Assembly to have their say, to propose amendments, to just even speak for a few minutes on the bill. How is that not a point of privilege?

It is a breach of privilege, and the remedy is easy. It's not an apology from the government. That's not necessary. It's not anything like that. The remedy is very simple. Give the members who want to speak in this Assembly – if they need to forward their name to you or whatever, let everyone in this Assembly who wants to speak to this bill for their 10 to 15 minutes have their say. Once it goes through, if the government still wants to bring in time

allocation, fine, but then at least every member at every stage of the reading has had a chance to speak. By not allowing that, it is absolutely a prima facie point of privilege, and I hope that you will rule and protect the rights of the democratically elected individuals in this Chamber.

Thank you, Madam Speaker.

**The Acting Speaker:** Thank you.

The hon. Member for Calgary-*Buffalo*.

**Mr. Hehr:** Well, thank you, Madam Speaker. I, too, am speaking in favour of the point of privilege motion brought forward by the hon. leader of the New Democrats. This is a clear case of members of the opposition and their rights to speak on a bill being trampled on in an unwise and deliberate fashion by a government who is intent on keeping us quiet, from doing our job as elected public servants to speak on bills that are important not only to our constituents but to the future of this great province.

I, too, can see that if this government had placed this bill on the Order Paper at the beginning of session and we had been discussing it all the way along and we had had opportunities to speak to it, all members of the opposition and all members of the government side who wish to discuss this in an open and honest fashion, if that had been the case and we were still here, Madam Speaker, I, too, would understand the need for the standing orders.

But by bringing this bill in at the dying days of a session – and we all know why. Simply put, the government didn't want to speak about this as it really is, the most significant bill that has been brought during this legislative session. It really has been.

There are real, clear indications that this is a violation of our principles of fundamental justice and fairness, fundamental protections of our Charter of Rights and Freedoms, fundamental divergence from the laws of the way we've understood negotiating labour rights, and the ability to collectively bargain in this province will be dramatically changed at this stage. If that's not a bill that all members of this House, especially opposition members of this House, should get the opportunity to weigh in and speak on on behalf of their constituents, I do not know what is. This is seriously an affront to members to do our duty on behalf of our constituents, to speak our minds, and, in my view, is a clear violation of our privilege.

I, too, will commend the member for bringing this motion. I realize that this is a difficult position for you to be put in, but if you analyze the facts of this case, the way the government brought in this bill at the dying days of a session, the way the government immediately moved closure of debate prior to us getting an opportunity to even see the bill, this can be seen for what it is, as a way to trample on our obligation to speak up on bills that are of importance to our constituents. In my view, I think you would be in every right to find a point of privilege on the government and find a way to allow us to do our jobs as members of this Assembly.

Thank you, Madam Speaker.

**The Acting Speaker:** Thank you, hon. member.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Madam Speaker. There's clearly no point of privilege at all. Standing Order 21 provides that:

A member of the Executive Council may, on at least one day's notice . . .

which was done

. . . propose a motion for the purpose of allotting a specified number of hours for consideration and disposal of proceedings on a Government motion or a Government Bill and the motion

shall not be subject to debate or amendment except as provided in suborder (3).

The standing orders clearly provide for that.

The custom of the House is that a time allocation motion is not moved until there has been some debate in the House on the bill. In fact, with respect to Bill 45, there were two opposition speakers last Thursday, and on Bill 46 tonight the opposition critic had the opportunity to debate, and then time allocation was brought in.

Time allocation allows for – and there are two hours at this stage, and the discussion at other stages of the bill is totally irrelevant at this point because, of course, time allocation has not been moved on those other stages and may not be moved on those other stages, depending on what happens.

**Mr. Mason:** What are the odds?

9:00

**Mr. Hancock:** Well, the odds are that if he reads his Order Paper, there are probably six time allocation motions that are lying dormant on the Order Paper of bills that have all been passed, and those motions haven't been moved because they weren't necessary.

In the customs of the House not every member speaks to every bill. In fact, in the customs of the House every caucus organizes itself so they have caucus critics who are usually the chief spokesmen on a bill. Other members speak to bills. Often we find, as we proceed through the process of a discussion, that very rarely on a bill will every member of the opposition, much less every member of the House, speak. The time that's allocated has to be reasonable, and two hours at second reading is a reasonable amount of time. That was of course the motion. That's the motion that the House passed in accordance with the standing orders. A motion passed by this House in accordance with the standing orders can hardly be a breach of privilege of a member.

**The Acting Speaker:** Thank you, hon. members.

A point of privilege has been called by the hon. Member for Edmonton-Highlands-Norwood. This is a very serious matter. As the Member for Calgary-Buffalo said, this is a very significant bill as well. The Government House Leader has pointed out that there is no point of privilege because of Standing Order 21 and all the rules have been followed, but because this is something that's extremely serious, I will require some time to review the discussion, and I will defer my decision at this time.

So we shall proceed.

**The Clerk:** Under Orders of the Day, Bill 45 . . .

**Mr. Mason:** A point of order, Madam Speaker. On a point of order, Madam Speaker. Would the Clerk sit down, please.

**The Acting Speaker:** Hon. member, I expect you to show respect for the table officer.

**Mr. Mason:** On a point of order, Madam Speaker, the table officer should sit down and not yell over me.

**The Acting Speaker:** Hon. member, I will recognize your point of order, but I expect you to show respect for our table officers.

**Mr. Mason:** I apologize to the hon. Clerk, but he was in fact trying to shout me down.

**The Acting Speaker:** Hon. member, on your point of order.

**Mr. Mason:** Madam Speaker, having made that ruling and deferring your decision, then I would make the point that, in fact, the use of this closure on these motions needs to be delayed until your ruling is in. In other words, I'm saying that given you have deferred your decision on that, we should not proceed with the debate under time allocation on these two bills.

**The Acting Speaker:** The hon. Member for Airdrie.

**Mr. Anderson:** Madam Speaker, again my colleague from Edmonton-Highlands-Norwood, the New Democratic caucus leader, is correct. The problem with moving forward with debate on this bill now that these motions have been passed is that by the time – and, absolutely, I think it's the right decision to defer your decision until the proper research can be done and so forth; no question that's the right decision.

But if we go through with the debate tonight on these bills and we finish up, then, of course, any decision that you make will be moot. It will have no application because, essentially, what you're saying is that – what we're debating is whether what's happened in second reading here, with the government using these motions to bring time allocation, by doing that, they breach privilege. Well, of course, that issue becomes completely moot if we move forward and debate those bills and pass them or don't pass them in second reading. By the time you've had a chance to do the appropriate research and so forth and bring in a ruling, whether that's tomorrow or the next day, the decision doesn't matter. It doesn't apply to these bills anymore, so it is moot.

I mean, the research staff are phenomenal. It usually just takes a morning to research these things and help, you know, the Speaker's office to have a decision. I don't think it's ever gone more than a day or two at the most, just a day usually. I would suggest that debate on these bills should be adjourned until tomorrow, until we can hear from the chair on your decision. I think that's consistent, frankly, just with good old-fashioned common sense, but it also doesn't make sense to purposefully make moot a decision of the Speaker that has not yet been given.

So I hope you'll find this point of order.

**The Acting Speaker:** Thank you.

The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Madam Speaker. I believe you have spoken very wisely and thoughtfully here in understanding the importance of this bill and what it means to the future of labour rights in this province and how it affects what could be a point of privilege to members of this House given the way it was brought in. I, too, will echo the comments of speakers before. Without you taking time to deliberate on this, to check into what has transpired, and to look at it in a whole host of different fashions and facets that have arisen out of this, if we move forward on this, as members have said, the decision will have been made already. We will go on debating this bill, we will not understand whether a point of privilege has in fact occurred, and the decision will be made after the fact.

So I would implore you to find a way – and perhaps maybe even the Government House Leader, recognizing the significance of this and the significance of the Speaker's ruling, may wish to get up and simply adjourn the House until such time as you've had an opportunity to rule, given that you have stated that this is clearly an important bill that has important implications on the future of labour rights in this province. I would encourage you to adjourn the debate until you can render a decision. I'd actually encourage the hon. House leader to do the right thing and adjourn

tonight to be able to allow you to do your work with fullness and with the ability of research staff to look into this issue.

Thank you, Madam Speaker.

**The Acting Speaker:** Thank you, hon. member.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Madam Speaker. Well, of course, there is no point of order. There was not even any citation given because, of course, there's nothing to cite with respect to this particular purported point of order that the hon. member is raising. No citation was given. There is no provision for the Speaker to unilaterally adjourn debate. That belongs to the House.

The motion has been passed in accordance with the standing orders. The question of privilege has been raised, but even on that, Madam Speaker, the argument has been made that that's been raised on a timely basis. But, in fact, the question of the point of privilege would really be as to whether Standing Order 21 is effective, and, of course, it's been used many times in this House over the last 16 years or so. If there was a point of privilege with respect to whether time allocation was appropriate, it ought to have been raised the first time it was used, not the last time it was used.

The fact of the matter, Madam Speaker, is that there will be three stages to this bill, as there are for every bill, and Committee of the Whole. The first stage was on Wednesday last. Bill 45 was introduced on Thursday. Bill 46 has been introduced tonight. Time allocation motions have been passed by the House to allow debate to proceed tonight. There will be another day for debate in Committee of the Whole and another day for debate in third reading. Members will have the opportunity to deal with it, and if your ruling should come back to suggest that there's some problem with the utilization of time allocation motions, that certainly can be implemented in time on Committee of the Whole and third reading, and no members' privileges will have been abused.

**The Acting Speaker:** Thank you.

This is a very serious matter referring back to the point of privilege. I had hoped to take some time to review and research, as we normally do in cases that are as serious as this. However, after listening to the debate from all parties here in the House, it is obvious to me that the rules of the standing orders were followed, and our standing orders are agreed to by everyone in this House. Our standing orders are what we run the orders of this House through, so I would say that far be it from a Speaker to overrule the standing orders that rule this House.

In that case, I would say that there is no point of privilege, and we will proceed.

## Government Bills and Orders

### Second Reading

*(continued)*

#### Bill 45

#### Public Sector Services Continuation Act

[Adjourned debate November 28: Mr. Saskiw]

**The Acting Speaker:** The hon. Member for Calgary-Mackay-Nose Hill on second reading of Bill 45.

**Dr. Brown:** Well, thank you very much, Madam Speaker. It's my pleasure to rise on Bill 45. I would like to start off by talking about a few of the aspects of the bill that I believe don't go far

enough, in fact. Individual sanctions for those who go on illegal strikes, particularly those who defy a court order, are a very serious matter.

**9:10**

Madam Speaker, the rule of law and the respect for the rule of law is what distinguishes a highly developed society like Canada from other nations which don't have the benefit of a strong legal system. The rule of law is what gives us our fair elections, our democratically elected governments. It's what gives us a working economic system with capital markets, contracts which are enforceable. It's what makes us feel safe on the streets and in our homes. It's what gives us security of the person and of our property. And it's what enables us to live in freedom and to be free from fear. In short, the rule of law is what is necessary to our civilization.

[The Speaker in the chair]

Mr. Speaker, regrettably, the veneer of civilization is sometimes thin, and sometimes the rule of law and the respect for law breaks down. Sometimes the tyranny of the mob prevails. It overshadows the capacity of the police force to contain it. An example of the breakdown of the rule of law were those riots that we had in Vancouver during the 1994 and 2011 Stanley Cups. In the 2011 riot there were 140 injured, including nine police. One person was injured critically, and four people were stabbed. Windows were smashed, and stores were looted. The mob overwhelmed the police force's capacity to control the situation without doing serious harm to the public.

Now, what happens when the very public servants who are sworn to uphold the law and protect the law provoke the unrest and the civil disobedience? Mr. Speaker, we saw an example of that when the correctional officers at the Edmonton Remand Centre walked off the job. They did so illegally. What's more, they continued to break the law even after they were ordered back to work by a judge of the superior court. They finally returned to their positions when the sanctions of fines seemed insurmountable. In my view, that illegal action, when it was in defiance of a court order, moved into a different realm. It made it much more serious. I believe that even more than financial sanctions, there ought to be sanctions beyond that; that is, the denial of the right to serve in the public service for a period of time when you defy a court order.

Mr. Speaker, illegal strikes put Albertans at risk. This bill will hold unions and individuals who break the law accountable for their actions. It's also going to ensure that taxpayers are protected from the costs of illegal strikes. I would point out that in the case of the walkout at the Edmonton Remand Centre, it cost the public in excess of \$13 million. It was a rampage . . . [Disturbance in the gallery]

**The Sergeant-at-Arms:** Order! Order in the gallery! You're not part of these proceedings.

**The Speaker:** Hon. members, we have guests in the gallery who are not as familiar with the rules, the protocols, and other procedures that occur in this House and that occur in every other House of the Commonwealth of Nations. Among those rules are that guests are welcome to be in the galleries, but they are not part of our proceedings. Should any further disruptions persist, then, of course, the Sergeant-at-Arms has the duty and the obligation to request certain guests to leave. I believe that is what just happened.

So let us just be reminded that there are rules that govern how this Assembly runs. They are no different than the rules that govern all of the other 50-plus Commonwealth countries, and they should be abided to by all members as well as by people in our gallery, who are welcome to stay as our guests provided that everyone observes the rules that I've just enunciated.

That having been said, hon. Member for Calgary-Mackay-Nose Hill, I'd invite you to continue, please.

**Dr. Brown:** Thank you, Mr. Speaker. One senior labour leader, quoted in the *Edmonton Journal* of November 29, called the bill "unfair, uncalled for and entirely out of proportion." Well, what was unfair, uncalled for, and entirely out of proportion was for the public servants/corrections officers at the Edmonton Remand Centre to irresponsibly walk out and let the inmates of the facility go on a riot and a rampage and to destroy the equipment and the furniture that cost the taxpayers hundreds of thousands of dollars. That was irresponsible.

The strike by the corrections officers meant over 850 RCMP officers had to be pulled from communities to ensure that our prisons remained secure, costing millions of dollars, as I said, in excess of \$13 million in total. It was taxpayers that were footing the bill for this illegal strike. It crosses the line when public safety is jeopardized and when the taxpayers of Alberta have to foot the bill to the tune of millions of dollars for breaking the laws of the land.

When I first heard about the wildcat strike by correctional officers, the first thing I asked was: "What's it all about? What do they want to go on strike for?" To this day, Mr. Speaker, I've yet to hear any clear justification as to why they walked out on strike. The safety audits were completed. Mechanisms were in place to deal with . . . [Disturbance in the gallery]

**The Sergeant-at-Arms:** Order! Order! Remove that man.

**The Speaker:** Hon. members, let us be reminded that this is the House of free speech. We may not like what we hear. [interjections]

Those of you who are guests in the gallery are welcome to stay, but if I hear one more disruption, I will ask the Sergeant to empty the galleries, and you will be escorted out. Let me make that abundantly clear. We are not here to make a mockery of this institution, and I don't think you are as well. So let us please understand that clearly, or we will recess, and we will empty the galleries. The choice is yours, dear guests.

Now, we have a member on the floor who has been recognized and is speaking. Hon. member, would you kindly continue, with the full respect of everyone who is here.

**Dr. Brown:** Thank you very much, Mr. Speaker. As I was saying, the safety audits were complete and the mechanisms were in place to deal with any safety concerns. I know the Minister of Justice and Solicitor General takes the safety of his staff very seriously, and he ensured that the opening of the new remand centre had state-of-the-art security and safety.

A correctional worker with 24 years of experience told the *Edmonton Sun* back in March that she has "worked in a variety of prison situations" and said that she "prefers the direct supervision approach." She said, "I truly feel a lot safer" and added that she feels like she is contributing more to the rehabilitation of inmates.

I go back to the rationale of the wildcat strike. I continue to be mystified as to why the union would jeopardize the safety of workers and inmates for an unknown cause and cause millions of dollars in damage to the public.

But of even more concern, Mr. Speaker, is what occurred in the prisons when this wildcat strike was going on. When we think of

prisons, we often think just of prisoners and jail guards. In reality, there are a lot of different kinds of workers that are dedicated to providing safety and rehabilitation of inmates. I was very concerned to hear stories about health care workers, who work very hard at providing health services to inmates, who were intimidated and scared to cross the picket line, both for personal safety reasons and for later repercussions, bullying and intimidation that they feared they may face from their union. These staff were anxious and concerned with the health issues of inmates the night the centre was left unmanned as at times there was no one monitoring them and their health.

There were also concerns that the staff who gratefully filled in for the workers on strike were unaware of the centre's routines as they related to medication rounds. Mr. Speaker, that clearly crossed the line as it puts the health of inmates at a very significant risk.

9:20

Also at risk was the safety of those who held their post. I heard stories of how, when the RCMP were sent in to provide security at the remand centre, they were in disbelief upon their arrival that most union staff had abandoned their posts before they were relieved. This posed significant risk to not only the public but to other inmates and to those who remained at their posts. This could have led to very serious criminal charges should one of the inmates or correctional staff have suffered a serious injury. The situation would have been made worse by the wait for medical assistance to intervene.

Mr. Speaker, by updating the tools in this legislation to prevent illegal strikes, we hope that we can prevent situations like this being repeated, where, first of all, there was no clear reason for the illegal strike; secondly, where as a result of the strike both inmates and correctional workers were put at significant risk; and thirdly, where Alberta taxpayers are on the hook for millions of dollars in damages and in overtime and support staff wages.

Mr. Speaker, this bill ensures the stability of vital public-sector services that keep our communities healthy and safe. I ask all members to stand in support of this important piece of legislation.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, 29(2)(a) is available for the next five minutes. Does anyone wish to speak under this?

If not, we'll go on to the next hon. member. Are you under 29(2)(a), sir? Okay. Calgary-Mountain View under 29(2)(a).

**Dr. Swann:** I just wanted to ask the hon. member if there is any circumstance under which it's conceivable that an illegal strike would be justified in our democratic society. Is there any condition under which an illegal strike would be justified?

**The Speaker:** Hon. Member for Calgary-Mackay-Nose Hill, do you wish to respond?

**Dr. Brown:** No, I don't.

**The Speaker:** Are there any others?

**Mr. Anderson:** Well, I think there are a lot of folks that don't think we should have illegal strikes, but do you really think that our public-sector service here and their actions when they're on a picket line are somehow equivalent to the riots in Vancouver, with bricks going through buildings and mace? How on earth is that the same? That's not what our public-sector workers do.

**Dr. Brown:** Well, I would answer the hon. member by saying that, in my view, it's even worse. In the case of a bunch of civilians

going on a mayhem after a hockey game and smashing windows and looting and rioting and causing injuries – it's a little bit different where you are a public servant. You're there to serve the public of Alberta. You have an obligation to uphold the law. You have an obligation to abide by the terms of your contract. Even more importantly and ultimately, you have an obligation, when a judge of a superior court orders you to go back to work, to get into your place to protect the public safety. To me, that's a quantum leap above a civil riot in Vancouver. It's not equivalent; it's a heck of a lot worse, in my view.

**Dr. Sherman:** Mr. Speaker, I'd like to address the hon. member's comments. I was there at the wildcat strike. I talked to the workers, and I talked to the health care workers that looked after many of those folks that are in the prison in remand. The policies and procedures were not in place. The staff were considerate of the safety of the inmates as well as of the workers' safety. That was the basis upon which the wildcat strike happened.

To the misinformed member, to the hon. Member for Calgary-Mackay-Nose Hill: you know, I've always been told it takes two hands to clap. The question: do you believe that workers have a right, when they feel that their lives, their safety is in danger, that the safety of the people they are hired to protect is in danger, a moral and legal duty and obligation to stand up when their employer refuses to listen to them, to stand up and make their voice heard? That is exactly what happened, hon. member. I ask you to stand up and answer that question.

**Dr. Brown:** My response to that is that there are proper legal channels to go through. When you've got a complaint, when you've got an issue, you raise it through the proper channels. What you do not do is that you don't leave your post, endanger public safety, endanger the inmates, cause mayhem and riots and damage to public property. There is a way to do it legally, and there is a way to do it illegally, and this was done illegally.

That's why I'm in support of this bill. I think the bill toughens up the sanctions, and rightfully so, when those illegal strikes are made, as I said, particularly when it's in defiance of a court order. Without the rule of law, we don't have civilization, and we don't have a civilized society.

**The Speaker:** The hon. Member for Rimbey-Rocky Mountain House-Sundre. We have about a minute left.

**Mr. Anglin:** Thank you, Mr. Speaker. I have a question for the hon. member. Is it the opinion of the hon. member that the 1995 laundry workers' strike, that lasted seven days, was a menace to society and was life threatening and somehow detracted and was worth, today, a million dollars a day plus \$250,000 in fines? Is that what you're saying, that these laundry workers would be such a threat to the safety and well-being of the public? Goodness, maybe dirty underwear is that much of a threat. I'm not sure.

**The Speaker:** Hon. member, do you wish to respond?

Anyone else under 29(2)(a)?

Let's go on to the next main speaker, the leader of the ND opposition.

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, I want to say first of all that I thought that the speech of the hon. Member for Calgary-Mackay-Nose Hill was provocative and offensive. I want to say to my friends in the gallery that I would very much appreciate having a bit of an audience here for as long as we can. I understand emotions are running high, but I hate speaking in the

middle of the night to an empty House, so I'd like you to stay, and I implore you to do what's necessary for that.

The case that the hon. member talked about: guards raised at a number of consultation meetings for months and months concerns with the design of the facility, and they were ignored. When they actually were in the facility, they found that there were, in fact, glass barriers that were not shatter-proof, that didn't protect them. They raised that, and they were disciplined for doing so. That gave rise to the type of mood within the facility.

Since that time, the concerns have been buried, swept under the rug, and we've had since that time three suicides in that facility and just very recently a hostage-taking. When the government and its officials ignore the legitimate demands of working people, who actually know best what they're dealing with because they are there every day, then that's the kind of situation that they set up.

I also want to say with respect to that particular event that, in fact, the existing structure of fines was able to bring an end to that particular strike within a matter of just a very few days. I reject the hon. member's characterization of what went on during the course of that walkout as a riot and so on. It's just not so.

Mr. Speaker, I disagree with the government on many matters of policy. I've spent over a decade in this House as a member and as the leader of the New Democrat opposition. During that time I've taken every opportunity to present a better vision for Alberta's families, a vision based on fairness, social justice, and greater opportunities for all Albertans based on our shared prosperity. But even though I disagree with the government on many issues, even though I think that better choices should be made to help Alberta's families, even though I've spent my political life defending the public interest, minorities, and those who have no voice, in spite of all that, I still expect the government, regardless of which party is in power and regardless of our policy disagreements, to adhere to the rule of law. I think all members expect the same. I think Albertans deserve that.

Mr. Speaker, it is the first duty of a government to defend and protect the rights of its citizens. It is the duty of the government, no matter how it interprets its mandate, to ensure that the legislation it introduces for debate in this Assembly is in accordance with the fundamental freedoms enshrined in our Constitution. In short, it is a duty of the government to create laws that also uphold the existing laws of this province and country.

9:30

Mr. Speaker, I disagree profoundly with the government on Bill 45. It is in my view and in the view of the New Democrat opposition an unnecessary and heavy-handed piece of legislation that goes far too far. It is a bill that I will oppose in this Assembly and outside this Assembly, and I urge all Albertans to do the same.

Bill 45 makes it illegal for a public-sector worker to do anything that might be perceived as threatening to strike. Section 4 states that "no employee . . . shall cause or consent to a strike." "No employee . . . shall engage in . . . any conduct that" amounts to "a strike threat," which is a very vague concept that this government has just invented out of thin air. Under this bill no person, no Albertan, that is, shall counsel anyone to engage in any conduct that could be perceived as a strike threat. I say perceived, Mr. Speaker, because that's how strike threat is defined in Bill 45. They've invented a definition. A strike threat is, according to this minister's bill, "an act or threat to act that could reasonably be perceived as preparation for an employees' strike." It's entirely unreasonable for a government to ban any threats to act in any way that could be perceived as indicating or counselling support for an illegal strike.

What are the penalties, then, that are included in this Orwellian piece of legislation? A union that does anything or, again, threatens to do anything that could be perceived as a strike threat could be fined outrageous amounts. In the event of a strike a union like AUPE could be forced to pay over 2 and a half million dollars a day. They would be forced to pay \$1 million each day – each day – into a liability fund to cover the government's expenses. They would be fined an additional \$250,000 and \$50 for every member of the bargaining unit every day. It's simply over the top, Mr. Speaker. It's entirely unreasonable.

I've looked at the legislation in other provinces. The highest comparable fine on the books is in B.C., where the teachers' union could be fined up to \$1.3 million a day, but that legislation, Mr. Speaker, was never even proclaimed. In fact, it's being challenged in the B.C. Supreme Court on the grounds that it is unconstitutional. In fact, the highest fine a union could face would be in Saskatchewan, where a penalty is \$50,000 plus \$10,000 a day for each day that the strike takes place. In Nova Scotia a union can be fined \$300 a day. Clearly, other provinces don't share this PC government's view that public workers are a dangerous threat.

But here's the issue, Mr. Speaker. This bill isn't just about unions and gargantuan fines; it's actually a much bigger issue that threatens the rights of all Albertans. Under section 18 any Albertan, not just an employee or a union official, simply any Albertan who consents to a strike by public-sector workers, any Albertan who indicates their opposition to the suspension of dues or these outrageous fines, any Albertan who makes any statement in solidarity with the people who work for our province and deliver public services would be fined up to \$500 a day. That is unbelievable. It is out of line and cannot be accepted by this Assembly.

It's precisely these kinds of provisions that undermine the credibility and legitimacy of this minister and this government. The minister has stood in this House and said with a straight face that this bill is fair. He told us that he thinks it's an effective deterrent and that this legislation is needed to show that there are consequences for breaking the law. In fact, he stated last Thursday that this bill "shows government's belief in the importance of the rule of law." Far from it, Mr. Speaker. The bill does nothing of the sort. It is the furthest thing from fair, and under no circumstances can a government respect the rule of law by introducing legislation that undermines the very rights established by the rule of law. That kind of logic is no logic at all. But somehow this PC government thinks tomorrow is yesterday, black is white, and wrong is right.

Contrary to the minister's statements, this bill is an assault on two of the fundamental freedoms that Albertans hold dear. It's an attack on Albertans' freedom of speech and freedom of association as enshrined in sections 2(b) and 2(d) of the Canadian Charter of Rights and Freedoms. Because it contradicts these Charter guarantees, if it is approved, then this bill will be challenged very quickly in the courts. I am very confident that it will be overturned because it is a clear violation of Charter rights, fundamental law in Canada. Should the government be spending millions of dollars to wage a legal battle they cannot win? That would be imprudent, Mr. Speaker. It would be much more reasonable and sensible from a legal perspective, from a political perspective, from a fiscal perspective, and just from a humane perspective for the members of this Assembly to do their job and defeat this bill before it ever becomes law.

Let me be clear, Mr. Speaker. This bill is not simply an attack on organized labour. It is not simply an infringement on the rights of workers and their representatives. It is instead an attack on the rights enjoyed and expected by every Albertan. In fact, bills 45

and 46 are two variations on one theme. Neither are about unions or wages. They're about a government determined to intimidate 3 million working Albertans.

The government and some of its most senior members were deeply embarrassed when correctional employees went on strike to demand safe working conditions earlier this year. Some of the members of the cabinet felt that their authority was challenged, and certain ministers had their wings clipped. This bill is their act of retribution, Mr. Speaker. The cabinet ministers who were most embarrassed by the actions of public employees earlier this year have now abandoned the guiding principles of reason and natural justice and fairness. They have crafted a bill that is dripping with testosterone, Mr. Speaker. This bill is the product of their own insecurity.

Members should open up this bill. Flip to page 4 and page 6 and page 24, and you will find in these pages a government prepared to force its employees to work even when they're not safe. You will see a government that does not respect the fundamental rights of the people of this province. You will find a government that is out of control.

Mr. Speaker, Albertans have the right to freedom of speech. They have the right to freedom of association. They have the right to go to work in the morning and come home safely to their families at the end of the day. They also have the right to stand up for those rights and for their government to do the same. But this bill shows that this government cannot be trusted to defend those Albertans' rights and Albertans' safety. When unsafe working conditions result in a worker's death, the maximum penalty levied against the company is half a million dollars. The largest fine for workers' deaths and injuries in this province's history was 1 and a half million dollars against Sinopec earlier this year in the case of two workers who were killed, another five who were injured.

When unsafe environmental practices result in charges against a corporation, the fines are often in the mere thousands of dollars. The single largest fine was levied against Syncrude, which was charged \$3 million in the infamous case of ducks being killed in the tailings ponds. However, the median value of environmental fines in Alberta is just four and a half thousand dollars. Half of all fines for environmental crimes in this province are less than 4 and a half thousand dollars. But under this draconian bill a public-sector union that goes on strike or just threatens to go on strike will be charged millions of dollars per day. It's a greater crime in the eyes of this government for workers to stand up for their right to work in safety than is the death of a worker due to a company's negligent and unsafe working conditions. Mr. Speaker, that is just unacceptable.

I will ask today and I will ask tomorrow and I will ask of this government at every opportunity: why are you more concerned with penalizing workers who stand up for their rights than you are with punishing unsafe working conditions? You can answer that question now or you can answer it during the next election, but either way you will be held accountable for the decision to enact this unnecessary and unprecedented piece of legislation. Even though the government has invoked closure and will limit public debate of this bill, we will do what we can as New Democrats to slow this bill down and to defeat it. At every stage we will ask for recorded votes so that Albertans can see which members stand up for the rights of Albertans and which members silently allow this legislation to be approved.

Mr. Speaker, I am opposed to this bill. We are determined that this bill should be defeated and, if not, then overturned by the courts or by public opinion, and I am prepared to resist this bill in order to defend the rights of all Albertans to freedom of speech

and freedom of association. I will not be bound by the provisions of this bill if it is passed into law.

**The Speaker:** Thank you, hon. member.  
Standing Order 29(2)(a) is now available.

**Mr. Anderson:** First of all, I want to thank the Member for Edmonton-Highlands-Norwood for that passionate speech. Obviously, we have a few policy differences between our parties in a couple of areas, but his passion and what he believes in: he clearly wears that on his sleeve. We need more representatives and politicians like that in this Legislature.

**9:40**

My question is a simple one. My biggest concern with parts of Bill 45 is particularly the issue dealing with freedom of speech, freedom of conscience, freedom of assembly. I'm worried about how this will be applied, specifically, you know, if there was somebody that was a member of AUPE, for example, and they were to, say, phone into a talk show or something like that and express outrage. They weren't in the union leadership, but they were just saying: "This is ridiculous. We should strike." If they said something like that to a call-in show or something, under this law it seems to say that they could be fined, that they could be subject to a very grievous fine for that, that that would constitute a threat.

Is that how you see this reading? What limitations is this putting on the free speech of Albertans regardless of whether they're a member of the union or not?

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

**Mr. Mason:** Thank you very much, Mr. Speaker, and thank you to the hon. Member for Airdrie for that question.

Yes, I do think that the bill gives very broad powers and not well-defined criteria for charging anyone. It is very open ended and would depend almost entirely on the discretion of the government which individuals might be charged for which types of comments. But any comment that might indicate that the only way out for union members in this province given this legislation, their loss of collective bargaining rights, their loss of the right to strike many years ago, and now their loss of rights to binding arbitration, that their only recourse might be to resort to an illegal strike or civil disobedience could result in an individual member of this community, whether or not they're a member of that union, being charged and subject to a fine of up to \$500 a day.

The question is whether or not we can or we should trust this government to exercise its authority in a judicious way. Given the vindictive streak that the government has when anyone does dare to stand up to them as evidenced by these two bills, I simply don't believe that we can trust this government at all to exercise restraint in the application of this legislation. In fact, I shudder to think of the impact on people's rights to organize, their freedom of association, and their freedom of speech. I suspect that this bill will eventually be overturned in the Supreme Court, but that is a period of several years before we get through all the stages potentially to the Supreme Court of Canada. In the meantime you've given people who have shown themselves to be mean spirited, vindictive, and just plain nasty the authority to fine people for exercising their freedom of speech.

**The Speaker:** Thank you.

Calgary-Mountain View, followed by Rimbey-Rocky Mountain House-Sundre.

**Dr. Swann:** Thank you, Mr. Speaker. I too want to congratulate the hon. leader of the third party for his eloquent expression of what many Albertans are now learning.

My question is simple. Why do you think the Minister of Human Services, the Member for Edmonton-Whitemud, is in such a hurry to get through this bill? What could be the motive for trying to rush this important bill through?

**Mr. Mason:** Thank you, hon. member. Just a minor point of correction: we are not the third party; you are. We are the fourth party, unfortunately.

**Dr. Swann:** You used to be the third party.

**Mr. Mason:** We used to be the third party, and then look what happened over there.

Anyway, Mr. Speaker, it's far from me to fathom the mind of the hon. minister, someone I thought I knew. I can't understand for the life of me. If they do understand the legal and labour implications of this, they certainly don't understand the political implications.

**The Speaker:** Thank you, hon. member.

Standing Order 29(2)(a) time has expired.

We move on to the next main speaker to the bill, and that is the Deputy Premier.

**Mr. Lukaszuk:** Well, thank you, Mr. Speaker. Thank you for this opportunity to speak to this very important legislation. I hope that as the night carries on, we will be able to debate the subject matter of this bill and the content of this bill without provocative language and waging insults at each other because at the end of the day, as you know very well, every member in this House has been elected to this House to carry out their duties as best as they possibly can. I without a doubt am certain of the fact that all members in this House try to serve their constituents in the spirit in which they have been elected and that there is no need to be waging personal insults at each other.

But let's get to the point, Mr. Speaker. As you know, in this province there is legislation in place that is allowing for legal strikes. We have seen some of those in the history of this province, where a strike meets the legal obligations and requirements to be so defined. Strikes have taken place, and many of them have lasted for prolonged periods of time. There also is a process on how to resolve legal strikes. All parties, both from the labour side and the employer side, are familiar with the rules. Those rules are very well tested by both sides, by lockouts on the side of employers, strikes on the side of the unions, and there is a process to resolve that. I don't think there is any question that in this province there is ample opportunity when a situation arises and it's meritorious and it meets the legal requirements for a legal strike to occur.

Many of these decisions, Mr. Speaker, are actually made by the LRB, the Labour Relations Board. I think those who would be objective from both sides, be it labour or employers, would agree that overall the LRB over a number of years has done pretty exemplary work. They represent both sides. They have shown their ability to be very objective and make decisions that are based on jurisprudence and that are based on the law. That is why in this province we have actually enjoyed relative labour peace. We have little eruptions here and there, but we haven't had major disruptions where the private-sector labour unions are involved or in the public sector, and we all benefit as a result of that.

I have never had the opportunity, but I imagine, Mr. Speaker, that being on strike is not a pleasant experience. My wife,

actually, has been on one and tells me that it isn't a pleasant experience. But there are opportunities when it arises, and you simply participate in that action. I'm sure that for employers participating in lockouts isn't a good experience either, but, most importantly, particularly in the area of public service, those who rely on services being delivered by our civil servants, who dispense some of the most important programs for Albertans, usually draw the short end of the stick because they simply cannot obtain the services that they so deserve to receive.

Why are we here today, Mr. Speaker? Well, we're not dealing here with legal strikes, with strikes that meet the legal criteria, that are acknowledged by the LRB to be legal. What we're doing is that we're dealing with those strikes that have been found by the Labour Relations Board not to be legal. We are dealing here with strikes that have been found by courts, by the judiciary, to not have met the requirements. They are simply illegal walkouts.

What this legislation does, Mr. Speaker, is that it updates the fines that are outlined in the legislation that is now – and maybe many of those in the galleries wouldn't realize – over 20 years old. This legislation that we are now updating is over 20 years old. That reminds me of Austin Powers, when he was trying to hold the world ransom for \$1 million. Well, the same thing over here. Inflation has set in, and fines in dollar values . . . [interjection]

**The Speaker:** Hon. Member for Edmonton-Calder, we heard an impassioned speech from your leader asking people in the gallery, imploring them to please do whatever was necessary in order for them to remain. I wonder if your leader would mind mentioning a similar speech to you at this time so that we could not have any further interjections.

Let us yield the floor to the hon. Deputy Premier that he might continue.

9:50

**Mr. Lukaszuk:** Well, thank you. I didn't know that Austin Powers would get him that excited, but that's just fine.

Anyway, Mr. Speaker, these fines have not been updated for over 20 years right now. How do we know that they're not effective anymore? Well, I can tell you that we don't have to go very far back in our memory. One of the members in the House made a reference to the most recent illegal strike by correctional officers, and actually the leader of the union came out and said: these fines are nothing; I can pay them standing on my head.

Well, Mr. Speaker, as we know, legislation is in place and fines are in place not only to penalize someone for engaging in activities that are illegal but also to serve as a deterrent from those activities. That's why fines, all fines from speeding tickets to parking tickets, are updated every so often to be reflective of the value of the dollar and to make sure that they still serve as a deterrent.

Obviously, in the last case they did not serve as a deterrent, when the leader of the union looks at the courts, laughs at the courts, and says, Mr. Speaker, "I can stand on my head paying those fines" because that's how low they are. Indeed, even many sections of the union who don't have a legal ability to strike have racked up funds for strikes that by far exceed any fine that is currently on the books.

So it is not unusual for any fine – and, as you know, Mr. Speaker, we do update all kinds of legislation that has monetary penalties built into it, actually, more frequently than every 20 years. This is the first time that we have done this in 20 years.

Mr. Speaker, what are we talking about over here? We are talking about instances where the LRB and the courts have actually decided that this particular strike is illegal. We have seen

instances where process servers on behalf of the courts who were trying to serve orders upon leadership were simply disregarded and were not in a position to serve properly those who were directed to be served by the courts. We have seen situations where the judiciary was simply disregarded.

As another member in this House has indicated, we may disagree on issues, and that's fine. That's what democracy is all about. But at the end of the day, much like with you, Mr. Speaker, it doesn't matter how much you don't like the ruling. The fact is that you have to respect the judiciary. In this House you have to respect the Speaker. I often disagree with your rulings, Mr. Speaker, but I have to live by them. I'm in this House. One may disagree with the judge's rulings, but at the end of the day we have to live up to those particular rulings, and we saw that to not be the case. We see that when the judiciary is being ridiculed, when fines are being ridiculed, it is the onus of this House and of government to bring rules in place that no longer are subjected to ridicule and make sure that our judiciary is held up in the highest esteem because if it isn't, who is going to make the rulings, and who is going to make binding decisions both on us and on those who choose to engage in what is perceived to be illegal activities?

Mr. Speaker, what is also important – and I will not be referring only to the last example of illegal strikes – is that we also have a very fundamental responsibility of protecting the safety and the well-being of those who are being served by public servants. The last example has shown that not only co-workers, particularly in the medical field nurses, were left at peril and were actually concerned for their well-being, but definitely inmates in this case were left to their own devices. Even though maybe in society not many may feel sympathetic about inmates, the fact is that these are inmates of provincial institutions, and we have a fiduciary duty to make sure that they are safe in those institutions and serve out their sentences having access to water, toilets, and the list goes on and on. We know for a fact, Mr. Speaker, that in that case that wasn't the case.

But if we were to further generalize this – because this is not only relevant to that one particular instance, but this now updated act is going to serve us perhaps for another 20 years into the future – we know that we have many vulnerable Albertans that rely on government-provided services, and they are very well served by our public service. These individuals work with and for the government of Alberta and provide phenomenal service to Albertans out there, but those Albertans rely on that service. Many of them are vulnerable, and they simply could not sustain themselves if those services were not offered to them.

Well, Mr. Speaker, when you have an illegal strike, that's when the rule collapses. That's when we have vulnerable Albertans without the means of sustaining themselves, without being able to avail themselves with the benefits that they have, the supports that they need, and whatever the case may be. It is incumbent on us as government to make sure that we put any and all measures into place to minimize that occurrence.

You know, the Member for Edmonton-Highlands-Norwood: it is unfortunate to hear a lawmaker make a statement saying: even if this law passes, I will not respect this law. I don't think we have that option, Mr. Speaker. We don't have that option not to respect the laws that we make in this country. But it is unfortunate even for other reasons. We know as legislators in this building that there are hundreds of thousands of Albertans out there who rely on the benefits provided by this government, and even if we choose to fundamentally disagree with a certain law, we have the obligation not only to democracy in this House but to those Albertans who rely on those benefits to make sure that we put rules in place, that they can rest assured and go asleep knowing

that there is some order in place, that there are some laws in place, that there are some procedures in place that will protect them, that in the event that there was a labour dispute between the employer and employee, their well-being is taken care of and they will receive the benefits that they so badly depend on.

Mr. Speaker, perhaps less important, because money is never as important as the well-being and subsistence of our beneficiaries, is the cost. Being that we recently had an illegal strike, we saw how expensive that can be. Not only does it result – not always, but from time to time – in material damage, in actual damage to facilities, to structures and others but in costs the taxpayers of Alberta have to bear to provide supplemental workers to deliver services never just as well as the professionals who are our members of public service could deliver.

In this last case, yes, Mr. Speaker. Did we manage to secure the inmates? Yes, we did. Did we manage to keep the nurses safe? Yes, we did. But at what cost? Some \$13 million was spent to bring in the RCMP, who, nota bene, were not doing the work that they are supposed to be doing on the streets and in their communities, who are not trained to do this kind of work, and who, as a result, have left inmates and co-workers in not as secure an environment as it would have been if professionals were in place. But that cost was borne by Alberta taxpayers, and in this case it was \$13 million. We know that this was just a small local of a very large union. If other larger locals were to engage in an illegal strike, the costs would have been much more monumental, but not only the monetary costs. The real cost, the human costs, would have been much more monumental.

I know, Mr. Speaker, that tonight the rhetoric will be flying back and forth. I know there will be agitation, but the fact is that this is not about you against us. This is the fact that we have a process in place. We have a process that allows for legal strikes. There is the LRB, that makes those decisions. There will be comments that are not true. [interjection]

**The Speaker:** Why the interruption, Edmonton-Highlands-Norwood? Nobody interrupted you. I'm sure everybody didn't agree with what you were saying, and you may not agree with what the Deputy Premier is saying, but let's be respectful of each other. We're trying to set an example for others here at the same time.

Deputy Premier, please continue.

**Mr. Lukaszuk:** Thank you. Mr. Speaker, the act is very clear on what constitutes an illegal strike. Now, I know the Member for Edmonton-Centre yesterday or a few days ago said: if she walks with something that looks like a picket sign, will she get arrested? Well, no. If a worker says to a worker, "we should go on strike," will you be arrested? No, you won't because the act clearly says – and I would encourage everyone to open up the act – that the LRB has to decide whether, indeed, somebody was engaged in enticing an illegal strike. Was that person in the position of authority to be able to entice an illegal strike, and at the end of the day did it constitute an illegal strike?

There are many legal tests and thresholds that have to be met in order for a strike to be considered to be an illegal strike. Workers being upset or p'd off with their employer and saying, "We should walk, we should get out of here; they're not listening to us": that's not an illegal strike. That's not enticing an illegal strike. Having a couple of pickets and coming with pickets to work; that's not an illegal strike. The LRB makes those decisions like they did last time. That process, Mr. Speaker, has not changed. I know that for purposes of inflaming the audience those comments will be made.

10:00

But the act is very simple. What the act really does is that it updates the monetary fines that will be placed on the unions so that in the future, if a union chooses to engage in an illegal strike, they will know what the repercussions are, what the financial repercussions are, they will know what the peril to the public is, and, again, that they don't pay today's fines with 20-year-old dollars.

**The Speaker:** Hon. members, 29(2)(a) is available. I have Rimbey-Rocky Mountain House-Sundre first, followed by the leader of the New Democrat opposition, and then, perhaps, by Edmonton-Strathcona if time permits.

**Mr. Anglin:** Thank you, Mr. Speaker. The question for the hon. member is quite simply this. This bill is designed to prevent or to discourage illegal strikes. I understand that. To the hon. member: given the fact that this government just passed last week the Settlement of International Investment Disputes Act, which gave this government access to arbitration, why would we remove the one tool that would help us avoid an illegal strike by eliminating arbitration? Why wouldn't we use that tool to help us keep and maintain order when there was a dispute we could settle?

**Mr. Lukaszuk:** Well, Mr. Speaker, this member is talking about the wrong bill. We're not debating that bill right now, but that's fine. That's fine. It's not the end of the world.

**Mr. Anglin:** You don't see the parallels? You don't see the hypocrisy?

**The Speaker:** Hon. member, you've asked your question. Let the Deputy Premier respond.

**Mr. Lukaszuk:** Mr. Speaker, the fines have actually been updated. One would ask: "Why did government choose these particular numbers? Why are the fines so many dollars and not less or not more?" Well, it's because we actually have been given judicial guidance on what the fines should be. In the very recent strike of two months ago, the strike that was rendered to be illegal, it was a judge that made a decision on what fines the union will pay if they continue to engage in an illegal strike. Having the most recent judicial guidelines provided to us, we have now entrenched those particular fines as set out by the courts into legislation. So they're not numbers drawn from a hat. They're actually numbers that courts were imposing on the union for their most recent illegal strike, and they're not that extraordinary.

As I said earlier, it is an update. All monetary fines in all legislation that carries fines are updated from time to time. This, Mr. Speaker, is clearly a timely matter because we have seen very recently that unless we do that, we will have to resort to courts, who will fine these fines anyhow, because courts have already shown us how much they will fine. It also has shown us what happens if you don't update them. You have leaders telling you that they can pay them standing on their head.

**The Speaker:** The hon. leader of the ND opposition under 29(2)(a).

**Mr. Mason:** Thank you, Mr. Speaker. In the interests of maintaining harmony within the NDP caucus, I will defer to my colleague, the Member for Edmonton-Strathcona.

**The Speaker:** Hon. Member for Edmonton-Strathcona, please proceed.

**Ms Notley:** Thank you. Thank you to the Member for Edmonton-Highlands-Norwood. I will say that it's really hard to sit and listen to this and have no opportunity to get up and speak, being the critic for this area, being the labour critic, and not getting an opportunity to speak and not being sure that I will actually get an opportunity tonight, Mr. Speaker, so I'm very pleased that my colleague allowed me to at least get up and speak once.

To the minister. The minister was suggesting to us that we were being somewhat liberal, shall we say, with our interpretations of what might amount to a strike threat, so I'm just curious whether the minister has actually read the legislation. I know he's no longer the minister in charge of that, but he's theoretically the minister who's partially in charge of everything and really in charge of nothing at the same time. Nonetheless, you know, your act there, Bill 45, redefines strike in a way that it has never been defined in this province. I'm not sure if you're aware of that. It broadens the scope of what strike means in a way that has never been done legislatively in this province. It also puts into the act the concept of the strike threat, which has never been done in this province, nor has it been put statutorily in any other piece of legislation. So, according to the briefing – but either way, the strike issue has been broadened, and therefore a strike threat would also be broadened.

So how in heaven's name can you possibly tell anybody what the LRB will or won't say is or is not a strike threat given that you – maybe not you but the people who wrote this – have very clearly and very intentionally broadened the scope of activities which are prohibited and which would attract these outrageous fines and which will clearly bleed into people exercising their rights of freedom of expression, just generally speaking, you know, in their daily lives? How can you tell them not to worry about it when it's a brand-new piece of legislation and the LRB has never been asked to consider this piece of legislation?

**The Speaker:** Thank you, hon. member. The time for 29(2)(a) has expired.

We'll move on to our next main speaker, the hon. Member for Airdrie.

**Mr. Anderson:** Thank you, Mr. Speaker. This is taking a jackhammer to kill an ant right here. That's what this is. You know, it's just complete legislative overkill on every level. I have a lot of respect for my colleague the Member for Calgary-Nose Hill-Mackay. He's a good man. He's a parliamentarian. But I do disagree with his characterization of civil servants on a strike line, saying that that's in fact worse than people rioting in the streets, throwing bricks through buildings, looting, all that sort of monkey business that we saw in Vancouver after the Stanley Cup finals that one year or wherever around the world. That's just unfair, in my view, to the folks that serve our province every day and sacrifice every day in their jobs to keep us safe and healthy and in order. I just don't think that's appropriate.

I want to also state very clearly that there are already provincial laws in place, of course, prohibiting illegal strikes, as has been discussed, including an expedited court process to end them within a very short period of time, which is why the timing of this bill is so counterproductive for good government, for public sector workers, and for taxpayers. It unnecessarily creates an environment now of suspicion, of bad faith. It creates an environment where it's going to be very difficult for future governments to negotiate in good faith and to win back that trust. That's going to be difficult. Some might say that we would need a new government in order to do that.

**Mrs. Towle:** Some might say that.

**Mr. Anderson:** Some might say that.

**Mrs. Towle:** Most.

**Mr. Anderson:** Most might say that. That's right.

It really is not correct to say, as the Deputy Premier said, that this bill and Bill 46 can somehow be separated. Yeah, they are separate bills, no doubt about that, but clearly with the way they've been introduced together, they are twin brothers, twin sisters. They go together, and clearly the effect is to make sure that unions, our public-sector workers, have absolutely no recourse. They already couldn't go on strike. That was already dealt with, but now they can't even go to arbitration. So the two actually are together. They may as well have been one bill.

It is really poisoning the waters of labour relations in this province unnecessarily. Long term that is actually going to not help the taxpayer; that's going to hurt the taxpayer, in my view, long term. Like I say, when the waters are poisoned, that causes a lot of long-term problems. Hopefully, a new government in 2016 can help to start to undo that poisoning and get things going in a constructive manner again.

I actually agree that the bill that Peter Lougheed brought in 35 years ago – we talked about that in the discussion on Bill 46. When Peter Lougheed said: "Look. We can't have our essential services on strike because, frankly, the province falls apart when that happens, for the most part. They give us such critical services; it's just so important to have them working and not being on strike." So he said: "Okay. If we're going to do that," as we said earlier, "then we're going to give a quid pro quo and make sure that we give them another tool," which was arbitration. That was the tool that replaced the striking mechanism so that our public-sector workers can constructively and legally have recourse, essentially, from a decision of the government with regard to their wages and benefits and working conditions and so forth. That was the deal that was made.

**10:10**

That deal has essentially, I would say, laid the foundation for, generally speaking, stable labour peace in this province for 35 years. Again, it was passed just before I was born, Mr. Speaker, so I've never really known labour unrest in this province. There's been the odd strike, the odd wildcat strike here or there but very rarely. It really is rare and very short term. I do understand that because that was 35 years ago, perhaps the penalties should be updated. Let's say for a second that that is a legitimate argument, okay? They need to be updated.

When you update a bill like that, what do you do? You should first consult stakeholders. You should talk to, obviously, taxpayer groups – obviously, those are good folks to talk to – but not just those groups on one side of the issue but also our public-sector employees themselves. Why don't they get a say in this consultation? Why can't they explain to government or be given a chance to explain to government what their feelings are on it? Now, of course, that doesn't mean that government is always going to agree with those folks, but at least they should have their say. If you're going to update the rules and you're going to update the penalties for illegal strikes, okay, good. Thirty-five years is a long time. Perhaps they need updating. But then, as the member for Edmonton – your neighbour.

**An Hon. Member:** Calder.

**Mr. Anderson:** Calder. No. The other one. Anyway, the House leader.

**An Hon. Member:** Strathcona.

**Mr. Anderson:** Strathcona. That's right. Strathcona. I used to live in Strathcona.

The Member for Edmonton-Strathcona said that this doesn't just update the penalties as the Deputy Premier has said. That's not what this does. This goes way further than that. This essentially creates new terminology. It broadens the definition of what a strike is. It broadens it so broadly, in fact, that it now applies to even, quote, unquote, the threat of strike and not just to union leadership but to just regular Albertans and not just regular public-sector employees and not just your average man or woman making a living, working hard in the public sector, not just those folks but also even Albertans in general. You know, as you read through the bill, it says specifically that "No employee and no officer or representative of a trade union shall engage" – so no employee of a trade union – "in or continue to engage in any conduct that constitutes a strike threat." Okay. What's a strike threat?

**An Hon. Member:** You just made a strike threat.

**Mr. Anderson:** Who knows? Maybe I just made a strike threat. Who knows? We don't have jurisprudence here on that issue because we've never had this definition in our Labour Relations Code.

"No person shall counsel a person to contravene subsection (1) or (2)"; in other words, to threaten a strike. No person shall counsel a person. That's pretty broad. That basically applies to everybody, every conversation in the province at any time unless, I guess, if the person was talking to themselves. Then perhaps that would not apply. So you can talk to yourself. Perhaps you could threaten yourself to go on strike, and that wouldn't be covered under this, but a person talking with another person is covered under this. I don't understand that, Mr. Speaker. I don't understand the need for that.

Now, obviously, I'd say the majority of Albertans – there are a portion of Albertans that think illegal strikes or civil disobedience, as it's sometimes called, is a legitimate thing to do in certain circumstances, as the sheriffs did when they felt that their safety was in jeopardy at the remand centre, so they went on an illegal strike as a show of civil disobedience and so forth. Okay.

**Mr. Mason:** Solidarity.

**Mr. Anderson:** Or solidarity, as my friend tells me. Exactly. Anyway, that is what some people believe.

I would say that the majority of Albertans are not in favour of illegal strikes. I think that the majority of Albertans – and I would include myself – don't think that that's the way to go with regard to our front-line workers. There are better ways. However, because of Bill 46, Mr. Speaker, the better way, which was arbitration in front of an independent third party, is now gone or will be gone soon, as soon as it's passed.

With Bill 46, if your intention was to make illegal strikes harder, have you really accomplished that now? If your intention was to cut down on the number of illegal strikes out there that occur every so often, does the combination of Bill 45 and Bill 46 make that happen? No, it doesn't. It will likely lead to more civil disobedience because, sure, you've toughened the rules and so forth, but now you've expanded it in ways that call into question the constitutionality, and on top of it, you took away the safety

valve, which was arbitration rights, in Bill 46. Now you've really put yourself in a pickle because the average worker isn't going to be able to go and – there's nothing that they can do, essentially, to protest a decision of the government regarding their wages and benefits and working conditions and so forth.

So your bill is counterproductive when read with Bill 46. You're not going to cause fewer illegal strikes with these two bills. You're actually laying the groundwork for more. Now, you've made it more expensive, no doubt about that. But what if you had just updated the penalties? After a broad consultation and lots of feedback and lots of debate and all that sort of thing, why don't you just update the penalties for illegal strikes, which are already illegal under current legislation? Okay, fine. It's been 35 years. Update the penalties. But then you turn around and you're talking about people's thoughts and talking to their buddies and, you know, calling in on a radio show and saying: good grief, we should go on strike. Oh, that's not allowed now, too? Come on. That is going way over the line.

Although I absolutely do believe that we should not have illegal strikes with regard to our essential services – I think that's not productive – unfortunately, by getting rid of Bill 46, you just made this a bigger danger. Great job, guys. Well thought out. You've just made it worse. Honestly, it's unbelievable.

Obviously, with regard to Bill 46 – and I already talked about that bill – a Wildrose government will in 2016, if elected, immediately repeal Bill 46 and reinstitute arbitration rights. That will be done.

**An Hon. Member:** This is Bill 45.

**Mr. Anderson:** I know we're talking about Bill 45. But because the bills are paired together, I want to make it clear that with arbitration rights, those go back in, and they go in after talking with affected stakeholders. That's critical.

On Bill 45 – this will obviously pass as this government has made it clear they're not interested in listening to anybody's feelings on the issue, frankly – we are going to propose amendments as a Wildrose caucus that specifically address the issue of free speech. Public-sector workers and average Albertans should not in any way be brought under this legislation with regard to this strike threat provision that is floating around here. That is, in my view, a violation of free speech rights. It's a violation of freedom of assembly. It's a violation of several rights and freedoms that are in our Constitution, and I disagree fundamentally with that.

So we're going to bring several amendments forward that deal specifically with that. You should be able as a public-sector worker to talk with your friends, to send an e-mail out there saying, "You know what; this stinks; we're going to go on strike; let's hit the picket lines," and not have to be worried about doing something illegal. That is pathetic and wrong. It can't happen.

**10:20**

Now, illegal strikes are obviously already illegal, as we've talked about, and if the union leadership is getting together and getting ready and the organization is going for an illegal strike, well sure, you have fines. You have fines now. That's the point.

Again, Mr. Speaker, this piece of legislation, when coupled with Bill 46, is actually doing the exact opposite of what it was intended to do. You're putting our public-sector workers in a place where they almost have no choices. How do they defend themselves? I would say the best way to defend themselves is at the ballot box in 2016.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, 29(2)(a) is available. I have Edmonton-Strathcona, followed by Rimbey-Rocky Mountain House-Sundre.

**Ms Notley:** Thanks. I have just a quick question for the member about Bill 45 in particular. So we've got the government bringing in an amendment that eliminates arbitration in Bill 46, and we know that the previous law to negate the right to strike was upheld by the Supreme Court of Canada on the assumption that they had the right to arbitration. Now they've removed the right to arbitration, which means that sooner or later I suspect the Supreme Court of Canada is going to say that Bill 46 is illegal.

In Bill 45 they say: while we're waiting to make the courts and police stop the union from striking illegally, we're going to fine the officers of the union \$10,000 a day. So do you think it would be a good idea to maybe amend Bill 45 so that we could perhaps fine the members of cabinet or the members of the Conservative Party over there \$10,000 a day while this illegal piece of legislation is allowed to carry on until such time as the courts deem it illegal?

**Mr. Anderson:** This hon. member just keeps coming up with the best and brightest ideas in this House. Fantastic, hon. member. I'm not sure if a piece of legislation fining the PC cabinet is something that will – it will probably have a difficult time passing in this Legislature. I'm not saying it's a no for sure. There may still be a chance, but I doubt it highly.

You raise a very legitimate concern, and that is: is this legislation constitutional? If they had come in and just talked about updating some of the wording and the penalties for illegal striking and so forth, as you say, that type of legislation has been upheld as constitutional – but they didn't do that, like you say – based on the fact that they had legal arbitration to go to.

With these two bills together now, my guess is that when this goes to the Supreme Court, which it probably will, or a court of appeal of some kind, what will happen is they'll say: well, you just took away the rights of arbitration from these folks, so therefore they can't strike illegally. They don't have rights to arbitration. That to me impinges upon their freedom of assembly, I would think, and their right to organize and so forth, which is a protected right under our Charter of Rights and Freedoms. I mean, you guys are always the ones that are throwing the fear tactics about tolerance and, "oh, respect the Charter" and all that, and then you go and do this. Really? Well, who's disrespecting the Charter? Look in the mirror.

That's one issue, that I don't think it'll be held constitutional based on those grounds, that they now don't have proper recourse. And then the second issue is this issue of free speech. You can't tell somebody that they will be fined or penalized, an average employee, for sending an e-mail to their buddies saying: "You know what? We need to hit the picket lines because this is just outrageous, what the government is doing to us." Who are we in this Legislature to penalize that? How dare we think we can do that? What kind of society do we think we live in?

I heard the Deputy Premier's remarks about, you know: "Oh, this is just wonderful, what's going on in the Ukraine. People need to be able to protest and protest their government's actions." Dam straight. Absolutely. They sure should. So if that's good for people in the Ukraine, isn't that good for people here in Alberta? I would think so. I would think that the people of Alberta are able to get together and say: "You know what? This is wrong. You can't do this."

Now, if they choose to go on an illegal strike under the definition of what's in the bill, there's a fine. There's a court process. All of that is laid out. But just voicing their concern in the

newspapers with editorials or anything like that or calling in to a talk show or doing anything like that to express their outrage on something: that's just basic free speech. We've got to protect that right. All civil societies protect those rights. I don't care if you're left, right, middle, or something in between. Those are fundamental rights that we should be holding dear and should be protecting with everything that we have regardless of how we feel about collective bargaining and union negotiations. We're talking about a fundamental right here, so let's protect that right.

I thank the hon. member for asking the question.

**The Speaker:** Standing Order 29(2)(a) is now consumed.

We'll move on to the next speaker. I have Edmonton-Meadowlark, the leader of the Alberta Liberal opposition.

**Dr. Sherman:** Thank you, Mr. Speaker. The Alberta Liberals oppose Bill 45, and we oppose Bill 46. Bills 45 and 46 are sibling bills. At the end of the day they are unnecessary, they're heavy-handed, and they serve to further erode workers' collective bargaining rights. Beyond that, I feel that they're undemocratic. I feel that these two bills will be the nail in the coffin of these regressive Conservatives over here on this side. I feel that when a government institutes these kinds of laws, they are nearing the end.

These kinds of bills aren't about governing. They're not about serving. They're about ruling, ruling by decree, which by its very virtue is undemocratic. The freedoms, Mr. Speaker, that our forefathers fought for are what these bills aim to erode. In fact, under the Canadian Charter of Rights and Freedoms, that a Liberal government brought in, everyone has fundamental freedoms. These bills attack the two very fundamental freedoms under section 2(b), "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication," and also section 2(d), "freedom of association."

Now, I can't for the life of me understand, Mr. Speaker – the Premier is a very intelligent person. She's a lawyer. She spent her life prior to public office defending the freedoms and the rights of others across the world, but right here in this province, where she's elected, she and her government are attacking the rights of the very people they are elected to serve. That's exactly what these bills do. You know, I've always said: who's next? That's what happens when you have 42 years of unchecked power.

I also want to talk about closure. Closure is also a nail in the coffin of democracy. It's been mentioned here, the fact that we have two of the most important bills in our province in our current history moving forward. We're a diverse group of individuals from diverse caucuses in a very diverse province, and we only have a couple of hours to debate these bills.

Mr. Speaker, the Member for Edmonton-Centre has referred to these bills with many words, and one of them is "evil." What allows evil to run rampant is when good people remain silent, and the good Liberals will not remain silent on these bills. We will always come to the defence of those front-line hard-working Albertans who each and every day build this great province.

Mr. Speaker, Bill 45 is complex. It sparks a number of legal questions. I talked about the fundamental freedoms and the violations of sections 2(b) and 2(d). In 1977, when Premier Lougheed outlawed mass public strikes, it's been mentioned that he recognized the right of workers to have a fair say. That's where binding arbitration comes in.

**10:30**

Now, one of the core reasons why this bill, Bill 45, is before us is because of a wildcat strike. It wasn't a strike about wages. It

wasn't a strike about money, and we haven't had a strike about wages for a long time in this province because the legislation that we have had has actually worked to avert these kinds of strikes. The wildcat strike was about safety. The good men and women who were in the wildcat strike were at their posts, Mr. Speaker. They were doing their jobs. The government was in a rush to cut a ribbon and get this remand centre open. They had no policies or procedures in place, and they didn't consult the front-line staff, nor the folks that are waiting to get their day in court. In fact, the facility wasn't even fully finished. That's what this wildcat strike was about. I know what it was about. It was a darn cold and windy day, I tell you. I was there. You know, wildcat strikes are illegal, and as an elected official and a lawmaker you have to find out why good people who have dedicated their lives for the service and protection of this great province would commit an illegal act.

Mr. Speaker, that guy over there, the Member – the hon. Member, I should say – for Calgary-Mackay-Nose Hill, the honourable guy over there, referred to these very honourable people, compared them to a bunch of hooligans and thugs, to some rioters in Vancouver. That's just disrespectful.

The wildcat strike was about safety. It was about the safety of the citizens of this province, the safety of the workers, and safety of the inmates. It was about the safety of our province. I said that it takes two hands to clap, Mr. Speaker. The government made the decision to remove these men and women from their posts where they were performing their duties over a couple of days, when they weren't fully prepared, when the management and the government were not fully prepared to open this facility.

I also know a constituent of mine whose son is a big man, about 6 foot 4 and about 230 pounds. She told me in my office that he was dragged into a cell. Thank God he was about 230, 240 pounds; he didn't lose his life. That happened to the son of one of my constituents. I was there. I talked to a nursing friend of mine who I've worked with for many years, whom I trust. The medical files didn't come over. Inmates that were diabetics ended up in a diabetic coma in the hospital, according to what I was told.

Mr. Speaker, you were the Health minister. You understand how important it is for people to have their medical files and those who care for them to have them there so they know what the problem is. These were life-and-death safety issues. That's why these good people went on the wildcat strike. As a legislator who's charged with upholding the law and as a physician who is also charged with upholding public safety I recognized that the decision, the rash decision, made by this government was a threat to public safety, and that's why I supported the reason that they went on the wildcat strike. I supported the fact that both parties need to come together and come to a reasonable compromise as quickly as possible. We're all in it together. Nobody here wants to see strikes. Nobody here wants to see people get hurt, especially the good men and women who work in the institutions.

Mr. Speaker, let's focus on facts and evidence. The facts have warned that the workers were right: glass that could have been broken with a coffee cup; poor coverage of security cameras; repeated occupational safety reports and no action by the government; workers backed into a corner, forced to strike, not only for their own safety but for the safety of the folks that they are charged to guard. It's my understanding this glass has been changed, and camera coverage still lacks.

Now, Mr. Speaker, the government has moved quickly and swiftly. You know, the mechanisms were there to end this strike, and the mechanisms did work. The strike did end, and order was restored. But for the government to come in with a very heavy-handed approach: I believe they have gone way overboard. They have overreacted. I don't know why this government would

overreact to such an extent, threatening union leaders if they even talk about a strike, banning employees, banning a blogger. My question – and I asked the Premier earlier today. She didn't even have the courtesy to get up and answer my question. Can you believe the Premier, who brought this draconian legislation, did not have the courtesy to answer the question of an elected member standing before you who actually supported the wildcat strike?

Well, would we be next if we supported these strikes because we actually were trying to protect public safety? Any employees, any bloggers: would people be fined for supporting, writing, tweeting, in any way supporting any wildcat strikes when there's a legitimate reason to have them?

Mr. Speaker, you know, the great thing about this country, the reason many of us or our parents or grandparents or ancestors came to this country: we escaped places of moral decay. We escaped places where dictators and tyrants ruled. We came to this place because of freedoms. We believed you could actually disagree with your government openly and you wouldn't be punished for it. I cannot believe a human rights lawyer is taking these freedoms away right here in Alberta. I just can't understand it.

Mr. Speaker, this government will vote everything through. They've got the majority of the members here. It's unnecessary for them to be so heavy-handed and draconian in many of the decisions that they make.

Now, when it comes to costs, I will say – you know what? – that if you actually look at the underlying cause of the wildcat strike, the government bears a major portion of the responsibility for the cause of the strike, for the costs of the strike. You do, hon. members. Now, when it comes to costs, this bill will not stand up to a legal challenge in the Supreme Court of Canada. What is it going to cost the taxpayer, the average hard-working Albertan? What's it going to cost for the legal challenge to this bill, the years and years of legal challenge, when a few of these good souls up there and out there in Alberta who work hard to build this province have the courage to again one day have a wildcat strike because they know it's in the public interest? What is it going to cost?

I know, Mr. Speaker, there are people – you cannot silence some people. They think they can do it with the law. Some people just will not remain silent when they see injustice and bad things happening out there. I know. My grandfathers lived under tyranny. You know, those folks almost risked the noose. They were arrested. They were imprisoned. Before my father died two years ago, he told me about his grandfather who was arrested, and his best friend was beaten by the authorities. That's exactly what he said. This draconian legislation, these laws will be the nail in their coffin. These are foul, they're evil, and they're senseless. There's no point for us to even be having this discussion and debate in the Legislature on this.

There are lots of stiff penalties already – front-line workers are already paying the penalties – many in this legislation. You have to ask yourself: why are we talking about this? The government says that they're out of money. Well, Mr. Speaker, we're the wealthiest place in the country. Oil is at more than a hundred bucks a barrel. The best employment rates, highest incomes on the planet: this is as good as it gets. My question is: where the heck did the money go? Where the heck did the money go? If you can't balance the books to get world-class public services and pay good, hard-working people a fair wage today, well, when are you going to do it?

**10:40**

Mr. Speaker, it's darn expensive to live in this province. Bills are higher than ever. It costs a lot of money to live here. It's the

regular, common, working folk who built this province; their wages haven't kept up with inflation. Their taxes are higher with this flat tax than they were before the flat tax. It was actually a tax increase on regular, middle-class working families. We have a lot of money, but these guys over here have squandered it. They have wasted it, and they've squandered it. We've seen many examples of that squandering of that money: a hundred million dollars in travel and hosting expenses just for executives, not to mention their pay.

Mr. Speaker, the Alberta Liberals stand against . . .

**The Speaker:** Hon. members, 29(2)(a) is now available.

The hon. Member for Edmonton-Riverview.

**Mr. Young:** Mr. Speaker, thank you very much. I appreciate your comments.

My question is to the hon. member. You used the term "wildcat strike" like it lends itself to some legitimacy. These were illegal strikes. Do you endorse members of the public service in whatever role which is an essential service abandoning their posts?

**Dr. Sherman:** Mr. Speaker, the hon. member obviously wasn't listening over here. Okay? He wasn't listening, and he should do a better job of listening.

The whole reason the good folks up there went on this wildcat strike was because of a threat to public safety. Their genuine concern was a threat to public safety of the people they are charged to guard and their own safety in their work environment because this very same government – this same government – did not have the policies and procedures in place, and the facts have shown that to be true. So, hon. member, I absolutely stand in support of ensuring public safety for any worker in this province. Safety first, my dear friend.

You were or maybe still are a police officer. Hon. member, have you forgotten from whence you came? Have you forgotten that as a police officer your number one duty is safety of the public? One is your safety, your own personal safety. [interjections] Exactly. And the safety of your fellow officers. [interjections] Exactly. And the safety of even the people within your custody, hon. member. What do you think these good folks were doing? If you have any thread of decency, would you turn your back on your fellow police officers? Would you turn your back on your fellow police officers when their safety is threatened?

**Mr. Young:** I would not abandon my post.

**Dr. Sherman:** Officer, you would abandon your post, and you would abandon your colleagues. My question is: would you stand in solidarity with them? Answer that question.

**Mr. Young:** I would not abandon my post.

**Dr. Sherman:** Yes, you would.

**The Speaker:** Under 29(2)(a), the hon. Member for Calgary-Mountain View.

**Dr. Swann:** I'd like to ask the hon. Leader of the Liberal Opposition: given that the natural result of passing this bill will be a legal challenge, a constitutional challenge, and multimillions of dollars charged to the public purse, who really should pay the price for this unnecessary lawsuit?

**Dr. Sherman:** Thank you, hon. member, for asking that question. Frankly, in my opinion, I believe these people should pay the price

at the next election. We should just repeal this legislation after it's passed, because it will pass.

But the fact of the matter is that it's the hard-working men and women of this province and this country that will end up footing the bill. When they foot the bill, because this government can't get its financial act in order, at the end of the day they're going to end up cutting something. They're either going to go into debt, or they're going to cut education, cut health care, cut the care of our seniors. They're going to cut something else because they don't have the courage to stop giving their buddies money, untendered cost-plus contracts, and giving money to private corporations from across the country and across the world. Okay? They don't have the courage to talk about tax fairness and cutting taxes on middle-class working families and lower-class working families. We're either going to go into debt, or we're going to further cut services, and Albertans and Canadians will pay this price, unfortunately.

**The Speaker:** Under 29(2)(a), are there any other speakers?

Seeing none, let's move on to the next main speaker. Edmonton-Strathcona.

**Ms Notley:** Thank you, Mr. Speaker. I'm pleased that I may actually get a few moments to speak on this horrific piece of legislation before it is rammed through second reading as a result of the undemocratic decision of the government to bring in closure.

I want to begin by saying simply this. To those Albertans who have not yet figured out that the Premier of the province did nothing but line up promise after promise after promise after promise in the last election that she clearly had every intention to break: I hope that all Albertans now get what they elected. They elected the Premier.

You know, the Minister of Health accused us of being ideological when we talked about public funding today. Let me just say that there is an ideology on that side, and that ideology by that Premier is that there is no promise she has ever made that she has not broken. This is one of them, and this is, I have to say, probably the most profound betrayal of working people in Alberta since she's been elected.

This Premier has embarked in her short career – she got elected at the same time I did, actually – on quite an interesting attack on human rights, one that is really quite unprecedented in this province. First, she oversaw the introduction of Bill 44, the scarring of our human rights code that makes us have a human rights code in this province which is an embarrassment to anybody who understands the concepts of human rights. Now she's bringing in Bill 45, which is the same kind of thing. It is an illegal law, Mr. Speaker. It is designed to bully working Albertans away from standing up against – wait for it – another illegal law. It's brought into force by a government that has lost its way, its moral compass, its connection to accountability for the record it ran on, and its connection to the real people of this province. That's what this law is.

Now, I've heard a lot of moral outrage and a lot of sense of self-justification from that side about how we need to deal with the fact that people are engaging in illegal activity. As I alluded to when I was asking questions of the Member for Airdrie, the fact of the matter is this. Some people have done a lot of sort of celebration about when former Premier Lougheed eliminated the right to strike for the public service in Alberta. Let me just say that at that time my father was in this House, and he fought tooth and nail against that piece of legislation because public servants should never have lost the right to strike in this province, Mr. Speaker. Not ever.

Now, ultimately, that decision of Premier Lougheed was taken to the Supreme Court of Canada, and the Supreme Court of Canada said: "You know what? Here's what has to happen for this law to be legal. Workers need to maintain the right to join a union. They then need to maintain the right to bargain collectively for the terms and conditions of their employment, and finally, they need to maintain a mechanism for resolving the disputes around that bargaining if they cannot come to an agreement." Typically in most democratic societies that right looks like a right to strike, Mr. Speaker. In this province it does not. It, unfortunately, looks like binding arbitration, until last week, when this government introduced a plan to eliminate that as well.

Based on that very age-old Supreme Court of Canada decision, one which, in fact, has been updated quite considerably in the court since then, anyone who knows anything about labour law, if they were betting people, would bet that this government is introducing legislation that they know full well is going to be deemed illegal once the courts get their hands on it. Yet they continue, and they continue with their faux moral outrage about how they need to take action against workers who act illegally when they themselves sit over there and intentionally and knowingly introduce legislation that is in breach of the Constitution of this country. How dare they engage in such outrageous hypocrisy? How dare they talk about workers who are standing up for their safety and for their rights in the workplace as though they are somehow criminals who need to be beaten into submission at the same time that they are introducing a piece of legislation that they should know full well is itself illegal? I mean, just every day they amaze me, Mr. Speaker, with the level of their hypocrisy and their willingness to break promises to the people of this province.

**10:50**

For those folks over there who are not really fully on top of the concept and the history of illegal strikes, let me just give you a little bit of background because it's not all about a bunch of drunken vandals breaking windows at Starbucks like the folks in Vancouver did after the last Stanley Cup final there. Strangely, that's not what it's all about.

Here are some of the things that illegal strikes have done. They've ensured safety standards. They have ensured laws that people have the right to refuse unsafe work; they don't have to go down into the coal mine that's about to explode. They actually get to refuse that. Do you know how they got to refuse that? By striking illegally, by standing up to guns that were directed at them by the government of the day, who – guess what? – said: you guys are criminals; you're acting illegally. That's what illegal strikes did. They gave the right to refuse unsafe work. They gave a six-day work week. Then they gave a five-day work week. Illegal strikes gave us the minimum wage, Mr. Speaker. These are the things that illegal strikes have done.

You know what? Governments like this government have never been interested in bringing in laws that respect and honour the work of working people in this province or any other jurisdiction in this country. So labour members have had to work for their rights, and that's their history. They've had to work for their rights. They've had to fight for their rights. So I am so deeply offended when a member over there tries to equate that history to a bunch of drunken vandals in Vancouver. That is outrageous, Mr. Speaker. I would expect that members over there, when they bring in a piece of legislation like this, that is this heinous, that is this reflective of an attack on the history of the right to bargain in this country, should at least know their history so they don't walk in and say things like that. That is offensive and insulting to many,

many, many working people in this province, and they should know better.

I will drop it down a notch now and try to speak a little bit more about some of the other elements of this bill which are so offensive to me, Mr. Speaker. We've talked a bit about the fines. As things stand now, between the dues abatement, the liability fund, and the fines – the fines for individual workers, the fines for representatives and union officials – it's safe to say that when someone goes on strike or when a union goes on strike, it could be much bigger than this, but they could easily attract a fine of \$2.5 million a day, and that fine would carry on for every day that the strike went on.

Now, interestingly, folks, I just want to throw it out there that if through their negligence, whether intentional or not, an employer allows a workplace situation to continue such that a worker dies, do you know what they can be fined? Five hundred thousand dollars. Let's just be clear. It's not \$500,000 for every day that that family has to deal with the fact that their loved one is dead. It's just one day. That death is over at the end of that day. But that strike is not over. We are going to continue fining them into the Stone Age day after day after day. Does that sound like balance, Mr. Speaker? Does that sound like a government that understands or cares about balance in this province?

Interestingly, I noted that as much as we are bringing in through Bill 45 the ability to fine unions \$3 million or more a day for an illegal strike, the corresponding action, the illegal lockout, continues to be subject to – get this – a \$10,000 maximum fine. You know, I will tell you that you could go to the Harvard Business School, you could go to one of the most business-friendly schools of business, and they will tell you that effective labour relations relies on balance. And can I tell you that \$10,000 versus \$3 million a day – it's not so much with the balance, Mr. Speaker. We're kind of losing sight of the balance. We're so wrapped up in the desire to bully and punish and control and beat opposition in this province through fining them into the Stone Age, through pulling back their resources, through limiting their freedom of expression; they're so interested in that that they've completely forgotten there's apparently no need to hold themselves to any kind of similar standard.

It just goes to outline, I think, the fact that this government alleges that they are doing this in order to protect the public interest. Well, Mr. Speaker, this is not about the public interest. A month ago we had a company dump a billion litres of poison into the Athabasca River. Just today I went and listened to a bunch of scientists talk about the incredible devastation that that is bringing upon our environment, the generational destruction that is occurring to the habitat along the Athabasca River, the profound impact that this is going to have on our First Nations living all the way downstream. Yet no fine.

**Mr. Mason:** No charges.

**Ms Notley:** No charges. Nothing.

Interestingly, the organization that would be responsible for that, the Alberta Energy Regulator, these guys – these guys – actually went out of their way to bring in legislation that removed protection of the public interest from their mandate. They're really concerned about protecting the public interest of Albertans when it comes to beating up on workers, but when it comes to protecting us – our air, our land, our water – from toxics and toxins being dumped into, like, the Athabasca River and permanently undermining the health of that important waterway, not only are they not going to levy any fines, but they're actually going to change the legislation so that they're not held accountable for their

failure to – wait for it – represent the public interest, Mr. Speaker. These guys have no interest – no interest – in representing the public interest and every interest in representing their own interests. That is profoundly clear through the way that they have moved forward with this piece of legislation.

You know, I just want to talk ever so briefly about the fact that we are going to be given such limited opportunity to speak today in this Legislature, Mr. Speaker. It is outrageous that we are not all going to get a chance to speak on this bill because the amount of frustration you are hearing in my voice is shared by many people. I want you to know that just the fact that it's in the standing orders does not make it right. Typically the standing orders have to be read and used in the context of the overarching parliamentary precedent.

Mr. Speaker, I know this is no longer an issue because the Acting Speaker ruled against this, but you need to know this. Freedom of speech is both the least questioned and the most fundamental right of the Members of Parliament on the floor of the House and in committee. It is the most fundamental right, and by bringing in closure after two speakers have spoken on a bill, this government may well be acting in accordance with the rules that they rammed down the throat of this Assembly, but they are not by any means acting in accordance with the historical and democratic tradition of this province or this country.

There is no need for this, Mr. Speaker. Just in six months this government brought in an extra billion dollars in revenue. There is absolutely no need for what they are doing here tonight. The really sad thing of it is that I think the reason we're here, the reason that all these workers are being victimized and our human rights are being undermined and our freedom of expression is being attacked is the most cynical of reasons. I think these guys want to pretend and make themselves look like the Wildrose because they're kind of scared they're going to win the next election. I actually think that this horrible piece of legislation is a profoundly cynical political game that they're playing. It's really unfortunate because they're doing it at the expense of some of the most deeply held, fundamental, important rights which are the foundation of our civic democratic society. They've raised cynicism to a brand new level, and all Albertans are paying the price.

Thank you.

**The Speaker:** Hon. members, 29(2)(a) is available. The hon. Member for Calgary-Mackay-Nose Hill.

**Dr. Brown:** Thank you very much, Mr. Speaker. I'd like to ask the hon. Member for Edmonton-Strathcona – she seemed to be defending the right for an illegal strike in certain circumstances. I wonder if she's advocating for future illegal strikes. Furthermore, when the AUPE was found by the Associate Chief Justice to be in contempt of court, and he specifically noted that the union leaders were sarcastic and mocking in their comments about the court order, I wonder if she has any comments regarding the fact that the union was held in contempt of court? Does she defend that kind of activity and being in contempt of court?

11:00

**Ms Notley:** I just find this very interesting. On one hand, we're hugely respectful of the courts, and we're hugely worried about running afoul of contempt of the court, but on the other hand we've got a clear Supreme Court of Canada line of cases that are going to render this particular bill completely illegal, and in that case it will be a breach of our Constitution as opposed to a breach of a judge who is enforcing a bad law. So why is one good and one not good?

At the end of the day I do not support people going into contempt of the court. You have to deal with the rules that you're dealing with. However, you do not need to be thrown into jail for 50 years for engaging in appropriate fight-backs, and that's what you guys are doing. You're taking a mallet to a tack, and it is bullying and nothing more.

**The Speaker:** Under 29(2)(a), the hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Yes. Thank you very much, Mr. Speaker. I'd like to ask the hon. member, in light of the question of the hon. member opposite, if she could comment on the conviction of a number of farmers a few years ago for defying the law of Canada and the Wheat Board single desk and illegally selling their grain in the United States in violation of the law. Following their conviction the Premier of the province, then Ralph Klein, actually appeared at a ceremony and praised these individuals for breaking the law. Would she say, in light of that, that the record of the Progressive Conservatives opposite with respect to support of illegal actions is checkered, to say the least?

**The Speaker:** The hon. member.

**Ms Notley:** Thank you so much. I would suggest that the Member for Edmonton-Highlands-Norwood raises a very good point, and it goes back to the other one. Checkered to say the least; hypocritical to say a bit more. Leading or one to which I would defer? Absolutely not.

**The Speaker:** Under 29(2)(a)? No one else?

All right. Let's proceed to the next main speaker. I have the hon. Member for Rimbey-Rocky Mountain House-Sundre.

**Mr. Anglin:** Thank you, Mr. Speaker. What time do we have remaining on this debate?

**The Speaker:** Hon. member, the time is about seven minutes, I think. That's the best I can guess right now.

**Mr. Anglin:** Thank you. I just have to respect the democratic process, Mr. Speaker. I only get seven minutes, but that's okay. They're going to get seven full minutes from me. [interjections]

Mr. Speaker, the hypocrisy of the members opposite in the heckling is systemic of what's wrong with this government. I will tell you that they don't even see the hypocrisy of their own actions. This is a government that . . . [interjections] They can heckle all they want, but the truth be known. This is a government that hired six private investigators to actually follow me around and got caught tapping my phones. Amazing. Yet nobody was ever held accountable for that. It was: "Oh, I'm sorry. That was the government before this government." But it's still the same government for the last 45 years.

The reason I bring that up, Mr. Speaker, is that I am here because of that behaviour, and the beauty of what you're doing today is that I will be there because of that behaviour. That's what's going to happen as a result of this. They don't see the hypocrisy. They voted to eliminate the public interest test out of the new energy act. You would not even accept an amendment. Yet they stand up today and they say: ooh, we are going to protect the public interest against those evil people who would even think to walk out, who would even think to possibly protect themselves from an unsafe condition. That is, to me, the ultimate in hypocrisy.

The fact is, Mr. Speaker, that we don't want illegal strikes. Nobody wants illegal strikes. They don't want illegal strikes. So

why are you trying to encourage illegal strikes? Why do you want to remove arbitration? That makes no sense. What happens here is that we have a bill that sets it up. We have a bill that puts in these incredible penalties just so you can pull the rug out from underneath them and remove that arbitration and then say: see what's going to happen.

But the problem is that this violates a very basic principle of jurisprudence, which is the onus of proof. If you look under the Labour Relations Code as it stands today, the onus of proof is on the employer. But when you look at what's going on here, what you've changed in this new legislation: unions, in particular, can be held responsible for the actions of a single individual, or in the case of a couple of individuals they may actually walk. Say that under section 1(k) two employees refuse to work because of unsafe working conditions. That means that a strike exists, and the prohibitions in section 4 come into force. Within four hours an application can be brought under section 5(3)(b). The board can declare that, yes, there is a strike. Now, under section 6(1) the employer is now obligated – no discretion; they're obligated – to suspend all union dues and to continue so for the next three months plus an additional month for every partial day that the individuals participate.

Now, this could be a very large union, which means that everyone in the union is affected by the fact that just a few people went out on a wildcat strike. Now it is incumbent upon the union in a reverse onus to prove that they gave expressed instructions prior to the walkout. How can they do that? They didn't know this would happen. Not general instructions but expressed instructions. They can't meet the test of the law. So automatically a million dollars a day is going in under the abatement order. The board or the judge has no choice. They must make that abatement order. That's what the law says.

To the hon. Transportation minister. In the ultimate of hypocrisy – I need this question answered – the minister threw out a case last week called *Baron versus Canada*, and the minister said to this Assembly that he would accept their advice. Their advice was in the question of reasonable versus probable, but it was an interesting point in that case. The court also ruled in *Baron versus Canada*: “the removal of the discretion to refuse to issue a warrant when all statutory criteria are met . . . the issuing judge's ‘balance wheel’ function” is diminished. In other words, what the court was saying is that you can't take the judge's ability to balance justice away. It was a mandate for the judge under the law to actually issue a warrant.

In this case we're talking about issuing the mandate order, issuing the abatement order, or issuing the declaration. The judges don't have to have discretion here. It's in the bill. They must issue the abatement order. They must issue that declaration. The fact is that what the court ruled, that in order for a judge to “be able to weigh all the surrounding circumstances to determine whether in each case the interests of the state,” in this case the province, “are superior to the individual's,” then “By restricting the factors that a judge may consider, Parliament has . . .” [interjection] Could you be quiet, please, while I talk to the Speaker? Thank you very much. “Parliament has improperly restricted a judge's ability to” reasonably assess the evidence. That's what they've done in this bill. Now, all of a sudden and under a strike the union has the reverse onus to prove that they issued expressed instructions, which makes it nearly impossible to do. That, to me, is absolutely unfortunate.

When we take a look at these huge threats to this province, in the 37 years that this legislation has been in place, that this union has been under contract, there have been a total of 51 days in 37 years of illegal strikes. Now, how dangerous have those strikes been? It's actually interesting. In 1980 there was a strike. In 1990

there were three social workers, there was a correctional officers' strike, and there was a general strike at the university. In 1995 the laundry workers threatened the whole province and went on strike out of the Calgary Foothills hospital. In 1998 members of the university went out on strike. Then in 2000 we had an auxiliary nursing unit that went on strike. Now, that's two days. It was only six hours on the previous. [Mr. Anglin's speaking time expired] It's a shame I don't get to finish my . . .

11:10

**The Speaker:** Hon. member, I hesitate to interrupt, but pursuant to Government Motion 49, which was passed on December 2, 2013, I must now put the question forward.

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

[Several members rose calling for a division. The division bell was rung at 11:10 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Amery	Fenske	Leskiw
Barnes	Fraser	Luan
Bhullar	Goudreau	Lukaszuk
Brown	Hancock	Olesen
Casey	Horne	Olson
Dallas	Jablonski	Quadri
DeLong	Jeneroux	Rodney
Denis	Johnson, L.	VanderBurg
Donovan	Kennedy-Glans	Weadick
Dorward	Khan	Webber
Drysdale	Klimchuk	Woo-Paw
Fawcett	Lemke	Xiao

**The Speaker:** Hon. members, before I call for the opposite vote, could I ask you to please cut your conversations out during the vote? It's tough enough hearing the Clerk facing away from me, but you're not helping by interjecting with your comments.

Against the motion:

Anglin	Hehr	Sherman
Bilous	Mason	Towle
Eggen	Notley	

Totals: For – 36 Against – 8

[Motion carried; Bill 45 read a second time]

#### Bill 46

#### Public Service Salary Restraint Act (continued)

[Adjourned debate December 2: Mr. Hancock]

**The Speaker:** Are there any other speakers? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

**Mr. Anglin:** I can defer to the leader if that's okay, Mr. Speaker.

**The Speaker:** It's fine by me.

Hon. leader of the ND, would you like to go ahead?

**Mr. Mason:** Thank you very much, Mr. Speaker. This is a bill which is, of course, the companion piece to Bill 45, which was just passed for second reading, with government members voting in favour as well as two of the four Wildrose MLAs present for

the debate. That surprised me somewhat given the vociferous opposition expressed by the Wildrose House leader during debate. I don't know how you hold a political party accountable for its decisions when its members vote both ways. [interjections] They call it a free vote, but I call it evading accountability.

**An Hon. Member:** I thought you liked free votes.

**Mr. Mason:** Whatever gave you that idea?

**The Speaker:** Hon. members, we're not going to start this debate with interjections. Government members, please. Zip it up, and let's carry on.

The hon. member.

**Mr. Mason:** Thank you, Mr. Speaker. I really appreciate that. I don't interrupt them.

Mr. Speaker, this is an amazing piece of legislation. I'm not going to take the full amount of time, but obviously what was just passed at second reading is the enforcement bill. It's the bill that makes it completely impossible to protest, oppose, or refuse to comply with the provisions of this bill, and as such the two go hand in hand.

This is a very egregious bill, in my opinion. Imagine if it were reversed. Here's what happens under this deal. The union, AUPE, loses its right to go to binding arbitration, something that was presented as a substitute, and a poor one, in our view, for the right to strike, by legislation that was introduced by the Lougheed government. Nevertheless, there was some balance of fairness. Now that's gone, and the government is saying that if the union doesn't reach an agreement with them by the end of January, this bill will impose a settlement that is zero per cent in the first year, zero per cent with a small lump-sum payment in the second year, 1 per cent in the third year, and 1 per cent in the fourth year.

Now, the government says that they still want to negotiate a deal and that it's fair to do this, but if we wanted to evaluate that statement with regard to the fairness of the deal, let's imagine that the situation was reversed. Let's suppose that the legislation says that if the union and the government don't reach an arrangement, don't sign an agreement by the end of January, the union will get 6 per cent in the first year, 6 per cent in the second year, 8 per cent in the third year, and 10 per cent in the fourth year. Would the government then be so committed to arguing that this doesn't change the equation, that the union, of course, can be trusted to negotiate a lower amount in negotiations?

If you flip it on its head, Mr. Speaker, you can see the dishonesty of the government position with respect to this bill. If they were in the position that the union would get a very large settlement if they didn't reach a deal, they would find that completely unacceptable. So it is that the union finds it completely unacceptable to negotiate under those kinds of conditions. It is, as has been said a number of times already in the House and outside, asking the union to negotiate with a gun to its head, and I think that that is completely unacceptable.

Now, the government, of course, could be said in a sense to be in a conflict of interest because they are not only legislating the deal, but they're one of the parties involved in the negotiations, so they cannot be expected to act fairly in the interests of both parties. They are only interested in their own interest. In this particular case, it is not the public interest, in my view. In my view, this is actually not for any other reason than for political reasons.

I've heard the hon. Minister of Human Services say that the reason for this bill is because there has been a trend established or a precedent that the teachers and the doctors agreed to similar

provisions in terms of compensation in their collective agreements. He uses that as a justification to take away the right of the AUPE members to decide for themselves what kind of agreement they would find acceptable and to impose the same kind of deal on them, missing the whole point, which is that the Alberta Medical Association and the Alberta Teachers' Association negotiated a deal with the government of their own accord, and their members ratified it.

That is not the case with the AUPE. They have a right to negotiate their own collective agreement. They cannot be held, or they ought not be held, by legal force, as it were, to accept the same terms that other organizations have accepted. Those organizations made a decision, and they have to live with it. Their leadership has to answer to the membership, and the membership have to live with it because it was a democratically made decision. It was ratified by the members upon recommendation from the executive.

**11:30**

This is not the case here. AUPE has been rejecting that arrangement. They have just recently gone to arbitration. They'd been out of a contract since April 1 of this year – that's not unusual, Mr. Speaker – and they were scheduled to go to arbitration in February.

So, Mr. Speaker, who are these people? Who are these people that have had their rights taken away from them? It's akin, really, in many ways to slavery. In other words, these workers are required to work at a job – I mean, they can quit their job. I guess that's the difference. They're required to work at a job at the rates of pay and under the conditions that the employer sets, with no recourse whatsoever. And if they do take whatever limited options they do have, then of course they can be fined, as my colleague from Edmonton-Strathcona says, back to the Stone Age. That, in my view, is indentured servitude. That is something that we don't have in this country. Everybody has a right to form a union, to bargain collectively, and to have some reasonable means of settling disputes that is not settled by one side or the other arbitrarily. But that's what this government has imposed. I think they were just two months from a contract, and I think that it's not acceptable.

The people that we're talking about are social workers that strive to improve the lives of our most vulnerable youth. They work with developmentally disabled adults. They work at the Michener Centre, but not for long. They're jail guards. They work at the courthouse. They work as sheriffs patrolling our highways. They're conservation workers trying to clean up the mess of the environment. They work in our parks. They provide a whole range of social services, health services, and so on. These are the kinds of people that the government wants to force to take flat increments of salary: 0, 0, 1, and 1.

Now, the government members voted to freeze their pay the other day. They argued that they had to lead by example, and they wanted to avoid hypocrisy, as the hon. Member for Edmonton-Riverview said. But they haven't avoided hypocrisy, Mr. Speaker, because they're accepting a three-year freeze on salaries in excess of \$150,000 a year, and they're asking people to accept a freeze on salaries in some cases of \$50,000 a year or less. That's still hypocrisy. That's still unfair, and it's not something that this public, I think, should be asked to accept.

Mr. Speaker, I am hopeful that we can get maybe a few more members to speak to this particular piece of legislation than we did last time, so I'm prepared to take my seat. But I want to indicate that I don't think this bill is either fair or equitable, nor do I think it is ultimately going to be shown to be a legal piece of

legislation. I do not understand how the government is prepared under the circumstances we have today in this province to do this.

First of all, the economy is booming. Alberta has the highest inflation in Canada. Prices are rising, and people's incomes are rising. People's incomes are rising in the private sector much faster than they are, of course, in the public sector. So what we should be expecting, then, is an increase in the standard of living of workers in this province because the economy is very strong. There's actually a shortage of labour. The natural market forces, which I know the government and the Wildrose are both very supportive of, would tend to lead to an increase in wages in the province, but the government is artificially holding them down in the public sector.

In fact, because there is inflation in the province, over the course of this four-year agreement that will likely be imposed, workers will fall behind, and their standard of living will fall. This government is saying that because they can't manage the finances of the province, because they've given tax breaks to wealthy Albertans and to corporations, because they collect the lowest royalties in the world, working people, the people that work for them have to take a cut, that they have to pay.

Mr. Speaker, this is wealth transfer. This is a transfer from working people, who have a decline in their standard of living, to the very wealthy, who get much better tax breaks under this government. It's a reverse flow of wealth from the bottom to the top that this government is consciously engineering through this legislation. I want to say that that is completely unacceptable.

The other point that I'd like to make is that it's unnecessary from a financial point of view for the government to do this. If an arbitrator were to bring in a settlement, say, in the range of 2, 3, or 4 per cent, it would not force the government into bankruptcy, and it wouldn't force it into a financial crisis of any sort. The Finance minister gave a second-quarter update just last week in which he projected an additional billion dollars in revenue over what had been budgeted for at the beginning of the year. So the financial position of the government does not require this. The economic situation in the province does not lead us to think that people should have lower wages. In fact, the opposite is true.

Why is the government doing this? Well, the government wants to lower the standard of living of working families in this province. It's as simple as that. They want to transfer wealth to their corporate friends and their wealthy friends, and they want to cut back on the services that all of us depend on because they're not prepared to take the necessary steps to ensure that those things are affordable. You can see this agenda, this same right-wing, ideological agenda in other ways. The Minister of Health has embarked on the most massive privatization in the history of our public health care system in a whole number of areas: in long-term care, seniors' care, lab services, and so on, Mr. Speaker. You can see this . . .

**The Speaker:** Thank you, hon. member.

Standing Order 29(2)(a) is available. The hon. associate minister.

**Mr. Fraser:** Thank you, Mr. Speaker. Hon. member, in your opinion, would you say that it's a democratic right to vote? Is it a democratic right to choose representation? Those are two questions.

**Mr. Mason:** Well, it's a rather open-ended question, Mr. Speaker. I know the hon. member is a union member and must be in a very difficult position here, but I am assuming that he doesn't mean union leadership; he means leadership here, an elected position in this Legislature.

Here's the difficulty, Mr. Speaker. What if your elected representative that you voted for doesn't do what they said they were going to do and, instead, does the opposite? What then do you do? You have to wait four long years to have another crack at them under our system. The kinds of promises that were made by this government in the last election are amazing. We tallied it up during the campaign: \$7 billion of additional program expenditure that was promised by the Progressive Conservatives under the now Premier. They had no way of paying for it. They had not costed the items. We costed it for them. They had no ability to pay for those promises, so most of those promises, of course, have not been kept: promises for more funding and reliable, stable funding increases for education and for health care, promises to support people with disabilities, ending child poverty. You know, it was massive.

**11:40**

Now when we ask questions in the House, the government stands up and says: we were elected on a program of restraining public spending. Well, Mr. Speaker, that is totally false. They were elected on a promise of wild, unrestrained, unaffordable election promises – oh, and of course then scaring people about the lake of fire. That's the mandate that this government has. They weren't elected to build Alberta, to show restraint in spending and live within our means. They are reinventing history. They're reinventing their own history, and they're manufacturing a mandate that in fact has no relationship to the platform upon which they ran, and we can't let them get away with it.

In answer to the hon. member's question, people do have a right to elect people, but they also have a right to have the people they elect keep their word, and this government has not done so.

**The Speaker:** Standing Order 29(2)(a), hon. members. Anyone else?

Seeing no one else, let's move on to the next main speaker. The next hon. member to be recognized is the hon. Member for Rimbey-Rocky Mountain House-Sundre.

**Mr. Anglin:** Thank you, Mr. Speaker. I will rise now to absolutely oppose this bill, and I'm going to detail the reasons why. Since 1995 there have been 13 days of illegal strikes. Nobody wants to see an illegal strike. That's just not a question here that I'm entertaining. The whole idea is to avoid illegal strikes. The whole idea is to reduce the probability of an illegal strike.

I don't know any tool that's more effective to reduce or eliminate the possibility of an illegal strike than arbitration. So when I look at the history of the number of strikes that have taken place since the passage of the Public Service Employee Relations Act, which goes all the way back to 1977, looking at beginning in 1995, laundry workers at the hospital struck for seven days, and the union was fined \$400,000. In 1998 members at the University and Glenrose hospitals went on a wildcat strike for six hours. In 2000 there was a two-day strike at a nursing care facility, and the fines totalled \$675,000. Then, of course, as we move forward to February of 2012, there was a one-day wildcat strike, that was settled by binding arbitration. It limited the strike to one day. Now, nobody wants a wildcat strike. Unfortunately, some of the members don't understand even what the definition of arbitration is because it got settled by arbitration. It got settled by arbitration. It prevented it from going on further. So arbitration is a tool that this government has proven works.

As much as they mock the comparison, we just passed a law giving this government access to arbitration in financial matters,

to settle international financial disputes. They don't see the parallel, and they don't see the hypocrisy of granting themselves access to arbitration yet removing arbitration under this act from the public service employees' union to settle disputes. I don't understand the logic behind that. It doesn't make sense.

So while some members think we should have higher penalties to prevent illegal strikes, I say that's a debatable issue. I'm not sure what is the appropriate penalty, but what is absolutely important is that whatever the penalty is, it should be just, it should be fair, and it should be enforced by due process of law, not automatic in the sense of creating a law and then everything kicks in and the onus is on the union to prove that it's not so much at fault. They don't have access now to go to arbitration once this bill passes. That doesn't make sense. We're going to impose a pay freeze on these union members in the form that's listed in the bill.

The criticism is – and the government has leveled it at our party because we stood up during the election and said that we were going to try to freeze government wages until we balanced the budget. That was one of our platforms. Now, the union didn't like that, and many other government workers didn't like that, but the fact is that we told the truth. We didn't lie. We said: here's what we believe in. When we were elected as 17 members and the government granted an 8 per cent pay raise, we thought that was hypocrisy, so as a whole caucus we voted not to accept that. We've stayed committed to not taking that 8 per cent, and we're going to roll that back if we become government.

We are firm in our belief in making sure that we get our house in order, particularly our finances. We don't buy this concept that debt is hope, and we're not into this concept of just spending without taking accountability. We differ tremendously from the governing party, but we never once said that we were going to remove arbitration. We never once said that we were not going to deal fairly. We always said that we were going to deal in good faith.

When I talked to our leader over here about that issue, what she questioned me on was: do you think we can get the union to accept a pay freeze? My answer was: "It's very difficult to actually predict that in the sense that they're going to come to the negotiating table, and we'll go to the negotiating table, and if we don't agree, we're going to be forced into arbitration, which we should welcome, in a sense, and then settle the matter." But if we were going to ask for a zero per cent pay increase, then we had to be prepared to take it ourselves. What we've seen from this government is that it gave itself 8 per cent and then said that it's going to freeze its pay.

Now, I don't know how that's going to go over in arbitration when an arbitrator looks at: well, you gave yourself 8 per cent, and, oh, by the way, you're going to tell them they can only take 0, 0, and 1 or whatever it is. That doesn't even make sense. That's not logical. That's actually hypocritical." They don't see that, and that's fine. They don't have to see that. I suspect they're going to see these union members during the next election, but they probably don't want to see them. But they will, more than likely. The fact is that we will still stand as our party on the same platform, I believe, pretty much, unless something changes that I'm not aware of. Our goal is to actually balance the budget. Our goal is to control spending. [interjections]

**The Speaker:** Hon. members, the Member for Rimbey-Rocky Mountain House-Sundre has the floor. Let's respect the fact that he does have some speech-making to conclude.

Hon. member, please continue, and let's stop the interjections, please.

**Mr. Anglin:** Thank you, Mr. Speaker. I don't mind the heckling that the members give, but I understand that it's not respectful to this House or to yourself as the Speaker.

They don't like it. It's a bitter medicine choking on that Kool-Aid over there. I don't mind that. They're the ones drinking the Kool-Aid, not us. We have stood up on principle. Some of us disagree. We have argued over the issues, but I think we're in unison on our beliefs and our commitments, which is due process of law, which is dealing fairly. Contractual law is contractual law, and we want to uphold the law.

But we would never ever, in my view – and I can't speak for everyone. I can't imagine supporting changing legislation to circumvent a legal contract. That makes no sense to me. That's disrespectful, that is disingenuous, and it is just in many ways complete hypocrisy because it removes the fundamental beliefs that drive our civil society, which in our economic system is contract law.

11:50

The government entered into a contract. They are now involved in a dispute. The contract says that if they cannot settle the dispute, arbitration is available to settle the dispute. What they're doing now is saying: we don't want to go to arbitration because we think we're going to lose. You probably are. The way they've behaved, chances are that they predicted it quite well. Rather than abide by the contract, what they're going to do is change the law and remove the right, and I say that that's fundamentally wrong. We would not do that in any other circumstance, but we are definitely doing it in this circumstance.

One of the things that I think has gotten missed throughout these debates tonight is that when we look at the Public Service Employee Relations Act, if something does go to arbitration, what the mandate of the board to do is to ensure that the wages and benefits are fair and reasonable to the employees and the employer but, most importantly, that they are in the best interest of the public.

That law, in my view, was written to protect the taxpayers. When something went to arbitration, the board or the court that was going to use this act to arbitrate the dispute was going to look after the public interest and was going to try to be fair and reasonable, something that this government is not practising right now, in my view. They were going to look for not only the time period that was under review but the wages and benefits in both the private and public sectors. For many people, when they look at the government employees, they always like to do the comparison to the private sector, and that's fine. The government did it earlier. But the fact is that if it goes to arbitration, the arbitrator must take into consideration what the private sector is making versus the public sector and weigh that. That's that balance wheel that a judge has to weigh. There's nothing wrong with that. I say that that's a good law. That makes the arbitration work not just for the employees, not just for the employer but for all Albertans because it's looking after the public interest.

Here we have this government again, yet one more time, removing the public interest test. Interesting. Yet you're saying that you're looking at protecting the public interest or the safety of the public. I don't get it. Why don't we leave it there? Why don't we give them access to arbitration? Why don't we deal in good faith? They're not doing it. This speaks to integrity, and they are very, very suspect with the public employee union for that very reason.

They have done this time and time again since they've been elected, and this is something that I think is an amazing disrespect

for all Albertans, never mind just the union. It is something that is not done in the private sector at all. They don't have the ability to do that. They have to deal fairly. The interesting thing is that union contracts are settled all the time. They are negotiated fairly, and most union contracts – when I say most, the majority – are settled without any type of labour action, without any type of lockout although we hear about the ones in the news. They represent the minority, again.

We're here at this stage removing arbitration, and we're seeing a tremendous amount of hypocrisy by this government in dealing with this issue. I'm not sure what the end game is with this government and how it plans to deal with this matter. I suspect that what they might end up doing after they get what they want is that maybe down the road we'll repeal this law and then give arbitration back after they force the union into a contract for the length of time they plan to force them into.

They did the same with the electricity industry. They first legislated it, and once they legislated what they wanted, they realized their mistake, and then they removed the law. I see that happening here. It just makes absolutely no logical sense, in terms of business and in terms of trying to deal in good faith, not to have arbitration and not to be in the mediation process, where it works.

In closing, I'm going to throw out a theory here. The hon. members from the other side want to protect the safety of the public. They want to protect the public interest. They don't want to put the public at risk. That's what I'm hearing. Oh, my goodness, the laundry workers going out on strike risked the public so very much back in '95.

The removing of arbitration, in my view, now actually increases the threat to the public because what it removes is an avenue to settle the dispute. When you remove the dignity of any person, when you remove their options to settle their concerns, situations can get out of control rapidly. We've seen that in different areas. That is nothing new to society. That's why we, even in this House, have rules on debate. Sometimes it seems like chaos, Mr. Speaker, but the rules keep us co-ordinated, and it allows for free debate except when they issue closure before the bill is even tabled and prevent people from getting up and speaking or even dealing with the issue.

Overall, that's the whole purpose of the rules. That's the purpose of the rule of law. By removing certain sections, the way they are today, what they're doing is that they're removing options from the unions to settle disputes, and that leaves, then, the options of violating the law. In my view, that increases the risk to the public. That increases the threat that there would be a strike or some type of action. That is something that has never ever worked.

The hon. Deputy Premier tweeted a picture of the illegal protest in the Ukraine, that he supported, but somehow we're forcing these union people to maybe act illegally, which we're not going to support. The point is that we don't want to have illegal actions at all. That's not what we want.

**The Speaker:** Hon. members, 29(2)(a) is available.

Seeing no one, then let's move on to the next speaker. I have the hon. Minister of Justice, followed by the leader of the Alberta Liberal Party, followed by the Associate Minister of Regional Recovery and Reconstruction for Southwest Alberta, followed by Edmonton-Calder, followed by the Associate Minister of Regional Recovery and Reconstruction for High River, followed by the Member for Calgary-Buffalo, and that's what I have so far. Of course, I have other members in the NDP who hold a site.

Please continue.

**Mr. Denis:** Thank you very much, Mr. Speaker. I'm pleased to rise tonight to speak to Bill 46, the Public Service Salary Restraint Act. You know, it's rather interesting when it gets this late. Sometimes it gets a little crazy. At the same time, though, the member to my right, the Member for Edmonton-Glenora, is always polite. She has been polite tonight. Even I have tried to be polite tonight. The Deputy Premier has been polite tonight as well, and I expect the same as well as I give my comments.

Under the leadership of our Premier but also for, I'd say, each member of the government caucus the guiding principle that we always had is that taxpayers have to be treated first, and I'll never apologize for always putting the taxpayers first in each of my decisions as an MLA and as a minister. I definitely believe that the Minister of Finance under his leadership has turned the corner towards budget surpluses, as outlined in the quarterly update last week.

Now, the last budget: some people may not have liked it, but at the same time it held the line on spending, Mr. Speaker. It made some tough decisions, with a focus on priorities, and it pronounced the philosophy of Building Alberta. Bill 46 follows on this leadership by continuing with our fiscal plan.

It's about balance, Mr. Speaker. Bill 46 ensures that compensation for our valued public servants is fair to our employees but also fair to the taxpayers. We worked hard with our doctors and our teachers on long-term labour deals that hold wages flat for three years and guarantee stability in education and health care.

Just this last week, Mr. Speaker, members of all caucuses here, I think, took a serious leadership step forward in voting to freeze our own pay for the next three years. I think everybody, regardless of what caucus you may be part of, can be proud of that decision.

At the same time, this is what a mainstream conservative party would do, achieve the goals of fiscal accountability, of economic growth, and a vibrant public service. As a conservative, though, I ask the question: if we do not manage the public tax dollar responsibly today, then how will we fund vital public services in the future? That's why, Mr. Speaker, I'm just perplexed by the changing positions of some members of this House.

Now, the Member for Airdrie has been polite tonight as well. I know he and I can get a little hot under the collar sometimes, but he's been very polite. I really never thought I would see the day where he'd be out on the steps of the Legislature practically wrapped in the flags of the AUPE and the NDP. If you would have told me a week ago that this would happen, Mr. Speaker, I wouldn't have believed you. The same member had indicated in the *Calgary Sun* a while ago: "The province should sit down and tell unions the truth. There's no money for raises, probably for two to three years." Now, those are not my words. Those are his.

**12:00**

Mr. Speaker, on top of that, I want to give you another quote. This is not from the Member for Airdrie. The quote is from the *Herald* a few years ago. Quote: I came to see unions as self-serving entities that punish good workers and protect bad ones, destroy workplace morale, and harm the companies that we operate in.

Now, that quote isn't from me. It's not from the Deputy Premier here either. It's from the Leader of the Opposition. I'm just really perplexed. My father worked at a union shop for roughly 30 years and got involved with a union. His politics, of course, are a lot more to the left of mine, but I wouldn't suggest that just because he was a union member, he was trying to punish good workers or protect bad ones or destroy workplace morale or harm the company that occupied him. This is very enriching to me.

Even less than a year ago the Leader of the Opposition said to the *Calgary Sun*: “There will have to be ‘some kind of austerity on public sector wages’ as in pay freezes in the short term.” Wow.

Mr. Speaker, the opposition has also released an alternative budget called the Wildrose Financial Recovery Plan, and it spoke at length of promoting cuts to the public-sector wages or the cost of bureaucracy. Some of the things that it talked about were, quote, holding the line on front-line public-sector salaries until the deficit is eliminated. Another thing: reducing salaries or benefits or bonuses or severances for non front-line workers in the government bureaucracy by over 20 per cent over four years. It also talked about: new hires will be provided with defined-contribution pension plans instead of defined-benefit pension plans.

Mr. Speaker, the Member for Edmonton-Highlands-Norwood talked about: you run on one thing, but you do something else. That’s exactly what the Official Opposition is doing here in opposing this bill. This opposition party supported budget austerity before. Now they’re railing against it. I’m wondering: next week will the opposition be joining Greenpeace in some protest? I don’t know. What do they stand for?

On this side of the House, in Bill 46, we will continue to hold the line on spending while meeting Albertans’ enormous growth challenges head-on. Bill 46 will support our public sector by ensuring that they are the best paid in the country. We will continue building Alberta so that we continue to be the best place in the world.

**The Speaker:** Hon. members, 29(2)(a) is available.

**Mr. Anderson:** That was a very passionate speech. It brought a tear to my eye that this member would spend so much time reading opposition literature and ideas and so forth.

Of course, the minister well knows. He was quoting from the Budget 2013: Wildrose Financial Recovery Plan. I’d like him to comment on this if he could. I just have to find the page here. On page 17 of that plan it talks about: “The Wildrose supports the work of public servants and supports the empowerment of the front lines.” Then it continues on page 18. “While this has prompted some to call for an immediate rollback in front-line public sector salaries, Wildrose has never proposed cuts to the salaries of Alberta’s front-line public sector workers.” That’s on page 18 if you’re following along there, Minister. However, until the budget is balanced in 2014, in a year, under the Wildrose plan “the Wildrose will work” – now, here’s the key phrase – “collaboratively and respectfully with public sector unions to hold the line on the current overall expenditure on front line public sector salaries.” What this says, to be clear, is that we will try to negotiate and make sure that we’re holding the line on salaries till 2014. Then beyond that I’m assuming they would probably go up likely with inflation, which is what we say later on.

So do you understand that it’s okay for you guys to go to the unions and say: “You know what? We would need to balance the budget, so we’re going to propose a zero per cent increase in year 1, 2 per cent in year 2, 2 per cent in year 3, and 4 per cent in year 4,” whatever. It’s okay to say that. No one is saying that you can’t go to them and say, “Look, how about 0, 2, 2, and 3?” That’s okay. I don’t think even the unions really expect you not to ask for that. It’s okay to do that and to fight for that. For the taxpayers, you say. Fight for the taxpayer.

But it’s a total, other thing – is it not, Minister? – when you don’t get your way, instead of negotiating and going to the bargaining table and doing so in good faith, to rip away the legal rights of our public-sector workers because you didn’t get your

way and because you can’t work, as I quote from the Wildrose literature, “collaboratively and respectfully with public sector unions to hold the line.” Because you seem incapable of respectfully and collaboratively working with our public-sector unions, do you see the problem that people have right now with the fact that you are ripping away their rights of arbitration?

They have no right to strike. They have no right. You’ve taken that right away. We agree that, hey, there shouldn’t be illegal strikes. Agreed. But when you take away the rights of arbitration because you didn’t get your pay freeze that you’re asking for, which I’m sure we would have asked for, too, in a negotiation had we won in 2012 – do you see the problem with ripping away their legal rights to go to arbitration, to have a third party look at the government side and the union side and say: what’s a fair compromise here? Do you not see the problem with that? Do you not see the distinction and the difference? Doesn’t one seem disrespectful and one seem respectful and collaborative? Don’t you think?

That’s what Peter Lougheed, your beloved Peter Lougheed, talked about in 1977, when he passed that bill. He said: we won’t allow essential workers in the public service to strike, but we will set up arbitration in its stead as a quid pro quo. Now you’re taking that away, and you somehow think that reading a quote that we want to have a freeze for one or two years on public-sector salaries, that we would go to the union – they know we would go to them because we were honest with them. We would ask for that. If they said yes, phenomenal, and if they said no, we’d try to work it out. We would try to work it out. If it didn’t work, we’d go to arbitration.

But what we wouldn’t do, what was never in our literature and, Minister, what was never in your literature is that if we didn’t get our way, if the union said, “No, we’re not going to do a 0, 0, 1, 1” or whatever, we didn’t say that we were going to rip away their legal rights to arbitration. And guess what, Minister? Neither did you. How do you answer that?

**The Speaker:** Hon. minister, you have about 20 seconds.

**Mr. Denis:** Mr. Speaker, first of all, I think this member really needs to answer something. He used to be a Conservative, and now he’s outside of the Legislature with the New Democrat opposition and the public-sector unions. Where do his loyalties lie?

It is important that we look after the taxpayer first, and the one thing that this member did not indicate is: what happens when you’re at an impasse?

**The Speaker:** The hon. leader of the Alberta Liberal opposition, the next main speaker.

**Dr. Sherman:** Mr. Speaker, thank you. I rise on behalf of the Alberta Liberals to speak in opposition to Bill 46, the Public Service Salary Restraint Act. I rise to oppose this bill for a number of reasons. First and foremost, what is the rule of law, the law of this land? The Canadian Constitution, the Canadian Charter of Rights and Freedoms, something that a Liberal government brought forward, a document – and this particular bill goes to the heart of who we are as Canadians – of fundamental freedoms.

Section 2(d), the freedom of association. We talked about bills 45 and 46, being sibling bills, as an attack and affront to the collective bargaining rights of Albertans. Mr. Speaker, you know, they talk about wildcat strikes. The only wildcats I know are sitting on that side of the aisle. The decisions that they have made as a government have led to certain decisions by hard-working public servants in our province.

Now, with respect to the Canadian Charter – they talk about workers breaking the law – the government would be in contempt of our Canadian law. If anybody challenged this law – and I believe it will be challenged – if it goes to the Supreme Court of Canada or when it goes to the Supreme Court, this government is going to be in a little bit of trouble, and it's going to cost a lot of money, which, unfortunately, Alberta taxpayers will have to bear.

12:10

Mr. Speaker, I don't know what's wrong with this regressive Conservative government. Even the previous Progressive Conservative Premiers recognized – you know, the father of the Progressive Conservative Party, Premier Lougheed, did take away the right of government employees to go on strike. However, he recognized that in the interest of fairness the loss of the ability to go on strike had to be replaced with the option of going to binding arbitration. The father of the Progressive Conservative Party put binding arbitration in here.

Now, the other reason we oppose this bill is just because of the principle of respect, just basic decency. If we want to build this province – well, I don't know. I think these guys over here are actually breaking the backs of Albertans who built this province. That's what this bill is about, breaking the backs of hard-working men and women. Mr. Speaker, we need to focus on the three Rs: respect, revenue, and shared responsibility. We all have a shared responsibility for this province. The government can't do it alone. They need the help of front-line workers.

The third main reason is that – you know what? – it's actually bad business. Nobody would start a business relationship by first slapping their partner in the face and saying: "Hey, let's all try to get along. Why aren't we getting along?" This bill is a slap in the face of hard-working men and women, who are going to build this province. That's not how you start a relationship, my dear friends. Negotiation and respect, sitting at the table. You may disagree, but disagree respectfully. Maintain your positions. Absolutely. The job of legislators and governments is to get taxpayers the best deal. Yes. The best negotiated deal. Yes, be tough in your negotiations, but don't walk away.

There are rules. There's binding arbitration. Go to arbitration. Sometimes you have two people that just, you know, are a mile or two apart, and that's where the binding arbitration comes in. My question is, Mr. Speaker: why does this government fear an arbitrator, an independent third party? Why do they fear that? They may actually rule in your favour – they may – and the union members would actually respect that. That's all they're asking for. Or they may rule in the union's favour. You know what? They might just say: "You're both sort of right. Why don't we sort of cut it in the middle, right? Let's make a deal here."

Mr. Speaker, for anybody who runs a business, you don't treat your workers this way. You treat your workers like gold. When you treat them like gold, they show up a half-hour early and leave an hour late and, darn it, go above and beyond the call of duty. When you treat human beings this way as your starting position – you know what? I still think these guys will show up early and leave late and still go above and beyond the call of duty, but I'll tell you that it's going to demoralize them. When people are demoralized, it lowers productivity, actually. It's good business to improve the morale of your staff. It's good business to treat them with respect. You know what? In this country it's actually legal as well to maintain the laws that we have that respect collective bargaining rights.

Mr. Speaker, you know, it's no wonder they can't balance a budget. When you've got an economy that's the envy of many economies in the world, the highest incomes, the best employment

rates, oil this high, this is as good as it gets. You can't balance the budget and provide the services that the citizens need? I don't know when you're going to do it. The question is: how did we get here? Well, how we got here is that, you know, the government's got no money. They've got no money, so they say. Well, why don't they have any money? Let's look at our revenues. My question is: how come the government doesn't have the revenue it needs? I'll tell you why they don't have the revenue they need.

One, when they went to a flat tax, they raised taxes on the very people that helped run the economy, the middle class and the regular working people, okay? They don't have money in their pockets to spend. That ripple-down effect that happens in society when regular working folk have money in their pockets is good for the economy. They buy a better house. They buy a better car. You know what? They buy nicer clothes for their kids. They eat out. It actually is good for business.

They actually raised taxes on regular working families. The Alberta Liberals will actually cut taxes on working families and make sure that they have fair wages because we understand that poverty is not a good thing. In the end it costs you a lot more money. The effects of poverty – Mr. Speaker, we have 90,000 children in poverty in our province. Poor children come from poor families, and poverty leads to issues of poor health. Illiteracy, cutbacks to education: those lead to poor health and poverty.

Mr. Speaker, yes, the government has to look at their taxation rate. We have to go back to progressive income tax. Premier Lougheed had it, and when Premier Klein was on his game, he had it. You know, we also have to look at our expenses. I took the liberty of looking at all the budgets and all the expenses. Do we have a spending problem, a revenue problem? Yeah. We've got a bit of a revenue problem. We do.

We could improve our revenue problem if we actually dealt with the environmental issues. The world and our partners would say: please get your pipelines through our region to the coast. We'd get a world-class price for our oil if we actually dealt with the environmental issues. Money would be flowing like milk and honey in this province. Everybody would be making more money if these guys actually dealt with the environmental issues. That would help increase our revenue as well.

On the spending side – you know what? – there is a wasteful spending problem, but the waste isn't in the front lines, in the staff, as this government would suggest. The waste is actually in the mismanagement. We have too many managers managing managers. We've got ministers who are ministers of associate ministers. Jeez. Half of these guys are ministers on this side over here. That's just simply inefficient. Mr. Speaker, you need smart government, not dumb government, okay? We need efficient government, not inefficient government.

Let's look at the number one spending issue, health care. Well, health care spending is up \$5 billion dollars a year from five years ago. That's a 43 per cent increase in health spending when the population has only gone up 11.1 per cent, and the citizens' needs aren't getting met. I had asked the government to find out where the heck the money is going first. Stop contracting out to private corporations in some other province or some other country that is going to deliver substandard services. This is actually costing you more money, delivering you inferior care. If you just had these good folks – when you take out the profit component, evenly pay unionized staff, and pay them benefits and pension, we would actually get better care for less money.

**An Hon. Member:** That's not on topic.

**Dr. Sherman:** No, no. It is on topic because this is how we got here. The government says that they have no money. We have given them solutions to improve their revenue, and we've given them solutions to fix their mismanagement.

Mr. Speaker, at the end of the day it's really a philosophy. The Conservative philosophy is, as Elizabeth Warren said: I got mine, and you're on your own; go get yours. They feel it's every person for themselves. We Liberals believe that when our prosperity is shared, when many more of us in society do well, we all do well as a society. We'll have fewer social problems, fewer homeless and hungry and poor kids, fewer people in the prison system. When people get a better education from early childhood to post-secondary, when everyone has the skills and training that they need, it's good for the individual, good for the community, and it's actually good for industry and good for the economy. It's for these reasons the Alberta Liberals oppose the need to pass this draconian legislation, Bill 45 and Bill 46. These are unnecessary bills.

12:20

Government backbenchers, I know you'll all vote for this because you really have no option. I know what your reward will be if you do vote against your government. But I think you're taking people for granted. I think you really are taking Albertans for granted. I believe that you actually insult the memory of Albertans, and I recognize that next election they will let you remember this.

Mr. Speaker, I believe there will be a true miracle on the prairies next election. I believe the Liberals will be part of forming a government, and I believe that when that happens – it will have to be a true miracle; it ain't going to be easy – we will repeal Bill 45 and Bill 46.

I understand that there's probably a 99.999 per cent chance that it's going to pass tonight. But for these reasons, Mr. Speaker, because of Supreme Court issues and the Canadian Charter of Rights and Freedoms, because we believe this is bad business, and we believe this is just dealing in bad faith, in unnecessary, heavy-handed legislation to further erode workers' collective bargaining rights, I on behalf of the Alberta Liberals oppose this, and I ask other members of the government just to really search your souls and do the right thing.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, hon. member.

Standing Order 29 2(a) is available. Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Mr. Speaker. I'd like the hon. member to comment on a few of the things I'm about to address with him. I guess I was very disappointed by the fact that this government chose to bring in time allocation on what I think are the most important bills actually facing this Legislature in this House sitting and the fact that we are going on, in my view, what can only be conceived as a trampling of workers' rights, the collective bargaining process, and, in fact, are engaging in an exercise that will basically take away our constitutional rights as enshrined in the Charter of Rights and Freedoms.

You know, say what you want about 1977, when Premier Lougheed took away the right to strike. Whether I agree with that or not, he actually had the foresight to put in the right to binding arbitration. That was the law of the land for the last 35 years, and in my view it actually allowed for the uneasy labour peace to exist. If you take away that right to strike, there has to be a vehicle for the collective bargaining process to work and exist because since that time, in 1977, we've had the enshrining of the Canadian

Constitution in 1982. At that time we brought in the freedom of association. We in this country and in this province have a right to be able to join a union and to collectively bargain.

There's been much case law that says that we have a right to do that. You go down and you look. You need to have an ability to do these things. All workers in this province and in this country have that right, and the court is repeatedly saying that collective bargaining must be meaningful under section 2(d) and that it requires a process of consideration by the employer of employee representations and discussions with their representatives. This government's actions, by taking away the right to arbitration and forcing the union at gunpoint to negotiate a settlement in this manner, to me, are an affront to our rights under the Charter of Rights and Freedoms. It's not even that hard. This is an easy second-year law school exam, for crying out loud. You look at this. They would be embarrassed to put it on a test because every second-year law student in the province would come up with the answer and say: yes; this is unconstitutional. It really is. I can see no way around this provision. If you look at the case law that's emerged in this country since 1982, this is an affront to the right for workers to organize, the right to collectively bargain, and the right to a fair and representative hearing.

Given that why would this government be choosing to go down a path that not only disrespects workers and disrespects the process that was in place and, in fact, engaging in a law that is probably unconstitutional despite the fact that, you know, we're continuing to take it out on the backs of middle-class income earners, people doing the good work of this province? Why are they doing this at this time?

**Dr. Sherman:** Thank you, hon. Member for Calgary-Buffalo. You've made some very important points. I can only speculate as to why this Conservative government would make this decision. I just thought: jeez, these guys are wilder than the Wildrose. At the end of the day this is a further erosion of our democracy. That's what my sense is. You know, binding arbitration is a very good thing. It's not often that unions have gone on strike for wages. The unions welcome binding arbitration. They do not know the outcomes of the decisions. It's in the Constitution because in the Canadian Charter of Rights and Freedoms they recognize that civil discord is . . .

**The Speaker:** Hon. member, thank you. Unfortunately, 29(2)(a) has elapsed, and we must move on to the next main speaker. That will be the hon. Associate Minister for Regional Recovery and Reconstruction for Southwest Alberta.

**Mr. Fawcett:** Thank you very much, Mr. Speaker. It is an honour to rise here today to speak to this bill, Bill 46, the Public Service Salary Restraint Act. I do want to thank the members that are in the gallery that have stayed here all night. While we know that this is a very contentious issue – these aren't easy issues to deal with – I think they can all be assured that even those on this side of the House that are supporting this bill don't take it very lightly. There has been lots of conversation about the value of members of the public service. I don't think we can underscore that enough.

You know, this last summer the Premier and the Minister of Municipal Affairs asked me to take on the roles and responsibilities of helping rebuild the southwest portion of Alberta from the worst floods in the history of this province. In doing so, I've been able to work with a number of public servants that have gone above and beyond what you would even expect most people to do. They do that not necessarily because they're public servants but because they're Albertans, and that's the Alberta spirit, and that's

what they do. It's no different whether they're in the public service or not in the public service. It's just what we do as Albertans.

I think we need to make sure that as we go through this debate, we remember that we are all in this together, whether you are a member of the public service as part of the union, whether you're a member of this Legislature as part of a political party, or whether you're a regular working Albertan that's a taxpayer that might not be involved in a union of any sort. Those people, too, are hard-working Albertans, and they deserve to have their interests represented as taxpayers in this Legislature as well.

In fact, one of the reasons why I believe, Mr. Speaker, that I'm here is because I grew up in very much a working-class family. My dad and my mother I don't think got much more than a high school education. In fact, I don't even think my father completed grade 10, but he went on to have a successful career as an average working Albertan in the construction sector and was able to move up and is a superintendent for a company that builds The Keg restaurants. He travels all over North America building The Keg restaurants. You know, I saw as I grew up in my family with two other brothers that my parents worked very, very hard to put food on the table, to make sure that we had every opportunity to succeed in life, whether it was through playing sports or having the proper equipment or supplies for school, clothes, those types of things, the basic necessities. My parents worked very, very hard. I know at times it was a struggle for them.

12:30

I know that at times they were very, very appreciative of living in a jurisdiction that had the types of public services that we have but also had a government that looked to making sure that they maximized the amount of money that they got to keep from their paycheque or maximized the amount of money that they were able to save on buying supplies, food, whatever, without having to pay a sales tax. That's something that they very much appreciated, and I know that is something that helped out my particular family.

I think this is what we're talking about when we talk about fiscal restraint. I know that I haven't been shy in my time as an MLA, since I was elected in 2008, about talking about the importance of managing the government purse. That does mean everything. It does mean the ability to deal with public-sector salaries. It does mean the ability to make sure that we're offering programs that are relevant and effective and efficient to Albertans. It does mean taking a look at our bureaucracy, our levels of management, and making those appropriate decisions.

You know, there is some misinformation that has gone through tonight. I find it incredible – in fact, it's bewildering, actually – the stance taken by some of the members opposite, particularly the Official Opposition, who are the first ones to stand up and say: this government is spending out of control; it needs to curb spending. I mean, they've put out tons and tons of information about holding the line on salaries, those types of things yet then want to stand up – my guess? – to do nothing but pander for votes, frankly, and say that they're now the champions of this process.

In fact, I was at the economic summit hosted by our government about a year ago, and there was a cross-section of panelists talking about our budget and what we need to do. Their former campaign manager – the hon. Member for Rimbey-Rocky Mountain House-Sundre said that they were going to run on the exact same platform they did last time; he just said that tonight – advocated a 10 per cent rollback of public-sector spending, including all of the salaries. Fair enough. You know, this particular party might not have gone to that extreme, but it's very difficult to tell because their position changes from day to day, week to week, month to

month on a lot of these things, trying to figure out where exactly they might be able to convince Albertans to vote for them. Mr. Speaker, what I can say is that as a member of this Assembly I don't go about picking my stances based on that type of illogical thinking.

As I mentioned, there is extreme value in our public servants. This isn't an easy decision. It's certainly not. I know that the ministers that were involved in this didn't take any glee in doing this. It's a very, very difficult decision, no doubt. Certainly, if the world was perfect and everything was ideal, you know, there would be a negotiated settlement already in place that works for the members of the public service, that works for the government, that allows us to continue to commit to our building Alberta plan, that has us living within our means so that we can keep taxes low, keep our economy prosperous, and continue to enjoy the quality of life and the quality of public services that we have today. But, unfortunately, that's not reality.

I guess I wouldn't expect anything different from the Official Opposition because they have developed this habit of standing up and saying one thing and realizing that in the reality of governing, you have to do something completely different. I think what we need to realize is that this is about the economics of the provincial budget and the commitment that we made to Albertans that we're going to continue to keep those gains that we've made as a province in being the best-managed fiscal jurisdiction in North America.

You have to do that through a number of measures. I think that results-based budgeting is one of them, Mr. Speaker. The initiative of eliminating 10 per cent of the management-level public services which, I might add – I think that we need to set the record straight on that. If you got rid of every single government manager, that would save \$3 billion – \$3 billion – in a budget that's between \$35 billion and \$40 billion annually in this province. That's less than 10 per cent, which is pretty typical of organizations this large, to have that level of management.

Now, Mr. Speaker, that's not to say that you still shouldn't maybe look at eliminating, you know, possible redundancy in management, and we are. We've made the commitment to reduce management levels by 10 per cent over three years, so we are taking that on. But the other big piece that you do need to take on is this whole idea around public-sector salaries. We've worked with teachers, and we've worked with doctors, and we've got them to work with us on living within our means and pushing that agenda forward as part of our building Alberta plan.

The plan is to make sure we're doing that to remain prosperous, to keep taxes low, which, I will remind everybody, public-sector workers also benefit from, as well as to maintain the sustainability of our quality public services moving into the future. While the process sometimes isn't as perfect as we always want it to be, I think it's important, Mr. Speaker, that what we do is to show a commitment to Albertans that we are willing to do this. We led by example by freezing MLA salaries, and we're going to work with our employee groups to get that same type of restraint so that we continue to protect the gains that we've made financially in this province over the last several decades.

I think what also needs to be brought up, Mr. Speaker, is that we do want to get to the negotiating table and work on that agreement – okay? – but you need a partner at that negotiation table to negotiate with. It's fine to just stand up there like the hon. Member for Airdrie did and say: we would negotiate a freeze. That's what you said that you would do.

**Mr. Anderson:** I said that we would try.

**Mr. Fawcett:** You would try. What happens if they're not at the table? How are you going to negotiate it? [interjections] That doesn't . . .

**The Speaker:** Hon. members, please. The hon. associate minister has the floor. Let's let him conclude. Section 29(2)(a) will be available thereafter. You can put your questions to him then. Agreed?

Please continue.

**Mr. Fawcett:** This is where I'm going, Mr. Speaker. Ideally, that would be fantastic – fantastic – if we can do it, but you need the other person at the negotiating table to be able to do that. It's very clear with this employee group that they have not the desire to be there at this time. The intention of this legislation is to encourage them to get back to that table so that we can do exactly that, hon. member. That's what the purpose of this legislation is supposed to be.

Mr. Speaker, this gets back to, as I said, the very basic reason why I believe I ran to represent my constituents in Calgary-Klein, why I believe it's an honour to be a part of this Assembly, why I believe it's an honour to represent the constituency of Calgary-Klein, and that's to make sure that we're making the right decisions even if they're the tough decisions. I will never shy away from that. I will never be intimidated. I will never be bullied away from that.

I truly, honestly believe in my heart that this is a tough decision. It isn't going to be easy. We are asking for some sacrifice not just from the group that this legislation applies to but from all of our employee groups, whether they be management, whether they be teachers, whether they be doctors, whether they be the good public servants, that work and are represented by the Alberta Union of Provincial Employees, or whether it be future employee groups that are negotiating their contracts.

I think we have an opportunity today, Mr. Speaker, to show some fiscal restraint, to control public spending, and as a result, future generations of Albertans are going to benefit significantly. They're going to have an economy like the one that we have today, that's leading the country and is the envy of the world. They're going to have jobs. Then the result of that, which is the foundation of why, I believe, Albertans have voted for this party for 40-some years, is a strong economy, one that's generating investment and job growth and is going to allow us to invest in the public services that create the quality of life that we enjoy today.

Those are the expectations that Albertans have. They understand it, and we're asking all Albertans to work with us to make sure that we maintain that advantage.

Thank you very much, Mr. Speaker.

12:40

**The Speaker:** Hon. members, 29(2)(a) is available. I have Airdrie, followed by Edmonton-Meadowlark.

**Mr. Anderson:** Just a question to the hon. member. As someone who's on this side of the House, sometimes I feel like you think – not you. I'm not going to accuse you of motives here. But sometimes the things we hear in this Assembly make me feel . . .

**Mr. Eggen:** Nauseated.

**Mr. Anderson:** Yeah. Nauseated.

. . . like some folks in this Assembly might believe that our public-sector workers are idiots. It's almost like some folks think that if the government goes into a negotiation – do you not think that the head of the AUPE knows that the Wildrose or the PCs,

whoever is in government, aren't going to go to them and ask for 0, 0, 2, 2 or something like that as their starting point? Do you really think that they're sitting there thinking: "They're going to come over here, and they're going to ask for 3, 3, 3, and 4? That's what they're going to ask for. That's going to be their initial position." I mean, clearly, they know that we're going to ask for a freeze when we have a deficit. Clearly, they know that.

**An Hon. Member:** That's why they ignored bargaining and went straight to arbitration.

**Mr. Anderson:** Well, no, actually.

For 35 years, associate minister, Peter Lougheed, whom you clearly respect and admire, as many other people do in this Assembly – I certainly do – put arbitration on the books so that for these types of disputes, where the government goes in and asks for a freeze or a 1 per cent increase or whatever and then they just can't find agreement with the union under any circumstances, there's recourse. They can't strike – they made that illegal; that's fine – but they can't even go to arbitration now. They can't even go to arbitration to get an arbitrated agreement.

Now, I know the arbitrator might come back and say: "You know what? We're not going to give you your freeze. We're going to go with 2 or 3 or 2 and a half or whatever." We know that's a possibility. But why would you take away that right for the unions to say: "Look, you know what? We don't agree with you, government." Government can go and make their case and say: "This is why the freeze is justified. This is reason why we're asking for a freeze for a year or two." There's nothing wrong. In fact, I commend you for making that case. Good on you for making that case.

But when you don't get your way, associate minister, and you don't get the freeze that you've asked for, what makes you think you have a right to then rip up 35 years of Premier Lougheed's legacy like this, rip apart their arbitration rights like they don't even exist and impose a contract? Instead, just go to the arbitrator and make your case. Say that this is why it should be a 0, 0, 1, 1 – in your case this is what you have in this bill – or that this is why it should be 0, 0, 2, 3 or whatever your negotiation was. Make your case to the arbitrator – that's the law – but don't take away their legal rights. Why are you taking away their legal rights on this bill?

**The Speaker:** The hon. associate minister.

**Mr. Fawcett:** Thank you very much, Mr. Speaker. In answer to that question I'd like to ask a question of my own. What would this member do, what would this party do – and I'm not sure he can answer that because they seem to be all over the map, at least on the last bill and, I suspect, probably on this bill as well – to keep their campaign promise if an arbitrator came back and awarded one of the public-sector unions a 4 per cent salary increase? [interjections] What would he do?

**The Speaker:** Hon. members, please. Show some respect here. I didn't see a whole bunch of heckling when Airdrie was speaking, and I'm hoping to see no more while the associate minister is trying to answer what Airdrie had asked.

Go ahead.

**Mr. Fawcett:** Yes. So I would like to ask the member: what would they do if that was the case? Again, I mean, who is he trying to fool here? At least be honest with that. Is he trying to fool the fiscal conservative base of his party by saying, "Oh, we're going to hold the line on spending, but if an arbitrator says that we

can't do that, we're not going to do that," or is he trying to fool and pander for the votes of the union here, Mr. Speaker?

**Dr. Sherman:** Mr. Speaker, there's a doctor in the House, and the good doctor has made a diagnosis. This government is sick. They're sick, and they actually need a heart and a brain transplant. They do.

Mr. Speaker, this government campaigned on no new taxes and no service cuts, and they've broken every promise. School fees have gone up, tuition has gone up, seniors are paying more, working families are paying more and getting less, and they're . . .

**The Speaker:** Hon. members, the time for 29(2)(a) has expired.

We'll move on to Edmonton-Calder, followed by the Associate Minister of Regional Recovery and Reconstruction for High River, and then Calgary-Buffalo.

**Mr. Eggen:** Well, thank you, Mr. Speaker. I just wanted to point out, first and foremost, that I have been sitting here since 7:30 p.m. This is the first chance I've gotten to get up, and it's now 10 to 1 in the morning. This closure not only is undemocratic, but it interferes with my ability to do my job as an MLA, right? I was elected to sit in this seat. Lord knows, I spent a lot of time, hundreds of hours with hundreds of volunteers, many years of hard work to speak in this Legislature for the people that I represent. So when these people put closure and those undemocratic things there, they get in the way of me and my ability to do my job. I find that offensive. Certainly, we will fight at every turn to defeat that kind of behaviour.

With Bill 46 I think it's important – and I was trying to think of a different perspective, having listened to so many people here this evening. I think part of what we need to look at here, ladies and gentlemen in the Legislature, is the fabric of our civil service and the idea that our civil service is an essential service. Lots of people use empty words about that, but you can only truly build up that civil service if you pay them in an equitable way that fits in with the economy of the jurisdiction in which they're functioning.

Here in the province of Alberta, Mr. Speaker, we have an economy that is growing exponentially. We have a population that's growing exponentially as well. We hear about that a lot in this Legislature. But we do not have a civil service that is growing commensurate with the population nor are their wages growing in keeping with the growth of our economy. So that is unsustainable in the most fundamental way.

You know that we attract people into civil service because it is a people-oriented job, mostly, right? So you attract people that have a certain demeanour. They want to help. They want to somehow make a contribution to our society. But they demand and know that that has to be reciprocated by their employer, that they have to be compensated in a fair way and that they have something that they can count on. Yes, working in public service has a certain amount of security that maybe some other jobs don't have, but you pay for that security by maybe a lower wage, and you pay as well by some compromises you make through how that wage is determined.

After 30 years of arbitration being the norm for determining what those wage and working conditions are, to breach that confidence, to somehow suddenly hit up against a stone wall, to say that you're no longer going to use that normal system of determining wages and working conditions by bringing forward some draconian, ridiculous legislation like this Bill 46, an absolute piece of garbage, as far as I'm concerned, you are breaking the trust with those public servants. And, Lord knows, it'll take you a long time if you ever regain that trust with those same people.

I know that there are public servants who have spent half the evening up here watching this sort of spectacle take place, and I have to say that although there are certain individuals in here that do a fantastic job, a lot of it is quite embarrassing because we're not talking about the substance of why these people are up here watching and the many thousands of workers are watching the deliberation of this debate. They're not watching for the empty words of saying: oh, we sure do like you public servants. Right? They're looking to look after their families, to make sure that there is a wage that they can live on here in the province of Alberta that can actually pay for the bills that they need to pay every month. Simple as that.

12:50

When I start looking at the wages that are being paid here in this province – because the economy is growing. You'd never know it from being in here. You'd think we were living in some kind of a 1930s dust bowl recession, the way these people like to talk about absolute nonsense of the greatest threat to whatever. You know, it's because you're too cheap to collect the revenues that we need to actually pay for the government services in this province, right? You want to redirect that money somehow, magically, to I don't know where. A lot of it just gets lost, I think.

Anyway, the last time I could find some figures that could reflect the differential for a public employee in this province was 2010, making an average of \$57,000. The average salary for a non-unionized public-sector management person was more than \$150,000, Mr. Speaker, in this same place during that same time period. So you have this differential, this inequality, this inequity, and we're only exacerbating that by, as I say, this pea soup garbage bill, Bill 46, bringing in something like, whatever it is here, 0, 0, 1, and 1. I mean, how could you possibly think you can get away with that? That is not going to pass any muster test of legality, right? And it's some way to send some lost message that you're still the Conservative Party, a draconian, you know, beat-on-the-workers party. People don't believe that any more. You've lost that title to somebody else, and you've lost the trust of the people that could deal with that anyway.

I've been listening for the last 48 hours as well about bringing in the doctors' agreement and the teachers' agreement and stuff. I mean, what a bunch of garbage, really. The doctors' agreement says, for example – here it is over the next one, two, three, four years, okay? Yes, they took a zero per cent increase over this year. Oh, well. There you go. They also got a \$68 million lump sum to somehow lubricate that zero, make them feel a bit better about themselves, right? The next year they get a 2.5 per cent increase. Reasonable and normal, I would say. I'm not going to, you know, be feeling anything against the doctors getting that rate. The year after that, 2.5 per cent again. Again, probably meeting that cost-of-living, COLA, index in some reasonable way. Who knows where the economy is going at this point, but it's certainly growing. We know that, for sure, growing at a normal rate, which is good. Then the year after that, the fourth year, again cost of living, COLA, is written right into their agreement.

I mean, that's not 0, 0, 1, and 1, and that's based on a level that starts off very high. For doctors, I would venture to say, it's nothing like \$57,000 that's the average wage. I think it's at least \$300,000 for the average doctor. So there is one mythology that I wish you would stop talking about. If anybody tries to do that next in their so-called speeches over there, I will be sure to shout you down, and the Speaker will be very upset about that, I'm sure.

In talking about the teachers' agreement, well, that wasn't an agreement. That was legislated on the teachers, quite frankly, with heaped helpings of this sort of guilt and, you know, veiled threats and all of these other things. Even so, they still had to legislate that agreement.

So I'm seeing a trend here. I'm seeing a story that is being written, and the story is fiction, right? I'm an English literature teacher, and I can see people constructing a story, a story which is fine when you're maybe writing a novel, but when you're actually legislating people's lives, that is not acceptable. The story is trying to somehow suggest that, "Oh, well, we're living within our means; we have to make these tough choices," like this is a family, like we're living in a sitcom or something.

I mean, that's not even reasonable either because we know, like I said before, that this economy is growing here in the province of Alberta. People with eyes can see, living in the economy like we do. We all know that this government last week announced that they have a surplus of over a billion dollars this year, okay? That's a significant improvement over projections, and it's because the economy is growing. Whoop-de-do, you know, as if we can't see that with our own eyes. We work hard to build an energy economy here and diversify our economy. We certainly don't want to leave our civil service further behind than where they are at this present time, right?

So, you know, on a very practical level, even if you're just looking dispassionately at the situation here in Alberta, there's no need for wage austerity at this time in the province. There's no logical reason, there's no economic reason, and certainly it only pushes back that differential, as I say, between the wages of our public service and the rest of the economy, making them ostensibly poorer with the zero per cent, zero per cent. Zero per cent is not level. It's a cut.

For the years 2000 to 2010, Mr. Speaker, this province had the lowest public-sector wages compared to gross domestic product of any province in the country. For those of you over there who don't have an idea about what gross domestic product is, it's the sum total of the goods and services that are produced in an economy, right? And it reflects – if the wages and that gross domestic product start to separate from themselves, then you end up in an unsustainable situation. So you think: "Oh, well. Aren't we doing so well?" It's all relative to how much is being produced, and what the cost to live is in a given place. So, yeah, sure, we have higher wages for teachers than some other provinces, but it costs more to live here, so that's perfectly normal.

Mr. Speaker, I just had so many things that popped into my mind about this. Bill 45 as well: I missed that boat entirely, again, because of this ridiculous closure thing, that I just don't like very much at all. I'm sure they'll manage to get in eventually, though.

In closing, Mr. Speaker, I just wish that I didn't have this Bill 46 in my hand. I wish that we could move forward with the arbitration that was in fact scheduled to take place here in a couple of months. It's not as though, "Oh, well, we've come to an impasse; the AUPE won't come to the table," and all of this. I mean, that's all utter nonsense. They're happy to negotiate. We all know what the endgame is. We've been doing it for 30 years. It's "Oh, well, let's get all blustery and so forth," the arbitrator comes in, we get a reasonable deal, and away we go, right? Instead, suddenly, we run up against this brick wall in the last week of our Legislative Assembly here, where you want to have this big fight, you know. It seems so artificial, but, Lord knows, it's deadly real for the people who have to face the pay cuts that will come as a result of this Bill 46.

I will stand in opposition to that. I will stand united with the growing number of people. If you think you can divide the public service away from the general economy, you're dead wrong on that. I was in Calder on Saturday and Sunday, and they all said: Dave, go get them, and give 'em hell. By golly, that's what I'm here to do tonight, and I will do it tomorrow afternoon, and I will do it tomorrow night again. I will do it tomorrow afternoon and then tomorrow night again and until we can resolve this issue. Maybe if I had one too many nights in there, I'll be here by myself. That's the only thing. Maybe I counted wrong.

Anyway, those are my feelings on this, Mr. Speaker, and I'd be happy to answer any questions.

**The Speaker:** Hon. members, 29(2)(a) is available. I have Edmonton-Gold Bar, followed by Edmonton-Beverly-Clareview, followed by Edmonton-Strathcona.

**Mr. Dorward:** Mr. Speaker, given that Alberta's GDP is approximately \$278 billion, 22 per cent of which comes from the resource sector, I'd be interested to know the member's comments on whether that taints the percentages that he threw out there.

**Mr. Eggen:** I didn't hear what he said.

**The Speaker:** Let's move on, then, to Edmonton-Beverly-Clareview.

**Mr. Eggen:** He's got to speak more clearly, right?

Well, GDP – what did you say? The percentage of the GDP and then blah, blah, blah, mumble, mumble, mumble. I mean, you have to . . .

**The Speaker:** Hon. member, did you wish to respond to Gold Bar? Is that what . . .

**Mr. Eggen:** No. I'm saying that I didn't understand what he said.

**The Speaker:** I thought you turned down the opportunity, so I recognized Edmonton-Beverly-Clareview. I'd be happy to return if you wish. You're yielding the floor, then, to Edmonton-Beverly-Clareview, are you? Okay.

Edmonton-Beverly-Clareview, why don't you continue, then.

**Mr. Bilous:** Thank you, Mr. Speaker. I just wanted to ask a question here to the hon. Member for Edmonton-Calder. In his comments regarding second reading he spoke about an inequity. Now, clearly, as he outlined, there is an inequity between non-union employees and managers earning three times the salary of unionized employees. So there is definitely a differential and an inequity there.

**1:00**

I was wondering if the Member for Edmonton-Calder could comment on the fact that there's also gender inequity going on here, where the reality is that when we look at public-sector positions, unionized employees, there are many more women than men whereas when we look at private-sector wages and when they increase, it seems that for the private sector there is an inherent inequality and penalization for women, who, again, choose more than men to join the public sector and work in unionized positions. So it seems like there's a direct attack on women, on women's wages within this province. Again, I guess I'll ask the hon. member how he feels this bill will impact women in the workforce and the wages that they earn.

**The Speaker:** The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Well, thank you, my seatmate and Member for Edmonton-Beverly-Clareview. I could hear him crystal clear, by the way. Great articulation.

There is something inherent here. People always say: you know, how is it that women doing the same job as men and so forth are making so much less? Well, so many more women are working in the public service and starting off at this lower level. The wage freeze is an indirect – I'm sure it's inadvertent, but I think it's worth pointing out that it ultimately puts this inequality between genders and the wages that they're making as an average over the whole population into a greater gap.

We should just think about those things, right? I mean, I'm sure that that wasn't written right into the bill. "Let's go get those women and make sure that we make that gap grow, because, Lord knows, we'll blast them back to the 1950s and whatever." But that is the sum; that is the result of it. I come from a family of more females than males, and either they work in the public service or aspired to do so, and I will not let that happen to them.

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

**Ms Notley:** Thank you. On the issue of the wage gap and how that is enhanced by this bill, I'm sure the member knows, of course, that Alberta falls behind the rest of the country and that the wage gap between women and men in Alberta is the largest throughout the whole country and that, in fact, when most people talk about the historic decrease in the wage gap, we seemed to have avoided that – I'm sure these guys are all really happy about that – in Alberta. The historic decrease has been because of, in many cases, the public sector and public-sector jobs and public-sector wages, and that's what's allowed women to start to approach equality in most cases other than in Alberta.

My question is, then, to the Member for Edmonton-Calder. Given that the outcome of this particular deal under Bill 46 will be that three years from now public-sector workers will have effectively taken a 5.1 per cent cut, does he think that this bill is going to actually increase the earning gap between women and men in Alberta?

**The Speaker:** Hon. members, 29(2)(a) has now expired timewise, and we must move on to the next speaker. That would be the Associate Minister of Regional Recovery and Reconstruction for High River.

**Mr. Fraser:** Thank you, Mr. Speaker. It's always an honour to rise in this House and have a healthy debate. I wouldn't even say that this, to me, is bittersweet; it's just bitter. As many of you know, I come from the public sector as a paramedic. In fact, I represented Calgary paramedics for the better part of three years and worked with my counterparts in Edmonton and other parts of the province.

What I can tell you about the union: I have a fond affection for many of the people because they taught me civics. It's one of the things that the union does really well. They know their civics. They know how to communicate, they understand government, and they understand how to get their message out.

For all those people I've worked alongside, they work hard, and their intentions are always well meant. So, Mr. Speaker, it's just not bittersweet for me; it's bitter. But like my counterpart and friend the Associate Minister of Regional Recovery and Reconstruction for Southwest Alberta, sometimes you have to make the tough decisions, and that doesn't make it easy. I could speak until I'm blue in the face, and that won't make a difference

to the folks in the gallery or the public sector, because it's still a tough pill to swallow.

Mr. Speaker, what we're asking is for them to come back to the table. Being part of the union environment, I know how easy it is to get caught up in the day-to-day: "Let's bargain for the 12 days, and let's just go to arbitration because maybe that's just our best bet for whatever." They're taking a gamble. But we've heard about the economy, and I'm so proud to hear that the members opposite are talking about our economy and how we're managing that and how it's getting better. That's the point.

Mr. Speaker, what I teach my children is that when times are getting better, it's time to batten down the hatches, it's time to save for the future, and it's time to have the debates that the members from the ND caucus are having at that bargaining table about that differential between women and men. Those are healthy debates. Those are the debates we should be having.

It's not just about the wage, and I know from being at that bargaining table that you negotiate everything before you get to the wage. Everything. We have an opportunity, Mr. Speaker, not only as government, not only as opposition but for those members in the gallery and for the people that represent those unions that are well meaning to change things in Alberta, to have a better dialogue between the unions and the government. That's why I got involved in the union. I thought that we could have a better dialogue, that we could show respect towards one another, and that we could actually make some headway, that we could have some meaningful, fulsome discussions about labour relations in this province.

Mr. Speaker, what I can tell you is this. There are two sides to the story. The Member for Airdrie on November 3, 2008, read the Emergency Health Services Act, Bill 43, into this House. He introduced that. Unwittingly, what he did was that he took away my democratic right to choose my representation, and what we've heard is that you should have the right to choose your representation. You should have your right to choose your bargaining unit. But that's not what happened.

While I respect the members on the other side of that union and while we had this discussion, respectfully we felt we didn't belong there. So I and my members in Calgary and in Edmonton and in other bargaining units went to every single member of this government, and all we asked for was a vote. They said: it's between the unions and the legislation that was created. Wait a minute, Mr. Speaker. That's legislation that fosters the idea that the union is in control. But the minority, over 2,000 people – and you're frowning at me, but it was your husband, I believe, that helped us communicate that.

Mr. Speaker, what we said – this is what it comes down to. Then we went to the union, the ND caucuses. Then, funnily enough, the Member for Airdrie wouldn't meet with us because we were the union. Wow. We went to the leader of the ND caucus, and he wouldn't meet with us. In fact, the one time we met, he didn't even show up. To me, that's not fair. We went to the Liberal caucus, and that member knows that we lobbied hard. All we said was: inside the union is a group that champions the democratic right . . .

**Mr. Anderson:** Point of order.

**Mr. Fraser:** . . . groups that actually watch people like Rosa Parks and Martin Luther King and the way that they conducted themselves, Mr. Speaker.

**The Speaker:** Hon. associate minister, I hesitate to interrupt, but Airdrie has a point of order, and he's probably going to give us a citation and tell us what it is.

#### Point of Order

##### Allegations against a Member

**Mr. Anderson:** Here I was, Mr. Speaker, enjoying some good hot wings and some good pizza to kind of refuel for the battle here, and according to Standing Order 23(h), (i), and (j) I heard the member opposite say that he as a union member asked that the union try to meet with me as the sponsor of a bill while I was over on that side of the House. I think it had something to do with Alberta Health Services. It was unclear what it was, but he said that they had asked to meet with me and that I had said no. That is categorically untrue. Never once did that union that that member represented ask me for a meeting and then I said no to that meeting. Never once. He needs to withdraw that allegation – it is untrue – or supply evidence, table the invitation or something that I said no to. Table it in this House.

**The Speaker:** Hon. associate minister, you wish to reply?

**Mr. Fraser:** Yes, Mr. Speaker. In fact, it was the union representing me at the time that reached out to him, and the truth is that I called his office numerous times and left messages without a return phone call. However, from my perspective and when I was part of that bargaining unit, you did not say no to me, but you said no to my bargaining unit, according to them. I withdraw that if that makes the member feel better, but I did make the phone calls, and they were not returned.

1:10

**The Speaker:** Thank you, hon. members. I think everybody knows, because you've heard me say this many times, that the rules and traditions and the protocols that have governed this institution for hundreds of years have always accommodated two differing points of view on the same issue. We've just heard two different points of view and a withdrawal. That closes the matter.

Let's move on with the main speech. The hon. associate minister.

**Dr. Sherman:** Mr. Speaker, I have a point of order as well.

**The Speaker:** Hon. Liberal leader, you have a point of order as well. What is your citation?

#### Point of Order

##### Allegations against a Member

**Dr. Sherman:** I have Standing Order 23(h), "makes allegations against another Member," and (i), "imputes false or unavowed motives to another Member." I haven't reviewed the Blues yet, Mr. Speaker, but I believe he said something about the Member for Edmonton-Meadowlark and unions and shackling somebody. I would like the hon. member, unless I misheard – I may have misheard. But if there's an allegation made that I said something about unions, I'd like the member to clarify.

**Mr. Fraser:** No, Mr. Speaker, that wasn't the case. In fact, I was just referencing the member. He knows that we met with him many times on this issue. Again, it goes back to: we were just asking for a vote. We're asking to choose our representation.

**The Speaker:** In other words, there was no imputation of any motive of any sort during your comments?

**Mr. Fraser:** No, Mr. Speaker.

**The Speaker:** That clarifies that message. Thank you.

**Dr. Sherman:** I thank the member for explaining.

#### Debate Continued

**The Speaker:** Let us move on, then.

You still have some time remaining on your main speech.

**Mr. Fraser:** Thank you, Mr. Speaker. Let me get to the point really quickly. Really, it's not about us versus them. I'm just talking about the time and the situation because there are lots of allegations that this government is not making the time.

I guess, Mr. Speaker, what I'm saying, particularly to the union members up above – and I've no disregard for that group. What had happened happened. In fact, you know, when I had to hand over the reins to my membership, it was done graciously. I think the member has done a good job for that union in bargaining good contracts. It wasn't what we wanted. That's just the way that the legislation rode out. In fact, what I'm saying is that you can't always agree with the legislation. When it works for you, you can agree with the legislation. But if it happens to go against you – in this particular instance it's one time, not this draconian legislation that will be in place forever. It goes both ways.

Mr. Speaker, all I'm saying is that these are not easy decisions. These members know, particularly the ones that have known me within those bargaining units, that I fought hard for my group. I represented them honestly, just like I do for my constituents. Yes, public servants did an amazing job in High River, and I can't give them enough, you know, accolades. They're important, but so are the taxpayers, that I represent as well.

Thank you.

**The Speaker:** Hon. members, 29(2)(a) is available. The hon. Member for Cypress-Medicine Hat.

**Mr. Barnes:** Thank you, Mr. Speaker. I would like to ask the hon. member if he's not at all concerned about how arbitration rights seem to be the balance that's been set in many, many jurisdictions for the public union's legal inability to strike and if he's not very, very concerned about how that removes individual freedoms.

I want to remind the individual member that in the last election tens of thousands of people in southern Alberta were very, very concerned with your government's quick and easy decision to legislate away property rights, the same way you're trying to do a quick legislation ramrod here of individuals' rights to have arbitration when they're providing valuable – valuable – public services. I remember hundreds and hundreds of signs that had the arrow through the PC: don't vote PC. [interjections]

**The Speaker:** Hon. member, I'm sorry to interrupt.

There are just too many conversations going on here. The Member for Cypress-Medicine Hat actually has the floor. Some of you may not recognize that, but he does. So let's not provoke. Let's not take debate. Let's just let this hon. member speak, please.

**Mr. Barnes:** Hon. member, are you concerned about taking away individuals' rights to arbitration under Bill 46?

**Mr. Fraser:** Mr. Speaker, what I can tell you, just further to my story, is that we took our concerns to the labour board, what was supposed to be a mediator in this situation. What was further troubling to me is that the labour board said that, in fact, we actually have the right to choose our own bargaining unit because we're a unique class of employees within Alberta Health Services that could fit and carve out their own bargaining unit.

You know what happened, Mr. Speaker, the closer we got to that and there were implications nationally for the union that was representing me? They put us under administration. If there's anything unethical, if there's anything undemocratic, it's taking away the money and the rights to work on your behalf, particularly when I didn't break any laws. I followed the constitution of the union. I represented them well, as you well know because I've met with you and many of the other people on their behalf respectfully. That's what was taken away.

What I'm saying, too, is that arbitration is not always the answer. In this particular case – to the hon. member – we're asking them to come back to the bargaining table and to try it for another 12 days, to try it for another 24 days. Why is 12 days the magic number before we call arbitration? It's two sides to tango. I think that we can have a resolve, but we need them back at the table, Mr. Speaker.

**The Speaker:** I have the hon. Liberal leader next.

**Dr. Sherman:** Thank you, Mr. Speaker. I appreciate the hon. member's remarks. I'm not sure if the hon. member still works as a paramedic. I still work as an emerg doc, and I still regularly meet with his colleagues and his college colleagues. Here are the working conditions of the members that he once led. Looking at the Alberta Health Services website, ambulances in a life-threatening situation only arrive 50 per cent of the time under the eight-minute time limit. They're still stuck in hospital. They're supposed to arrive 90 per cent of the time in eight minutes, not 50 per cent. They're supposed to be in and out of hospital in 30 minutes 9 times out of 10. They're stuck in hospital for more than an hour 5 times out of 10.

The government's response to this is not to get them out of hospital on time; it's to centralize the dispatch. Experienced paramedic dispatchers, who understand the health care conditions and the region, are being replaced by protocols and inexperienced people. The injury rates of the members he once used to lead are through the roof. We won't even talk about the emotional injury rates, the stress of seeing human beings suffering and not arriving in time. Mr. Speaker, I still see the patients that his colleagues bring in.

One of these bills – it's Bill 45, right? Is that correct? Is it Bill 46? [interjection] Bill 46. Sorry. Bills 45 and 46, the sibling bills. My question is to the hon. member. When it comes to the working conditions and the safety of the members you once represented and the patients that they looked after and a fair wage, hon. member, are you still fighting for those good people?

**The Speaker:** Hon. member, I regret that 29(2)(a)'s time has expired, and we now must move on to the next speaker. I show Calgary-Buffalo as being next on the list.

**Mr. Hehr:** Well, thank you very much, Mr. Speaker. As always, it's an honour to be able to speak to these bills regardless of their draconian nature. It really is nice to be elected and to represent constituents and to speak on important issues.

On that front I'd like to go through a few things quickly. I think I've been here all night, but because of closure, that was introduced by this government, in my view an unnecessary act, one that removes my ability to advocate on important issues and to allow all members of this honourable House to do so, I feel somewhat cheated. I think that if we were going to do this in fullness and in a fair fashion, we should have discussed this without the time limits of closure put around us.

From my view, these two bills, 45 and 46, are the most important bills we are going to be discussing in this Legislature. I think you have to look at these bills in tandem. In my view, they substantially change the labour negotiation processes we've seen in this province. It substantially takes away not only the union's ability to go to a fair arbiter to have their collective agreements negotiated, but I think it's also an affront to our constitutional rights and freedoms as they were signed in 1982. There's much case law that goes that way, and I'll stand by what I said before. I believe this government is putting in an unconstitutional bill that, in my view, is against what our Constitution says.

1:20

You know, I know we're here talking about Bill 46, and this is the third part of that bill, which is essentially hamstringing the union into accepting a 0, 0, 1 per cent, and 1 wage increase. Really, this is done with no ability for the members of the union to really operate in a full and fair fashion, that has been established in this province since 1977. There had always been the right to go to binding arbitration should the negotiation process fail. That's where we are in this process. The government has signed on to this ability as well as the union members. It was headed down that track, and that arbiter is able to fairly evaluate the union's position as well as the government's position. Both were able to make their cases known, to put up all the information they had, and for that arbitrator to recognize what he thought was a fair deal given the circumstances of what is happening in the Alberta economy.

That gets me to where we are. What that arbitrator would have had to deal with was the fact that this Alberta economy is clicking on all cylinders. It has wages in the private sector up, retail sales up, home sales up. Essentially, these are good times in this province for anyone except anyone who is involved in a public-sector job and the like. That's what this government is taking away from union members, an ability to go to an arbitrator, which would evaluate the Alberta situation in full clarity, in a full lens as to what is going on.

The reason why we are doing this is because this government, in my view, has mismanaged our finances in such a way that it is deplorable. I would disagree fundamentally with what the minister of flood recovery put forward here, that this province has been run in a fiscally sound manner. How can anyone suggest that when since 1971 we've taken in . . . [A timer sounded] You know the rest of it.

**The Speaker:** Hon. members, that concludes the time allocated for second reading of Bill 46. Therefore, I regret having to interrupt you, but pursuant to Government Motion 52, that was carried on December 2, 2013, I must now put the question forward.

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

[Several members rose calling for a division. The division bell was rung at 1:24 a.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Amery	Fraser	Luan
Bhullar	Goudreau	Lukaszuk
Brown	Hancock	Olson
Casey	Horne	Quadri
Dallas	Jeneroux	Rodney
DeLong	Johnson, L.	VanderBurg
Denis	Kennedy-Glans	Weadick
Dorward	Khan	Webber
Drysdale	Klimchuk	Woo-Paw
Fawcett	Leskiw	Xiao

Against the motion:

Anderson	Bilous	Notley
Anglin	Eggen	Sherman
Barnes	Hehr	Towle
Totals:	For – 30	Against – 9

[Motion carried; Bill 46 read a second time]

**The Speaker:** The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. I would move that the House adjourn until 1:30 p.m.

[Motion carried; the Assembly adjourned at 1:37 a.m. on Tuesday to 1:30 p.m.]

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