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The 30th Legislature
Second Session

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Day 71

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 30th Legislature

Second Session

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Legislative Assembly of Alberta

9 a.m.

Wednesday, November 25, 2020

[The Speaker in the chair]

Prayers

The Speaker: Lord, the God of righteousness and truth, grant to our Queen and to her government, to Members of the Legislative Assembly, and to all in positions of responsibility the guidance of Your spirit. May they never lead the province wrongly through love of power, desire to please, or unworthy ideas but, laying aside all private interests and prejudices, keep in mind their responsibility to seek to improve the condition of all. Amen.

Please be seated.

Orders of the Day

Government Bills and Orders Second Reading

Bill 47

Ensuring Safety and Cutting Red Tape Act, 2020

Member Irwin moved that the motion for second reading of Bill 47, Ensuring Safety and Cutting Red Tape Act, 2020, be amended by deleting all of the words after “that” and substituting the following:

Bill 47, Ensuring Safety and Cutting Red Tape Act, 2020, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Alberta’s Economic Future in accordance with Standing Order 74.2.

[Adjourned debate on the amendment November 24: Ms Goehring]

The Speaker: Hon. members, the hon. Member for Edmonton-Castle Downs has 11 minutes remaining on REF1 if she chooses to use them.

Seeing not, is there anyone else wishing to speak to amendment REF1? The hon. Member for Edmonton-South has the call.

Mr. Dang: Thank you, Mr. Speaker. It’s a pleasure to rise and speak on the referral amendment to Bill 47. Bill 47 I think is something that all Albertans and all members of this House are watching very closely and should be, I think, honestly, quite concerned about. I think when we looked at the changes being brought in under Bill 47, when we looked at the actual policy being initiated by this government under Bill 47, when we looked at the plan that this government was bringing in, and we looked at how it was being brought in – right? – the how, the why, the where, it becomes very clear that this is the wrong path and this is the wrong direction for Albertans. Put simply, the bill removes fundamental protections for workers both in terms of compensation and safety at work. Those protections, particularly right now when we are in the middle of a global economic contraction as well as a global health pandemic – we know that those changes are particularly concerning.

Mr. Speaker, the implementation of this bill, the development of this bill also is extraordinarily concerning. At a time when over 260,000 Albertans are out of work, at a time when this government is giving \$4.7 billion away to profitable and wealthy corporations, at a time when this government is doing everything it can to fire 11,000 health care workers and attack our front-line services in the middle of a global pandemic, this government completely failed to do an adequate consultation on these changes. The minister will get up in this place and say that of course he consulted, that he spent

time talking to Albertans about this, but that simply, I think, doesn’t tell the whole truth. I think, instead, what we can see is that the consultation was conducted in the span of one month in the middle of a pandemic, when people were already concerned about other issues and focused elsewhere.

Even if it wasn’t a pandemic, to make these substantive changes that compromise safety throughout the workplace, including eliminating the work of joint work-site health and safety committees and other aspects, Mr. Speaker, I think it’s completely ludicrous to suggest that a one-month summer consultation would be adequate, would be sufficient to bring in these sweeping changes that attack every single worker in this province. It simply does not make any sense – it simply does not make any sense – that this minister would have the audacity to come into this place and introduce this legislation, say that he had consulted, say that he had done his work, say that he had done the legwork, and then present this. It turns out that the only legwork done was a one-month consultation in the middle of a global pandemic, a one-month consultation on revoking workers’ protections, worker safety, and worker compensation and protections in the middle of a pandemic. Those are the actual changes that are being debated here.

I think, Mr. Speaker, when we’re talking about: maybe we need to slow down, maybe we need to actually stop and go to a committee and actually look at these issues in depth and maybe we need to actually do a fulsome consultation, maybe we need to actually do a proper analysis of this bill, I think that that’s a very reasonable request because the changes being brought in here are not trivial, right? It’s not administrative, and, really, I think the changes that are being suggested go against even the title of the bill.

We talk a lot in this place about titles of bills. In this case the minister has introduced Bill 47, the Ensuring Safety and Cutting Red Tape Act, 2020, and this bill does nothing of the sort, right? So if we’re going to be debating ensuring safety, if we’re going to be debating reducing regulatory burden, then we need to actually spend time talking to the people impacted by this. We need to talk to workers. We need to talk to businesses. We need to talk to all the organizations that will be affected. Mr. Speaker, the minister didn’t do that. The minister did not do an adequate consultation. The minister did not do his job, did not do what was required and what is expected in this place to bring in an adequate piece of legislation.

Under this legislation, under this UCP government, under this minister, under this Premier, injured workers will receive less compensation, fewer benefits. They’re going to experience more hardship navigating this system, Mr. Speaker. It simply does not make sense. Some of those big changes happening right now that are going to have long-term impacts, that are going to have significant long-term impacts on workers, include some of the changes to presumptive coverage for psychological injuries. So for workers who experience significant traumatic events, those will be limited to only a select few occupations now.

Mr. Speaker, collectively, we’re in the middle of a significantly traumatic event for Albertans and people all over this planet. People are struggling to make it through right now, and in no small part because this government has failed to bring in any sufficient supports, any services that would actually help curb the spread of this dangerous virus, that would actually help decrease the spread of this virus, would actually support businesses in the middle of this significant virus. This global pandemic is a traumatic event, but this government, in the middle of that, is deciding that Albertans need less protection, need less coverage, need fewer services. That’s what this minister is actually proposing in this legislation. That’s what this minister is actually bringing in under this legislation.

For example, under the UCP’s bill, under this minister’s lead, under this Premier’s government, under this Conservative

government, if a social worker and a police officer both respond to the death of a child, only one person in that situation would be covered for presumptive trauma, right? Who would it be? Reasonably, you would expect that if any person that responded to the death of a child was covered for presumptive trauma, then both people should be, but indeed that's no longer the case. This minister thinks that some people's mental health is worth more than others'. That's what this bill is introducing. That's what needs to be restudied. That's what needs to be analyzed in committee. That's what we need to review and say: is this actually a reasonable analysis; is this actually a reasonable condition; is this an actual reasonable cap and restriction on the protection of coverage for our workers in this province and for Albertans?

Because, Mr. Speaker, when our workers' compensation system fails workers, it ruins lives. We're talking about people's livelihoods here and their long-term health, so it's completely disingenuous for this minister to say that he's done his legwork when he's come into this place, that he's done the homework when he's come into this place, that he's done an adequate consultation when he's come into this place and introduced such an appalling piece of legislation, an appalling piece of legislation that attacks workers every single day, that attacks workers and reduces their protection, attacks workers and reduces their compensation and benefits. It simply does not make any sense. It simply does not make any sense because the very premise of a workers' compensation system and, indeed, the Workers' Compensation Act here in Alberta, is that when employees suffer a work-related injury or disease, they should be able to be made whole. That is the premise of our system. That is the basis and the foundation of our workers' compensation system. That's the foundation of why we have the system in Alberta, that we believe that if you are hurt at work, whether it's physically, mentally, or otherwise, that you should be made whole again.

Mr. Speaker, this minister is now coming and telling Albertans that he thinks some Albertans deserve less, that some Albertans are not as worthy of these services as others. That's what this bill actually introduces. That's what this bill, if passed, would change for people starting January 1, 2021, only a few short weeks from now. This minister is suggesting that in just a few short weeks some workers should get less. They should get less than others because, it would seem, that they aren't worth as much to this government. That's what it seems like they're suggesting. It simply does not make sense.

There are now also going to be changes in terms of things like overall caps on benefits, right? The percentage of the cap to be paid, which is currently set at 90 per cent for benefits, is going to be changed and reduced, and there are going to be adjustments for the cost-of-living increases that were removed.

9:10

I mean, all these changes, Mr. Speaker, added up together show that this government isn't serious about protecting workers, isn't serious about what this bill purports to do, right? This bill is called the Ensuring Safety and Cutting Red Tape Act, 2020. It does not ensure safety. Instead, what it does is it creates a two-tier system where some Albertans get less because of who they are and where they work. That is the actual policy that is being embedded in this legislation. This legislation creates a two-tier structure that tells Albertans that some of them are less worthy than others. Those are the values that are coming from this government.

For a government that, I mean, is currently giving \$4.7 billion away to wealthy and profitable corporations, for a government that's currently giving billions of dollars away to corporations that are laying off thousands of Albertans, when we talk about values

and we talk about who we're fighting for and why we're fighting in this place, when we talk about systems, for example, like our health care system and our WCB system and our education system, Mr. Speaker, this Americanization of our services is becoming a theme. This government is obsessed with Americanizing our services, right?

This Premier said when he ran in the election, when he got his huge mandate, that his huge mandate was based on three things: jobs, economy, pipelines. It seems like this bill accomplishes, again, none of those things, right? It actually makes jobs worse for Albertans. It actually makes every single person in this province who has a job suffer more. It actually does not help the economy, and indeed it has nothing to do with pipelines at all. So when the Premier said that he was focused on jobs, the economy, and pipelines, maybe this minister missed the note. Maybe this minister missed the memo, and that's pretty disappointing. I mean, I think the minister probably should have turned on the news once or twice.

But it turns out, Mr. Speaker, that, instead, what we get is a piece of legislation that brings in Americanization of our systems, that degrades the quality of life for Albertans, that diminishes the work that Albertans do every single day. It's simply an attack on every single person, it's simply offensive to Albertans, it's simply offensive to workers, and it does not make any sense.

It does not make any sense because if you're telling me, Mr. Speaker, that not every single person who responds to a scenario such as the death of a child, if not every single worker that responds to the death of a child may have a traumatic effect from that, may have mental health impacts from that, then I would suggest that the government is being extraordinarily misleading here. To say that some workers deserve more because of who they are and where they work simply does not make sense to me, right? It does not make sense to Albertans. It does not fit the values of Albertans. We do not differentiate what services people receive because of who they are. It does not make sense.

This government is introducing a two-tier system, just like when they were introducing Americanization in our health care, a two-tier health care system, just like when they're trying to attack our education system and Americanize our education system and our postsecondary institutions, just like when they Americanize every other aspect. It seems that this government has the values of trying to obsessively Americanize our services, of trying to obsessively Americanize our system.

Mr. Speaker, we see that throughout the government, right? We see that in their \$4.7 billion corporate giveaway, where they're giving money away to wealthy and profitable corporations that are laying off thousands of workers across this entire province, and now those workers who have been laid off will receive less in compensation and benefits when they find a new job. Over 260,000 Albertans are currently unemployed. Over 50,000 of those Albertans were unemployed as a result of this government's policies before this pandemic even began, and now this government is saying to those workers: "If and when you find work again, we want you to get less. We want you to get less compensation. We want you to get fewer services. We want you to have fewer benefits."

Mr. Speaker, the UCP's policies simply, I think, are cruel. They're cruel. They attack Albertans, they attack workers, and they attack every single person. They're offensive. They're offensive because Albertans deserve better. Albertans know better. They know that this government is not looking out for them. It simply does not make any sense that there's going to be a two-tier system in WCB, right? The premise and the foundation of workers' compensation, as I mentioned before, is that every single worker, if

you're hurt at work, whether it's mentally, physically, or otherwise, should be able to be made whole again, that you will have the guarantee that we'll be able to make you whole again, that we'll be able to protect you in those circumstances.

It doesn't make any sense. It doesn't make any sense. It's completely inconsistent with the very premise, with the foundation of why we have workers' compensation in Alberta. It's inconsistent with the systems that we have here in Alberta, Mr. Speaker. When we look at this, I think we absolutely need to stop this bill. We absolutely need it to go to committee. We absolutely need to actually understand why this minister chose to only do a one-month consultation in the summer, in a pandemic, and to say that that was adequate consultation, to say that that adequately dealt with workers, and to say that that adequately dealt with businesses and organizations.

Mr. Speaker, if you haven't noticed, Albertans are struggling right now to deal with a global pandemic, a global pandemic that this government has not done enough to support them in, has not done enough to support businesses in, has not done enough to support workers in. Because they were distracted by the pandemic, because they were busy worrying about their livelihoods, because they were busy worrying about their health and safety and their families, now this government has said: we did adequate consultation, and we're going to continue to attack those same protections.

I'm particularly concerned about this bill. I think it needs to go to committee. I think it needs to be stopped. I think it needs to be reviewed. I think we need to look at what this minister did and why this minister did it. I think we need to look at the proposed legislation through a holistic lens, Mr. Speaker.

Thank you.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. I see the hon. the Minister of Labour and Immigration.

Mr. Copping: Thank you, Mr. Speaker. I rise to comment on comments made by the hon. member from across the aisle and to reiterate some of the comments that I made last night in the Legislature. It appears that the opposition is calling for a referral for two reasons: one, because they believe there's been insufficient consultation; and two, quite frankly, because they think this bill hurts workers, that it's the Americanization of the workforce, as indicated by the member opposite, and attacks workers' safety every day.

Well, Mr. Speaker, I rise to urge this House not to support this referral amendment, quite simply, because on both cases members opposite are simply incorrect. We did substantial consultation this summer. We reached out to workers. We reached out to worker representations, employers, health and safety experts. We set up two separate guides. We got responses for them. We did a survey, with over 300 responses to the survey, 95 written responses. We held four virtual sessions to talk about these issues with experts and get input.

Mr. Speaker, this was in addition to the consultation that we'd done through the red tape initiative and received multiple submissions in regard to the concerns that were raised by Albertans about how the current laws, occupational health and safety and workers' compensation, were difficult to understand and were making it costly to protect Albertans and making it difficult to get the outcomes that we need and the objective of this bill, which is to improve health and safety outcomes, reduce costs, and get Albertans back to work.

We heard from that, Mr. Speaker, and we drew upon the work done by the previous government. There was also a consultation

done in 2017. There was a report done, and the panel submitted recommendations in the report. But did the previous government listen to all the recommendations in that report? No. They actually went further. There was not a recommendation to remove the cap for maximum insurable earnings for workers' compensation, but they did it anyway.

We relied on the previous consultation. We heard from employers through multiple processes such as red tape. We heard from workers, employers, labour unions, health and safety professionals in our own consultation, Mr. Speaker. As I indicated in the House, in regard to occupational health and safety we are removing some of the prescriptive elements from health and safety committees. We're putting them in the code, and we are going to do further consultation when we actually put that section in the code. The arguments made by the other side that there was insufficient consultation, that we didn't take the time to talk to Albertans and understand this, are simply incorrect.

Also, Mr. Speaker, the argument that these changes will result in poorer safety is also incorrect. We are streamlining a number of the processes. We are maintaining the core components of the framework. What we're doing is that we're making changes to make it easier for employees and employers to work together to identify risks in the workplace and then address those risks. The previous government put in complicated processes that turned our health and safety experts into box checkers. We want them to focus on outcomes and results.

9:20

The last thing I need to comment on, Mr. Speaker, is in regard to the Americanization of the workplace and presumption of injuries. The member opposite simply doesn't understand what we're doing here. You know, they're talking about the Americanization of this. Well, we have for certain classes in this bill presumptive injuries. That doesn't mean that others will not get coverage. It just means that there's not a presumption of that.

Mr. Speaker, this is the same as in B.C. Is that an American state? Last I heard, it wasn't. It's the same as it is in Quebec. Is that an American state? No, no. Last I heard, it wasn't. It's the same as in Ontario. Wait. Wait. Is that an American state? No, it isn't. We are bringing balance back to the workers' compensation laws, right? We are putting it in the context of what is here in Canada, and we are correcting the overreach done by the previous government, which increased the cost substantially. Do you know what happens when you increase the cost to employment? You reduce employment. Our focus, particularly now, given the pandemic and given our recession, is on improving the health and safety outcomes for workers and getting Albertans back to work, and this bill will do just that.

Thank you.

The Speaker: Hon. members, there are eight seconds remaining under 29(2)(a). We have now exceeded the amount of time for 29(2)(a). I'm very sorry.

Mr. Eggen: So are we adding in the time while we were talking? Is that the idea?

The Speaker: If the hon. Member for Edmonton-North West really wants to speak for the eight seconds, I'm happy to have him do that. There's going to be lots of opportunity. However, I would say that the hon. Member for Edmonton-North West definitely took significantly more than eight seconds of debate from his seat during the previous speaker.

The hon. Member for Edmonton-South.

Mr. Dang: Thank you, Mr. Speaker. All I'd like to say is that this minister is absolutely wrong. This is an attack on workers.

The Speaker: That's the time allotted for 29(2)(a). I'm so thankful for that time that we shared together.

The hon. the Member for Highwood.

Mr. Sigurdson: Thank you, Mr. Speaker. Today I rise to speak, of course, against this referral amendment and also to speak in strong support of Bill 47, the Ensuring Safety and Cutting Red Tape Act, 2020. I am very pleased with this bill. I've talked about it before, the balance that's required to come back to the workplace in order to be able to, exactly as the minister has said previously, get our industry back moving and get people back to work. Through this, our government is updating labour legislation to make workplace safety laws easier to understand and to create a more sustainable workers' compensation system to support Albertans now and in the future.

I've mentioned this many times before. I'm a ticketed red seal tradesman, and I think that through this, it's time that I try to bring some reality to the discussion on this bill. I'd also like to enlighten the opposition on why these changes are necessary and on the reality of the previous legislation. When the NDP brought in workplace safety legislation previously, they talked about updating it, and they talked about modernizing it. But the reality of the situation is that as an employer, employing over the two decades that I was an employer and also within that time working in the field as a foreman, updating and building our core safety program that we had, getting our core safety certification, and then working as an employer and as shareholder with my company, what I recognized was that through all the legislation they brought, they didn't make anything safer for the worker.

I hate to be the bearer of bad news to the opposition, but I was there first-hand, and nothing got better for the worker. I can personally attest to the fact that the changes they made improved nothing for the construction industry as a whole. I know I'm just talking about the construction industry, but this is a very large industry, and the fact is that this is where the bulk of my experience is, and that's what I'm trying to bring to the table right now.

Now, with this, we have statistics to prove that everything they did for updating the legislation did not improve anything for the worker. Their safety changes did, however, do something. They destroyed productivity. It doesn't surprise me that the NDP's answer to everything in safety is to create another committee. You know, this is kind of a standing joke that we had in construction. We used to say every time we walked around. As an employer or a foreman I used to walk on-site and see five guys standing around – and we all know this joke – and I'd say, "What are you guys doing?" And they'd say: "Safety meeting. Nobody moves; nobody gets hurt." Now, that's a joke that we make there, and I know this doesn't apply to committees when they're utilized well.

I'm not saying that we shouldn't have these committees in the future. We should continue to have safety committees, we should continue to have safety representatives, and that is in this legislation, in Bill 47, that we continue to have that. Now, that's something that's been within the culture of construction for a very long time. There's not one person I know in construction that doesn't want to be safe.

Through this, what I would say is that when they implemented so many things within their legislation, they made it so prescriptive. There was so much red tape. There was so much burden that went along with it. But the one thing they were successful at doing is dragging down productivity so much that it increased the cost of construction. So I guess they were successful at one thing, driving

up the cost of construction and establishing no real change or no real safety with that.

A few weeks ago – actually, I think it was a little over a month ago – I spoke in strong support of the minister's labour bill, a bill that overturned the NDP's failure on the labour file, and during that speech I explained how many bills that were passed by the NDP and the opposition in their four-year term crippled the construction industry and many small businesses, and today I once again am very proud to stand here in strong support as our minister tries to again tackle an absolute and epic failure of the previous government.

Mr. Speaker, I'm proud of the work that our government has done with the industry. The members opposite talked about the fact that there was inadequate consultation. What I would say is that when they implemented their changes, there was no consultation. I worked in the industry. I was connected with SMCAA, ASHRAE, Merit Contractors Association, small businesses across Calgary. Of every single construction company I talked to, not one company that I heard from was consulted with, and definitely, out of it all, there were no small construction companies that were consulted with.

I'm very proud of what the minister has done through his consultation, and even though it was a month, it was very inclusive. A lot of companies got to be able to partake in it, and in reality it doesn't take a lot of these companies and employers to be able to impart what they needed to the minister on the changes, because they'd been feeling what the failures were in the previous system.

Now, Mr. Speaker, I understand how difficult the consultation process may be to make changes like this, but I think what I would say is that what the members opposite in the previous government showed is how completely out of touch they were with the entire industry when it came to making their changes, so I'm glad that we've got a balance, another balance coming back to our industry to get people back to work.

Now, Mr. Speaker, in addition, I would like to just stop and pause and say that they never engaged with a lot of the employees, I know, within our industry as well. I know that when the changes came through, personally, to my employees, a lot of them, it was a standing joke, to be honest. They continually joked about how the amount of paperwork, the amount of burden that was put onto them with no result was just ridiculous. They stated over and over again how everything implemented by the previous government was, in reality, in a lot of cases a duplication of a process that had already been in place. Now, foremen have always been a central communication for safety of their workers, and we have weekly job site meetings, which always have a safety component built into the minutes of the meetings that we have. Action items come out of that, and a lot of my employees said that this was just another case of complete duplication and red tape that was having zero result.

9:30

As hard as I may try to understand the thought process of the members opposite, I can't understand how this duplication of processes can somehow – or they thought it would – create a culture of safety and build on the safety in a lot of these areas. I hate to break it to them, but the culture of safety has always been on job sites. I don't know one tradesman that doesn't want to return home to his family after a day of work, and that's all the way up the chain, including employers, because most employers actually worked as tradesmen themselves, and we understand that taking care of our employees is necessary.

With that, I also wanted to spell out this time what they've been talking about, saying that we've taken away the right for a worker to refuse unsafe work, and that's just not true. In the bill it states specifically that workers still retain the right to refuse unsafe work.

It just shows to me that, in a lot of ways – and as I’ve mentioned, I speak specifically to construction – when it comes to the changes that the members opposite made, they were just completely out of touch with this very large industry in our province.

With that, Mr. Speaker, we have to remind ourselves of the importance of being an outcome-based government, because that’s really crucial and important. When you’re doing or implementing the legislation that applies to major industries, you should always be driving to an outcome, and if you don’t obtain that outcome, then really that is just legislation that is redundant or unnecessary, and that’s why I’m very happy that the minister has gone through and is bringing these changes to the table to be able to take out all of these areas that were really nothing more than red tape and a burden and had zero outcome for the safety of the common worker.

They also have talked about this two-tiered, Americanized system and of somehow reversing changes just to support profitable corporations. I have to be honest, Mr. Speaker. This one just completely confuses me. I don’t even understand this. The minister has clarified that this is safety legislation that is similar to many jurisdictions across all of Canada. Their move to reinstate OH and S is not abandoning safety; it’s abandoning ideology and does not improve the worker environment. There will always be a move to improve safety within our government, and it should always remain at the forefront of our minds when we continue to navigate legislation.

The only difference between us and the members opposite is our changes are in conjunction and in partnership with industry and workers, and it’s with their experience and input that we’re bringing this legislation together. As I said, we need to be that outcome-based government to be able to bring legislation that, of course, builds a strong industry so that we continue to have the ability to have a strong environment for employers to be able to hire and employ workers across the province as well as having the safety in place and the legislation in place that is going to continue to build that culture of environment and protect workers as we move forward.

What the members opposite I think fail to understand is – I don’t believe their intent was wrong, but what they fail to understand is that many of the changes that they implemented did nothing to improve safety, but they did exponentially drive up the cost in many areas and, especially what I’ve seen in construction, drive up the cost of construction. That cost gets passed down to the people of Alberta. They end up paying for it. They pay more for a house, they pay more for a condo, and they pay more to get their business operating when they go to do a TI or a fit out. That doesn’t make sense to me.

If we’re going to pass legislation, if we’re going to do things to improve the safety of workers, then let’s do that, but if it’s not doing that and doing nothing but driving up cost, then let’s change it. I applaud the minister for what he’s doing because he’s tackled those specific areas directly through this legislation. That’s why I will not be supporting this referral amendment, and I advise everybody in this House to do the same.

Thank you, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is available if anyone has a brief question or comment. The hon. Member for Spruce Grove-Stony Plain has one.

Mr. Turton: Yes. Thank you, Mr. Speaker. I have appreciated the remarks and comments from the Member for Highwood. I know that he has extensive experience in construction, that he has referenced. You know, as a former construction worker I, too, have worked extensively with workplace safety committees. I was

wondering if the hon. member would perhaps tell the House a little bit about his experience with workplace safety committees and how they have kept the workers that he has worked with and had working for him safe and tie it in to the legislation and the changes that we’re making as a government.

Thank you.

The Speaker: The hon. Member for Highwood.

Mr. Sigurdson: Thank you, Mr. Speaker, and thank you to the member for that question. I think it kind of highlights something that I know when I was working through in construction – committees are great. They do provide you that environment to be able to get together and talk about safety issues and come up with areas to target on a construction site to make things safer. What I actually really enjoy about Bill 47 right here is the fact that when you have legislation like the previous government that was so prescriptive, it just hinders productivity.

Also, with that, you have to create the environment for them to be able to get together as a committee, which is still protected in this legislation. It does establish that safety committees should exist, but it’s not too prescriptive. Within that, the experience of the workers, the foremen, and the general contractors can create that committee in a manner that works and fits best for the job and the job size, which is very, very crucial because they can continue to be able to drive a high level of productivity while being able to then enact safety on the job site and protect workers. I think this is a key piece that the minister actually has spoken to, the fact that when you’re too overly prescriptive as a government, you continue to handcuff employers, and all you do is that you drive up cost with no result. I think that’s one of the principal pieces with that.

My experience has always been, on construction, that safety was always led by the workers. As I mentioned, I use the word “culture” because it is a culture of safety on a construction site, and foremen and employers are very, very good across the province for being able to stand up and advocate on behalf of their workers on jobs sites. As I mentioned, all contractors get together once a week at their main job-site meetings. Safety is always one of the principal components. Actually, it’s always the first topic that’s talked about in construction job-site meetings. We continue to always take that as priority number one, the safety of workers.

Within Bill 47 what I’ve seen, what the minister has done is take that experience and that feedback from the industry, and he has effectively been able to modify the legislation to be able to create a safe work environment while being able to create that competitive nature that will free up the industry to be as productive as necessary, to be able to have those companies be successful and create the jobs, hire the employees, get people back to work. That’s why I’m very excited to be able to continue to stand up in strong support of Bill 47.

The Speaker: Hon. members, there’s a minute and five remaining if anyone has a brief question or comment for the member.

Seeing none, the hon. Member for Edmonton-Whitemud.

9:40

Ms Pancholi: Thank you, Mr. Speaker. It’s a pleasure to rise today to speak to this referral amendment on Bill 47, ironically titled Ensuring Safety and Cutting Red Tape Act, 2020. I want to begin by addressing some of the comments that we heard both from the minister as well as from the Member for Highwood about the consultation. As you know, that really is the essence of why this referral amendment has been brought forward to refer this back to committee, because the Official Opposition, the members on this side, don’t believe that there’s been appropriate consultation.

Now, I listened carefully to the comments from the minister of labour with respect to the consultation that took place for one month over this summer during a pandemic, and he indicated, for example, that there were 300 responses to an online survey, 95 written submissions, and four virtual sessions that were held. Of course, I listened with great interest to the Member for Highwood, who talked about his concerns about the consultation process that was done back in 2016 and 2017 with respect to the consultation done by the former NDP government on the changes that they brought forward to workers' compensation and OH and S.

It's interesting. First of all, it's very easy to find out the information about the consultation process that the NDP undertook in 2016. Maybe the government wasn't aware that this was still up, but you can actually still see the details online of the very comprehensive consultation process that was undertaken at that time, which included, just from that piece of it, 1,700 questionnaires, over 200 written submissions, 67 workbook responses, and three months of specific injured-worker sessions that were conducted. When you compare that against what we're hearing from the minister of labour – those are just numbers, of course, right? – certainly that's a much higher level of engagement with respect to the legislation that was brought forward under the former NDP government. Those are just the numbers. Also, I want to say that what's valuable – again, perhaps the government members weren't aware that this is still available for the public to see.

It's certainly very obvious that the Member for Highwood was not familiar with this because he claimed, for example, specifically, that Merit Contractors were not consulted with, yet on the website you can actually download Merit Contractors Association's submission on the consultation that took place in 2016 under the NDP. They actually agreed. There's a sample, Mr. Speaker, of all the written submissions provided by a number of contractors, employers, consulting companies, workers, unions who provided input. It's just a sampling. These are just the submissions of the organizations that agreed to have their written submissions put up on the website. There are about 26 there. It includes Merit Contractors, it includes the Construction Owners Association of Alberta, and it includes a number of other construction-related organizations. Their written submissions are right there, so when the Member for Highwood says that Merit Contractors weren't consulted, perhaps I should just flip him by e-mail this link to this website, which details the submission that was actually provided specifically by, for example, Merit Contractors. I'm sure that he just wasn't aware of that, so I'm happy to enlighten the Member for Highwood on that.

I also want to indicate what I think is valuable about this information on the consultation process that was undertaken in 2016 by the NDP. It's not just the numbers of who was consulted, but it's a comprehensive what-we-heard document. There's a process plan for how those consultations were undertaken. As I mentioned, there are the submissions, there are the progress reports, and there is the engagement panel information, the final report, all of this information that's incredibly transparent around the consultation that took place by the NDP in 2016, that led to the legislation that was brought forward in 2017, very detailed.

I invite the minister of labour, who says that his consultation process has been very comprehensive as well, I mean, piling just by sheer numbers and scope and the time which he invested in that consultation compared to the NDP's – certainly, those comprehensive what-we-heard progress reports, written submissions being posted online: perhaps that would help Albertans

understand and believe the minister when he talks about consultation.

If there is a constant theme that is running through everything that's happening in this province right now and every concern raised not just by the Official Opposition but by Albertans with respect to the conduct of this government right now, it's because there is a lack of trust. Why is there a lack of trust? Because Albertans' trust has been broken over and over and over again by this government, whether it be on this, whether it be on education funding, whether it be on firing an Election Commissioner. Over and over and over again this government breaks Albertans' trust.

You know what that means? If you want Albertans to trust you, you're going to have to raise the bar. You're going to have to raise your game because right now what we're seeing is that there's no faith in the conduct of this government. You know what? That's not coming from us, Mr. Speaker. That's coming from Albertans. So if the minister of labour wants to stand up and say, "Oh, we talked to so many people," show us. Prove it. Put that documentation online; put up that consultation report in detail. By the way, I have to add that this government doesn't exactly have a great track record with respect to consultation reports either, considering that just within the field that I'm the critic for, a consultation report on the Child Care Licensing Act was two pages in content. Two pages.

You know what? Do what the NDP did. You want to prove that you're consulting and that what you're doing is in response to what Albertans are asking for? Tell us. Right now Albertans don't trust you. I don't blame them, Mr. Speaker, because I don't have a lot of trust in this government either. Now, of course, that's a little bit of my job. My job is to hold you to account, so let's hold you to account. Let's talk about what's actually in this bill.

Speaker's Ruling Addressing the Chair

The Speaker: I'd just remind the Member for Edmonton-Whitemud that debate through the chair is certainly the most constructive form of debate. You might say, "Mr. Speaker, let's remind them" because when you say, "Let's remind you," it creates a level of personal concern for the Speaker. If we could speak through the Speaker, I think that would help with decorum inside the Assembly.

Ms Pancholi: Thank you, Mr. Speaker. I appreciate that feedback. I think I was thinking about it more like, you know, in French, the *tu* and *vous*, the plural "you," but certainly I will take that advice and speak through you.

Debate Continued

Ms Pancholi: So let's talk, Mr. Speaker, about what is in Bill 47. I listened to the minister of labour, I listened to the Member for Highwood, and I know that there's been fulsome debate already in this House on this legislation, and I haven't heard all of the comments, but just from this brief time that we've debated this bill this morning, I've heard a lot of talk about balance and streamlining – right? – which, again, through you, are code words that Albertans are already very familiar with from this government about stripping the rights and protections from those who are the most vulnerable in favour of those who already have a significant amount of power and wealth. That's what that's code for. We know that.

Certainly, I object from a professional perspective, given my background, having worked in labour and employment law, and I will say, Mr. Speaker, for the record that I actually represented employers as part of my work. That's the perspective that I came

from in labour and employment law. I represented employers, and fundamental to the concept of labour and employment law is the recognition over and over by the courts that there is an inherent imbalance in power between employers and employees. That is the foundation of why we see protections in the Employment Standards Code, why it's a constitutional right to form unions and to have labour law. It's because it recognizes the inherent imbalance between employers and employees.

So when I hear the minister of labour talk about restoring balance, it again shows me that this government does not understand the difference between equity and equality. These are not two parties that begin from the same point. The law recognizes that. That is an absolute fact. We know that employees are dependent in a way on employers that employers are not equally dependent on employees. Yes, they need people to do their work, of course, but people can be interchanged. You can fire people. You can get rid of people. We know that employees need to work to survive, to put food on the table. They are dependent in a way that employers are not.

I am not actually here to debate that, Mr. Speaker, because that is a principle of law, that there is an imbalance. The basis of the labour and employment law that we have in this country and this province and across the world is to recognize that and to make sure that employees get additional protections, that that balance is somewhat levelled, and it's still never going to be levelled completely, but it's to level that so that they're not beginning from the same place.

So when I hear the minister of labour talking about restoring balance, what he's talking about is restoring imbalance. He's talking about giving back more rights and protections to employers against the red tape of protecting their employees, their livelihoods. I simply will completely reject that, and I know they're going to keep saying it. It's inherent to their talking points, and we're going to hear it over and over again, but this is not about balance; this is about restoring imbalance. That is the point behind doing this.

[Mr. Hanson in the chair]

What this minister and what the Member for Highwood, for example, refer to as red tape – red tape? Let's talk about red tape. The Member for Highwood was talking about how he was just so happy to hear that they were getting rid of the red tape. Let's talk about the red tape that they're getting rid of.

9:50

They're going to implement a cap on benefits for injured workers. Is that red tape, or is that actually perhaps putting a little bit more money in the pocket of employers? That's not about red tape.

They're going to remove the requirement for an employer to continue to pay health benefits for one year following an accident. Again, is that red tape, or is that actually putting money back in the pocket of employers? They're taking it not just out of the pocket of workers, but these are injured workers. They're saying that after a year you're no longer going to be eligible for health benefits. That's not red tape; that's saving money on the back of an injured worker.

They're going to limit supports for presumptive PTSD. Now, we've already seen that this government does not take mental health seriously, does not take seriously mental health issues. We're dealing with another bill before this House, Bill 41, that dismisses concussions, for example, as a minor injury, deals with that even though we know that it can be a life-changing injury for them. PTSD is crippling. It is absolutely crippling to people, especially when we're talking about people in high-risk jobs, and they want to limit that. Is that red tape, or is that, again, about saving money for employers and restoring imbalance?

They want to remove the right to compensation of wages during a stop-work order. Why is a stop-work order issued? Because there's something going on in that workplace that's unsafe. That's why a stop-work order is issued. There are lots of reasons, but that's one of them. Now they're saying that employees, who might not have anything to do with the reason for that stop-work order being issued, don't have the right to be compensated for their wages during that time. So the employer creates an unsafe working condition, and the employee pays for it.

Changing the definition of what is an occupational disease to limit the number of people who it applies to: again, none of that's about red tape. That's about restoring imbalance.

Removing annual CPI, the consumer price index adjustment, on benefits, cost of living. Now, we know this government does not respect cost-of-living increases, whether it be from education funding, whether it be from AISH. They actually deindexed AISH, so clearly this government would like to believe that benefits are frozen in time but not costs, right? We're worried about the costs to employers, never mind that it actually means less for the employer.

They're making it voluntary to reinstate an injured worker.

I'd like to hear specifically on each of those the red tape that is driving that change, driving that amendment.

Albertans are not fooled. You know, even at the best of times Albertans wouldn't be fooled, but right now more Albertans than ever before are working in unsafe working conditions. We have our health care workers – I mean, we've all seen, we've heard, we all know health care workers, whether they be the janitors, whether they be the laundry service people, whether they be the front-line physicians or the nurses or the ICU doctors – working in unsafe conditions all the time, and they continue to do it even though this government attacks them during a pandemic while they're doing it, even though this government refuses to take real measures to reduce the pressures on our health care system and, in fact, continues to completely stick their head in the sand about this COVID pandemic that we're facing right now.

I had so many e-mails last night and contacts and messages, Mr. Speaker, from health care workers saying that when they saw – I don't even want to call what they did last night a real action on COVID because it was completely maintaining the status quo. What that meant was that they knew, those health care workers, that their working conditions are going to become more and more unsafe.

We know this lack of action by this government on COVID is hitting us like a steamroller, and it's just going to keep going. The longer they delay doing it, the more weeks and weeks and months we have ahead of us of things getting worse and more unsafe for workers in our health care system. But you know what? That's happening everywhere now. We all have to take a new lens of what's unsafe because this government continues to not take action, and I simply don't know what it will take. How many Albertans will either die from COVID or won't have access to an ICU bed?

This is the fear that I have, Mr. Speaker, as a parent right now, apart from whether or not somebody in my family or friends or neighbours or colleagues are going to get COVID and are going to get sick or if I'm going to get sick but that my children – if we get injured by any other reason, if my child breaks a leg, a small accident, and they can't go to a hospital because there's no capacity.

When we talk about reducing red tape at a time, right now, when workers across this province, whether they're directly in health care, are facing more unsafe working conditions every day as a result of this government's inaction, it makes me furious, Mr. Speaker. I am furious. I am furious that we are sitting here talking about workers' safety like it's red tape at a time when more workers than ever in this province are unsafe.

I simply cannot abide standing by and listening.

The Acting Speaker: Thank you, Member.

I understand 29(2)(a) is available. I'll recognize the Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Mr. Speaker, for recognizing me, and thank you very much to my colleague for her very researched and passionate remarks. I always love it when there's a nice balance of emotion and narrative but also coupled with reality in terms of evidence and data and qualitative and quantitative arguments are made. I want to start by saying that I appreciate the trip down memory lane that is still well documented on the government of Alberta website around consultations and under the previous iteration of labour legislation under the previous government. I also want to say that the remarks that were shared around workers feeling more unsafe now than ever couldn't be more true.

When I think about the folks who are working at grocery stores today throughout our city and our province, I know that I get the regular updates, when I stop by the grocery store to grab my groceries, about how many cases there are among workers in the grocery store and how some of them feel safe or unsafe in terms of precautionary measures that are being taken. Of course, the same is very true in hospitals. Everyone I know who shows up to work in a hospital does so because they feel a sense of a calling to compassion and a calling to contribution, but they also deserve to have a fair wage. They also deserve to have the right to refuse unsafe work.

The number of folks who refused unsafe work last year was not significant. I think it was seven. I'd be happy to be corrected by the minister if that was wrong, but those seven absolutely felt unsafe and had every right to be able to say no in that situation. I would say that rather than making it harder for people to exercise their rights right now to say, "No, please stop; no, please put on your mask; no, please give me two metres distance," for the government to come in here and say that that is unbalanced, I think, is completely disrespectful to working people in this province, who are doing everything they can to support their families, their neighbours, their community, and their own family, too, being able to pay their own mortgages, when we know that 20 per cent of Alberta mortgage holders have filed for deferrals.

You know, I really want to commend the member for her remarks and to ask her to feel free to continue. I feel like there were a few more thoughts that were well formed, and I wanted to say thank you for what you've shared so far. I look forward to hearing the rest.

The Acting Speaker: You have two minutes.

Ms Pancholi: Thank you, Mr. Speaker, and thank you to the Member for Edmonton-Glenora. I was passionate, and I'm going to continue to be passionate on this issue. I only have a couple more moments, but I look forward to many, many more opportunities to speak to this bill because I believe it is our obligation in this House to stand up for people who are right now and have always been working to put money on the table to protect their families, but now more than ever we cannot be viewing safety of workers as red tape.

I implore this government to show the growth and meet the moment that we're in right now and to put aside their agenda that they've had since the day they were elected and that they've refused to budge on since the moment they've been elected even though the world has changed. I invite the government to open their eyes and look at the world that has changed and think about what they are doing.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you, Member.

There's still one minute left in 29(2)(a).

Seeing none, is there anybody else that would like to speak to the bill? I'll recognize the Member for Fort Saskatchewan-Vegreville.

10:00

Ms Armstrong-Homeniuk: Thank you, Mr. Speaker. I'm honoured to be speaking on Bill 47. I will be speaking against the referral. This bill is important because it reduces unnecessary red tape while maintaining safety and sustainability and removing unnecessary barriers to job creation. Our government was elected on a mandate to reduce the red tape that is creating barriers for job creation. This bill is a big step towards reducing that red tape and committing to our government's mandate.

The previous government made extensive changes to the OH and S laws in 2018, creating unnecessary red tape, and made many Albertans frustrated with overly prescriptive rules. While the previous government worked to create barriers, this government has been engaging with job creators, workers, and health and safety professionals to get their ideas for improvements.

This government took their advice and is changing OH and S laws to make them clearer and easier to understand and follow. These changes are beneficial to both job creators and workers. These changes will ensure that workers continue to have rights and protections while job creators face less red tape. Occupational health and safety laws are put into place for employees' safety and to set standards in the workplaces. These changes will change the length of the OH and S Act, reducing it significantly by eliminating repetition, simplifying language, and moving detailed requirements into regulation.

Mr. Speaker, not all Albertans are lawyers, that can understand the legal jargon that is put in these laws. They should be easily understood and easy to follow to ensure workers and employers can work together in keeping workplaces safe and healthy.

This legislation also brings in added flexibility for health and safety committees and representatives for working sites with multiple employers such as construction sites. It will also clarify the definition and reporting requirements of potentially serious incidents. This information from potentially serious incidents will not be used for enforcement purposes.

Aside from red tape reduction, this bill is also important to update workers' safety regulations. This bill will make changes to the Workers' Compensation Act to ensure the system is sustainable, affordable, and fair. It is important that we restore balance and fairness to the workers' compensation system to meet the needs of workers and job creators now and in the future. It will do this is a number of ways, including reinstalling the maximum insurable earnings cap for injured workers, enabling the Workers' Compensation Board to set cost-of-living adjustments for compensation benefits, and restoring a voluntary system for reinstating all injured workers and reinforcing co-operation by all.

Mr. Speaker, these changes are very necessary in our current system. These changes will reduce costs for employers but will also streamline procedures and encourage workers and workplaces to better manage risks, not to benefit employers at the expense of the workers' rights and protections.

Mr. Speaker, this bill is also fulfilling another campaign promise to follow through on our commitment to create the Alberta heroes fund for first responders. There is no higher form of public service than to risk one's life to maintain public safety, and we would like to honour that. Eligible first responders, including firefighters, police officers, sheriffs, paramedics, and correctional officers, will be able to have increased benefits to support their families. The fund will provide a one-time tax-free payment of \$100,000 to eligible families of first responders who pass away as a result of them

performing their duties. Alberta is the only province with a program of this type for families of fallen first responders.

Sadly, Mr. Speaker, there were 106 Alberta first responder fatalities between 2010 and 2019. Ninety per cent of these were firefighters, due to occupational illness. The heroes fund is important to keep the livelihoods of first responders' families intact. Alberta is honoured to be served by more than 14,000 full-time, part-time, casual, and volunteer firefighters. About 80 per cent of them are volunteers. We have more than 7,500 police officers and more than 9,400 paramedics.

I am very pleased with this government putting the heroes fund into legislation as we promised. First responders are truly heroes that risk their lives for us every day, and it is incredibly unfortunate that deaths do occur. The heroes fund will take effect upon royal assent of this bill, and the WCB will begin identifying eligible families and administering payments retroactive to April 1, 2020.

With this legislation we are enacting important changes to reduce unnecessary red tape and increase sustainability of workplace safety. The government listened to the concerns of the people about the changes that the previous government made in 2018. We made a promise upon election that we would make these necessary changes to important legislation.

I will be voting against the referral, and I urge my colleagues to do the same. Thank you, Mr. Speaker.

The Acting Speaker: Thank you very much, Member.

Standing Order 29(2)(a) is available.

Seeing none, are there any other members wishing to speak? The Member for Calgary-Buffalo.

Member Ceci: Perfect, Mr. Speaker. I, too, will be supporting the motion on the floor, which is to refer this to committee. I think it is a necessary step to take the opportunity to look at this bill in greater detail with not only legislators around the committee table but potentially people who can come and lend their expertise to our discussions.

I say "expertise" because, admittedly, I'm not an expert in WCB. I have worked in many places over the course of my work career. You would probably call them office jobs for the most part, and while they're not shop floors and they're not, you know, jobs like a transport driver on the road every day or an emergency services worker, while they're not those kinds of things, office work has its own potential injuries as well. Many of my colleagues had repetitive stress from delivering reports and working in sedentary positions day in, day out, which was not good for their health, and needed to take time off to recover from those sorts of things.

The office work that I did, you know, was in probation with community service work as well, community development work, so there was a trauma that took place as a result of counselling and being in and around offenders who had done some pretty horrendous things. Through the course of work you had to know what that was and had to try and give guidance to those people. Some of their circumstances went to places that nobody should hear about or understand or have to work with, but there we were.

The kinds of workplace injuries were different than some of the discussions that have been taking place here today, but they did happen. I think my experience would benefit from going to a committee, referral to a committee and learning more about other kinds of workplace injuries that took place.

I must say that I'm disappointed, again, with the presumptive coverage for PTSD being taken away from social workers. I'm a social worker. I'm not a registered one at this point in time, but I do know, as my colleague from Edmonton-South was talking about, there's not a lot of difference for people responding. In the case of

— I think they call it PACT, where social workers and police respond to domestic violence situations together. Both in Calgary and Edmonton they have those units and probably elsewhere in this province. There's no difference for the people who were knocking on the door. They both have psychological trauma as a result of that, and the fact that it's been taken away from one-half of that is nonsensical and completely disappointing.

I do want to thank my two colleagues who spoke before me at length. From Edmonton-Whitemud: the passion that she showed and concern for what she was hearing and trying to correct the record here is laudable. She talked a lot about the lack of trust that Albertans have in this government, Mr. Speaker, because so many of the things that have been done look to roll back progress that was made in a number of areas under the NDP government. My colleague from Edmonton-South did a really excellent job in kind of reviewing the lack of consultation and the inadequacy in that consultation that is before us in Bill 47, and my colleague from Edmonton-Whitemud reviewed the consultation that took place in 2017 that brought forward the changes under the previous minister of labour. I want to thank them for all of that.

10:10

I want to spend a little bit of time talking about what I see happening not only in this bill, Mr. Speaker, but in previous bills that I can name. One last night that we talked about in this House, Bill 48: that's the red tape reduction bill. It's an omnibus bill that looks at many, many pieces of legislation and rolls them into Bill 48 under the premise that, you know, there is red tape reduction there. Well, I can tell you with regard to the Municipal Government Act amendments that are in that bill that those aren't red tape. There's good rationale for many of the things that, unfortunately, now are being amended and rolled back. That's one bill. Bill 47 is before us today. Bill 41, we know, is the Insurance (Enhancing Driver Affordability and Care) Amendment Act, 2020.

You know, in all of those cases we're being told and Albertans are being told that the rights have to be wronged, the situation has to be righted from what the previous NDP government did with regard to different aspects of that bill. I would say that we keep hearing about job creators. Even the last speaker talked about how job creators need more support, job creators have been getting a raw deal under the previous government, job creators were hamstrung.

With bills 47, 48, and 41 let's call the influence in the work being done in those bills and the reason they're here — let's call a spade a spade, Mr. Speaker. In Bill 48 with regard to the MGA we know that it's developers that will now benefit from the changes in that bill. In Bill 41, the Insurance (Enhancing Driver Affordability and Care) Amendment Act, 2020, we know that the insurance industry will benefit. Drivers won't benefit. We know that the insurance industry will benefit from the changes brought forward. And in this bill we know that employers by and large will be the beneficiaries, not the workers in this province, where we know there are hundreds and hundreds and hundreds of thousands of workers. They won't be the beneficiaries of changes brought forward. It's the developers' lobby, it's the insurance lobby, and it's the employers' lobby that all have the ear of this government, sadly.

In Bill 48 it's not the municipalities that have the ear of this province, because they are going to see their powers reduced under the changes brought forward in 48. In 41 it is not the injured car drivers or people whose vehicles are damaged that have the ear of this government, because they will see their costs go up and they will see their benefits reduced as a result of the changes brought forward in 41. As my colleagues and I are arguing today, under Bill 47 it is not the workers who will benefit with the changes here. Some people on the UCP side seem to think that, you know,

workers were dissatisfied with the work that was done by the NDP government to improve the benefits of workers in this province. Well, that doesn't really hold a lot of logic for me, but that's okay.

I want to continue where my colleague from Edmonton-Whitemud left off. She was talking about, you know, some of the changes that are being proposed in this bill with regard to the protections of workers both in compensation and safety at work. I think she got down to making it voluntary to reinstate an injured worker. That is regrettable, Mr. Speaker. You know, I just wonder if, in those cases where employers aren't required to reinstate injured workers, those people will be coming back to the workplace at all.

I totally believe that there are excellent, excellent employers across this province who have total dedication to their workforce and want to see them benefit and grow, and it's like a family in the workplace. In those situations, I have no concerns at all that the right thing will be done, but I do have concerns that in other situations where employers don't feel the obligation to stay connected to that worker, that will take place.

I want to talk about some of the other protections for workers that have been removed in this bill and the reason why it needs to go to committee. Safety in the workplace is being compromised through several things, and I want to point out that the first one is the limiting of the work of joint work-site health and safety committees and representatives, including the removal of their participation in the investigation of an incident or an inspection and removing the need to have either on a work site with multiple employers where there is a prime contractor.

The situation that comes to mind – and perhaps some people will be able to fill this in more – is the High River beef plant where there were concerns raised about that work site and its safety and the employer didn't follow through with the efforts to inspect that work site with their employee representatives. I remember that was in the news, and it, unfortunately, was a situation where an employee died as a result of COVID infections in that work site. We know that for a period of time that site was the site with the highest transmission of COVID infection amongst its staff, and that was a tragedy that could have been avoided, I believe, if greater supports for employees and their representatives and the employer in that site would have been enforced.

We go on to look at the removal of the requirement for the employer to co-operate with the joint work-site health and safety committee or representative. The removal of the requirement to do that: now, who does that benefit, Mr. Speaker? It doesn't benefit workers and work sites like that. It is something that potentially could be quite – you know, from an employer's perspective it's not the bottom line. It's not improving the bottom line. It's something that, obviously, improves the workplace for employees. I believe many employers want that to happen. They want to ensure that there's great co-operation and a robust joint work-site health and safety committee going on, but removing the requirement means that some people, employers, could leave that off.

The reduction of the responsibilities and checks and balances on employers, prime contractors, and supervisors and more onus being put on workers: you can see that throughout Bill 47. More onus, more costs, are being put on workers throughout, so it's no surprise that that's a concern for this side as well.

The return to the practice of returning surpluses to employers potentially creates an incentive to not report. That's, you know, something that other provinces have changed, in my review, and some of those provinces have changed this practice many years ago, so the removal of our changes in that regard is disappointing.

Limiting the scope of the right to refuse unsafe work and allowing for the disclosure of a worker who has done so: the

insertion of undue hazard means that they can only refuse work if the hazard falls outside of what would have normally been expected in the job. As I said, there was a different hazard or risk potential of injury in the place I worked for many, many years.

10:20

The Acting Speaker: Thank you, Member.

Standing Order 29(2)(a) is available. I will recognize the minister of labour.

Mr. Copping: Thank you, Mr. Speaker, and thank you to the hon. member for his comments. I rise to comment particularly about some of the comments made by the Member for Edmonton-Whitemud. Again, I'm not going to belabour this point, but I'd like to point out that, you know, referring this to committee: the other side argues that it needs to be referred to committee because there needs to be additional consultation. There has been significant consultation on health and safety issues.

I'd like to thank the hon. Member for Edmonton-Whitemud for pointing out the 2017 consultation, and that is still on the web. Mr. Speaker, that information didn't go away. The submissions didn't go away. This is information that we have within our department, and, quite frankly, we reviewed those submissions. We reviewed the report, and that then allowed us that the information that we received, submissions that we received prior to that through the red tape reduction and then our own targeted consultation, was fulsome and allowed us to actually make choices that are reflected in this bill to improve health and safety outcomes and to address issues that we had heard raised by Albertans and concerns about the financial stability of workers' compensation, which we address here. So there has been fulsome consultation.

But I think the point that I really want to make here is that the other side is suggesting that we need to go to committee, we need to study this long because, you know – and this is going to take a significant amount of time. Mr. Speaker, we need to address these issues now, right? Occupational health and safety: the changes made in the previous act didn't improve outcomes. We're focused on improving health and safety outcomes, and that's more important than ever. We're doing this by reducing the red tape, but the key components for health and safety, which include health and safety committees, which include the right to refuse, which include the right to know, the obligations of the parties: all that remains. The framework remains. What we're doing is removing the prescriptive elements so that the parties can focus on identifying the risks and addressing those risks. We are focused on outcomes.

Mr. Speaker, quite frankly, although the framework – and I give credit to the members opposite and the Member for Edmonton-Mill Woods, who put in a framework for health and safety committees, which wasn't there before. We're keeping that, but we're making it easier to use so it can be effective because on this side we are passionate about health and safety outcomes, and we are passionate about health and safety and improving the lives of workers so that they can go home to their families. I worked in a heavy industry for many, many years. I can see the power and the value that health and safety committees can bring when they are used correctly, when they have the flexibility to identify the issues and address the issues. We are enabling that. That's why it's so important that we move this bill through the Legislature, that we get it right because we need better health and safety outcomes. We need to protect the health and safety of workers.

This bill not only deals with that on the health and safety side, Mr. Speaker; this bill also addresses the financial stability issues of workers' compensation because we heard that changes made by the previous government increased the costs. You know, the hon.

Member for Edmonton-Whitemud pointed out that there was a panel report in 2017, and yes, there was. Guess what? That report did not recommend removing the cap, but the previous government did it anyways. They removed the cap, making us one of very few jurisdictions that has no cap. Actually, Manitoba, which is the other jurisdiction that doesn't have a cap, is putting it back on, right? And the reason for that is because that cap provides additional benefits to a very small percentage at an incredibly high cost.

We are focused, Mr. Speaker, on ensuring that we have the long-term sustainability of our workers' compensation system for workers – all workers – over the years to come. We need to address that, and the reason why it's so important that we address it – and we do need to address that now, which is why we can't send this committee – is because we need to manage the costs. By managing the costs, we can reduce the cost to job creators, and they can hire more Albertans.

When we made changes – you know, given with COVID one of the key changes we made for small and medium-sized employers is that we are paying half of WCB premiums. The reason we did that, Mr. Speaker, is that we, at least on this side of the House, understand that if you increase the cost to employment, you get higher . . .

The Acting Speaker: Thank you, Minister.

I'd just like to remind the House that when you are responding under 29(2)(a), you should be focused more on the speech of the previous speaker and not tying into other speakers.

I'll recognize the Member for Edmonton-City Centre on the referral amendment REF1.

Mr. Shepherd: Thank you, Mr. Speaker. I appreciate the opportunity to rise and speak to Bill 47 for the first time, and I appreciate the opportunity to follow the words from the hon. minister of labour, who has brought this legislation forward and just spoke about the consultation that they engaged in on this bill. Indeed, that is what we have heard from many members of the government caucus in the House this morning. The Member for Highwood spoke of all the consultation that took place. The Member for Fort Saskatchewan-Vegreville talked about how this government took your feedback and "listened to the concerns of the people." The minister referred to it as "targeted consultation" yet somehow also "fulsome" consultation. We know this government's penchant for targeting its consultation. We've seen how this government sets up its pins, heavily stacked with the people who already have the opinion that they want to hear, with thumb firmly planted on the scale. That is how this government consults, that is how this government prepares, and that is how this government goes forward, then, to tell the people of Alberta what they're going to get, not listening and working with the people of Alberta to move beyond their own ideology and desires of their own political base and actually find balanced policy for the people of Alberta.

They like to toss the word "ideology" across the aisle at us an awful lot, Mr. Speaker. I remember doing a member's statement on that pretty early on in our previous term as a government. Let's be clear. This government is one of the most ideological that Albertans have ever seen as we particularly saw yesterday with the too little, too late restrictions brought forward by this government, restrictions brought forward by this government, restrictions, of course, that were largely mainly already in place.

Of course, we're not here to talk to that today, but I'm just pointing out again how this government operates and who it listens to and who it favours. That is the lens, I think, through which many Albertans and, indeed, we as the Official Opposition are seeing this legislation because this targeted consultation conducted by the

minister in a single month in the middle of the summer during a global pandemic: that was the minister's fulsome consultation, Mr. Speaker, of which his colleagues are apparently so proud.

A total of 95 submissions – total, Mr. Speaker – of which 69 per cent were from employers or employer groups and 18 per cent from workers: whose voice is really being represented here in this legislation? I do not call that fulsome consultation. Certainly, it sounds like it was targeted. The minister knew who he wanted to hear from and who he wanted to listen to. That's pretty clear from the numbers, and it's pretty clear from the legislation whose voice he chose to value. So when he says that they want to improve health and safety outcomes, that they're passionate about health and safety outcomes, that they want to increase flexibility, well, we know whose outcomes they want to be better. It's not those of workers in the province of Alberta. We know who they want to give flexibility. It is not the employees or individuals who may be facing unsafe work conditions. They are not looking to make it easier for them to stand up for themselves or to protect themselves or to understand the dangers to which they may be exposed.

Looking at this bill in particular, there are a couple things that stood out to me initially. This first question is an honest question, and I would genuinely like to hear from the minister a clarification of why he is making this particular change; that is, to change a self-employed person to now be considered an employer.

Now, Mr. Speaker, yesterday, speaking to another bill, I talked about my previous work as a taxpayer services agent helping people at the business enquiries call centre for the Canada Revenue Agency. I mentioned that a lot of work that I did there was signing up business numbers for young men and women who were working in the construction industry, who even at the lowest rungs, working as basic labourers, were required to get a business number and be paid as a self-employed contractor. They were required to get a GST number in order to collect their cheque.

10:30

That sometimes would be as much as they were told by the person they were employed by or contracted under, simply that, "Hey, you need to tell me your GST number before you get your paycheque," not given any information about the obligations that came with that, the reporting requirements, or any of the other things. Then, after having given them, I would get calls from these individuals who were suddenly getting bills in the mail for the GST that they failed to pay because it was not made clear to them what their obligations were in being a self-employed contracted individual.

[The Speaker in the chair]

Now, this is not to say that all employers or contractors in the construction industry are taking advantage of the people that they employ or subcontract to, but my question, then, is: why are we in this area again putting more obligations on these individuals? Again, these could be young individuals just getting started in this industry, and suddenly they are being told that they are responsible as an employer for understanding all of the intricacies of occupational health and safety legislation. This is what we seem to see again and again, Mr. Speaker, from this government, downloading more and more obligations onto workers and less on the employers.

Certainly, I think it's reasonable to have a balance. But when we are dealing with things like occupational health and safety and we're recognizing that within the construction industry you can have some very inexperienced individuals who are being told that they have to operate as self-employed individuals and now, under this legislation, will be defined as employers, then, Mr. Speaker, whose obligation does it become to inform them of what that means

when they are told, “I need a GST number for you to get your paycheque,” what that means for them in terms of the occupational health and safety laws, what they need to be aware of, what they are now being made responsible for themselves as opposed to the people they are contracted under and who may be running the work site that they are working on? That is a genuine question that I would love to hear clarified, by the minister or anyone else in the government caucus who may understand why this particular change is being made, to better understand what the implications may be for these individuals.

Another element of Bill 47 which some of my colleagues have touched on but I want to touch on as well is eliminating the presumptive coverage for psychological injuries. Now, this government talks a big game about mental health, but unfortunately an action like this suggests to me that they are taking it much less seriously than they would claim. Now, by eliminating presumptive coverage, that means that’s going to eliminate presumptive coverage for psychological injuries for the vast majority of workers in Alberta. Under this legislation the only workers covered will be first responders. As they’re defined in the act, that would include folks like firefighters, paramedics, peace officers, police officers, correctional officers, and emergency dispatchers. Now, certainly, Mr. Speaker, I agree that those occupations should have coverage for psychological injury. I’m aware. I’ve spoken with individuals who’ve worked in these fields about the experiences they’ve had, with folks who are no longer working in those fields and have sustained, indeed, long-term psychological injury because of some of the experiences they’ve had and that they’ve encountered in that work.

But the challenge here is that this is a very narrow definition. Let’s say, for example, that we have a domestic situation involving a child, perhaps some form of severe injury, something traumatic that has occurred. A police officer and a social worker are both dispatched to the scene to render aid to that child, to that family. This is a serious situation, Mr. Speaker, and both the police officer and the social worker experience a psychological injury. Under this legislation only the officer gets the presumptive coverage. This is problematic because now, if that social worker was exposed to that traumatic event during the course of their work and they’re diagnosed with a psychological injury by a physician or psychologist, they will no longer have the assumption that their injury, in fact, arose in the course of their employment. That’s taking our legislation, our WCB coverage in the province of Alberta back to a system that then is reluctant, perhaps, to provide coverage, compensation for psychological injuries.

Now, of course, I know that when I was talking about Bill 46 the other day, I noted that the Information and Privacy Commissioner looked at that legislation and said: this is the one government in the world that seems to be intent on going backwards from the direction that everybody else is going in terms of protecting more of people’s private health information. I would suggest that here in this bill, in terms of WCB coverage and recognizing the validity of psychological injury and the importance of mental health, this government is also moving backwards. At a time when we are trying to reduce stigma around mental health, when we are trying to encourage more people to reach out and get the help they need, this government is wanting to make it more difficult and create a narrower band of people who should get presumptive coverage for a psychological injury experienced in the line of work.

Now, to be clear, this is not something where someone can just make that claim willy-nilly. You know, there’s the diagnosis that’s involved. There are all the steps that take place as part of looking at what kind of injury has taken place, much as we would have with a physical injury. But making it more difficult for people to be able

to claim psychological injury – I think, Mr. Speaker, of the incredible disregard that this government has currently for health care workers and recognizing the very real trauma that each and every one of them that is on the front lines right now fighting against COVID-19 is experiencing, the kind of callous comments we heard from the Associate Minister of Mental Health and Addictions, of all people, suggesting that simply these hospital limits are just about beds and machines, cogs in the wheels, and not recognizing the very real impact the decisions this government makes are having on the psychological welfare, the mental health of thousands of Albertans.

Indeed, the too-little-too-late announcement we saw from the Premier yesterday demonstrated just how little regard they hold those front-line health care professionals in, so perhaps it’s no surprise that in this legislation they are demonstrating that disregard yet again, much as we saw in their fiscal update yesterday as well, where they let every public-sector worker in the province know exactly where they stand in the eyes of this government and their lack of value in our economy, an economy, Mr. Speaker, which, to be clear, is built on people, not this cold, faceless entity that the government seems to like to think it is.

That’s really at the heart of the concerns that we have with this legislation. This government: as much as it likes to say, “We’re not about picking winners and losers,” they do every day, and it’s clear from their actions and decisions and legislation they bring forward, Mr. Speaker, who they value and who they do not. You can see it by who they choose to listen to, who they choose to make part of their targeted consultations, whose voices they value, what they consider balance to be.

That’s why I am definitely concerned by this decision in Bill 47 and why I support this referral amendment. This is an opportunity to rectify the imbalanced approach this government has taken so far, to give Albertans more than that one month that was allotted this summer for the targeted consultation, and open the opportunity for real engagement on an important piece of legislation that affects many in the province of Alberta.

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

However, just before seeking comment, if I might have 15 seconds of the Assembly’s attention.

10:40

Statement by the Speaker

Patricia Heights School

The Speaker: Earlier this morning I had the absolute pleasure of having a spectacular conversation with six absolutely amazing grade 6 students from Patricia Heights school here in Edmonton, right in the constituency of Edmonton-Riverview. Immediately following that discussion, they were going to be watching online – and that discussion took about place 20 minutes ago, so I know that they are viewing the Assembly. I told them that I would say a quick hello and that I was sure that all members of the Assembly would provide them with the traditional warm welcome of the Assembly.

A very special thank you to Ms Fraser for all of the great work that you’re doing. You’re doing an incredible job of bringing up the future leaders of our province, so thank you for that as well.

Debate Continued

The Speaker: Standing Order 29(2)(a) is available. Is there anyone else wishing to ask a brief question or comment to the hon. member?

Seeing none, is there anyone that would like to speak to the referral amendment?

Mr. Sabir: I was getting up on 29(2)(a).

The Speaker: Oh, the hon. Member for Calgary-McCall on 29(2)(a).

Mr. Sabir: Thank you, Mr. Speaker, and thank you to the students who are watching. I'm sure that they certainly would have enjoyed the remarks of my colleague from Edmonton-City Centre as much as I did, and I want them to continue enjoying those remarks. That's why I will ask my colleague to continue with his remarks if he was going to finish talking about the targeted consultations, the outcome of those consultations, and the shortcomings of those consultations. Thank you.

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

Mr. Shepherd: Thank you, Mr. Speaker. Well, indeed, as I was saying, I think it would be very valuable for us to have the opportunity to take this back to committee and to discuss this bill further and to look specifically at these provisions because, to be clear, when we made these initial changes while we were in government, we received over 1,700 questionnaires, 200 written submissions, 67 workbook responses to come up with the changes that were implemented in 2018. Again, to be clear, this government, in making the changes, is bringing forward a total of 95 submissions, perhaps some meetings behind closed doors that we aren't aware of. Perhaps there were some other conversations as part of that targeted consultation that was undertaken by the minister of labour. But, certainly, on the surface, from what we can see, there has not been robust consultation on these changes.

It certainly sounds, from the comments the minister brought forward – I did not hear him talk about any workers he spoke to. I did not hear him talk about any injured individuals who had actually been through and interacted with the WCB system. Did he actually sit down and meet with any groups that represent them or any of those individuals directly to ask them how they feel about these changes he is making here and the impact they might have had on their experience with the WCB system? Did he take any time to talk with workers who have experienced psychological injury? Did he reach out to the Alberta College of Social Workers to talk with them about the experiences their members have in their line of work?

Did he reach out to mental health professions to discuss the changes that were being made and the impacts this could have on individuals whom they treat? Recognizing, Mr. Speaker, that, in that area in particular, that is another example of where this government could be simply downloading costs to other parts of the system, because when people go with an untreated mental health injury, a psychological injury, that can impact them in many other ways that ripple out creating costs in the health care system, potentially making it more difficult for those individuals to be able to maintain a job, their living, to look after their family, to be a contributing part of their community. That raises costs in other areas.

This could be a very short-sighted move on behalf of this government, again, one, I think, that is going in the opposite direction from where we have generally been moving as a society and from what we are truly recognizing about the interactions between mental and physical health. So I am concerned, and I do think these would be opportunities that we could further explore if we had the opportunity to sit down in committee and bring in the expertise who could comment on these areas and perhaps fill in some of the gaps in this minister's targeted consultation, which took place over such a brief period in the middle of summer during a global pandemic.

Thank you, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is available.

Seeing none, it appears to me the hon. Member for Edmonton-Glenora is rising to speak to amendment REF1.

Ms Hoffman: Thank you very much, Mr. Speaker. I, too, share my greetings with the students from Patricia Heights. If you were here in the gallery on a normal day a year ago, there would be all these awesome young people, mostly high school students and first-year university students, who'd bring you a note and welcome you here as well, so that's my virtual note to you. I hope that you consider the ways that you can contribute in public service, including potentially seeking elected office or even becoming a page one day. I know that our pages here in the Assembly provide a tremendous service in supporting us, getting the information in being able to debate bills and taking care of communication issues that we have as well and sharing information that we present here that, for example, gets tabled in the legislative library, and also there's a written record through *Hansard* as well. You might see a few of us on camera today, but there are hundreds of people working here right now to support democracy in action, and the career pathways that are available through service at the provincial level alone are immense.

I do want to take a moment to discuss the implications of Bill 47, which I think are significant to the people of Alberta. Specifically, I wanted to reinforce some of the remarks from my colleague the Member for Edmonton-Whitemud and the thoughtful research that she provided demonstrating the evidence of the three-month-long consultation that took place under previous iterations of the government in, I believe it was 2018, with well documented submissions from a variety of both employer and employee representative groups. The lack of the same level of rigour or research or evidence gathering – and as students are well aware, when they're writing a paper or making an argument, personal information is definitely compelling but also having outside perspectives or research that you've done is something that makes a big difference as well.

To the former minister of labour, the Member for Edmonton-Mill Woods, if I were doing a summative assessment on the evidence you presented in bringing forward your recommendations, it would be far higher scoring on the rubric than what we're being proposed with today to consider.

Some of the things that I find particularly detrimental to the people of Alberta in this bill include scaling back protections for workers in the middle of a major health pandemic. The right to refuse work is something that, I believe, the courts have made very clear, that nobody should be put in a position that is unsafe by their employer. There is clearly another very well-documented, through many legal decisions over many years, evidence that there is an imbalance between workers and employers in terms of the right to be able to – in terms of power imbalance, just like there's an imbalance in a school between students and staff.

10:50

Students don't have the same collective decision-making authority as a teacher does. Teachers give assignments, and students do those assignments; employers assign work, and workers do the work. But if it's unsafe for a student to do the assignment or for an employee to do the work, they absolutely should have the right to say no and to keep themselves safe and to ensure that at the end of the day they can go home to their families, a pretty simple human right, I would hope, that is being eroded in this bill that we're being asked to consider today.

Another piece I want to take a few minutes to focus on is around WCB changes. It's clear through analysis that's been done that what will be the result is that if somebody is injured, the outcome will be about \$500 less per person through their coverage and their benefits, and that is a huge amount of money. I know that \$500 is the difference between paying somebody's rent or not being able to pay their rent in many cases or being able to pay the power bill and the car insurance in many cases although car insurance is going up, and it appears that power bills will be, too, in this province. There are many things that the government seems to be comfortable with downloading additional costs onto the people of Alberta right now.

Downloading more financial returns for employers at the cost of workers, though, I think is so wrong-headed, and I think that it's unfair. I think that when the UCP proposed changes to eliminate the requirements for employers to reinstate injured workers once they are ready to return to work, that is a huge move in the wrong direction, and this change puts Alberta completely out of step with other jurisdictions in Canada. If somebody gets injured on the job and they need to have a period of time for rehabilitation or therapy, whether that's physical therapy or psychological therapy, having a job to come back to is something that should be fundamental in our society. If they were injured for no reason of their own, for no wrongdoing of their own, they should absolutely have a job to come back to. Imagine the further psychological distress when that is no longer the case, when one is struggling to find a way to continue to support their family and then has no assurance that when they are well and able to work again, that there will be a job for them to go back to. It's one of the changes in this bill.

Another big change is that instead of the WCB hearing concerns, many of those are going to be downloaded onto the Human Rights Commission. In terms of who funds what, of course, employers fund WCB through premiums that are paid in, and the Human Rights Commission, as an agency, board, or commission of the province, is funded by the people of Alberta through taxpayer funds. Why is it that before with WCB, who is employer-funded and there was a motivation by the employer to ensure that things were dealt with expeditiously, people were given a decision quickly, that you move case files forward very efficiently – and I do believe that the Human Rights Commission attempts to do the same things, but their funding is controlled by government.

There's already a significant backlog there, and now more is going to be downloaded onto them, which is paid for almost exclusively – it is exclusively through public funds, so almost exclusively through people's personal income tax or corporate tax, which, of course, is diminished significantly under this government as well through royalties. All of these things that we contribute to the successful decision of priorities of the province: we all pay in to be able to have shared assets, to be able to determine what our priorities are. Why are we moving things that used to be an employer-paid-for obligation over to that shared, public-funded pot? When you keep picking away at what things are available for our investment and moving things, it essentially is another form of corporate subsidization, really. Whereas employers and corporations used to have to pay for this, it's going to be moved over to something that's paid for through public funds and financing instead.

You know, we've already seen in this session and in prior sessions the government's clear commitment to reducing revenue for this province when it comes to corporate contributions, everyone paying their fair share. We've seen a fast track of the \$4.7 billion giveaway. We've seen a number of publicly financed bailouts or corporate welfare. We've seen that individuals are seeing things like their insurance go up significantly to benefit corporate shareholders, and the list goes on.

Mr. Speaker, it isn't fair, it isn't balanced, and it isn't reasonable, but what it also is, in the midst of a global pandemic, is an attack on working people. When folks say in government announcements, you know, "Thanks to everyone on the front lines; thanks to everyone who's working so hard," but at the same time they're rolling back their protections, their rights, their ability to receive fair compensation when they are injured or when they need to return to work, benefits being rolled back during that period of time when they're awaiting a decision – people don't exactly believe what's being said by the government when they say things like, "We really appreciate everyone's contributions," when at the same time they're rolling back their compensation, their protections. It's a complete disrespect and an attack on those people who are working so hard to serve us all.

Those aren't just people who work in the public sector. These could be employers in a variety of settings and employees in a variety of settings, many in private sector as well. When I think about the folks who, you know, we called heroes so regularly in March and April, the folks who were making sure that there was a supply chain in terms of being able to fill up your gas tank, being able to get groceries for your family, being able to get your prescriptions from the pharmacy, being able to take care of one another and now we continue to erode the actual protections and rights of those workers that we claim to respect as heroes, it definitely doesn't pass the nod test in terms of values.

We're here this session considering, I believe, 15 new pieces of legislation this fall, and this was one of the priorities for the government, to roll back protections for workers, one of their highest priorities. Fifteen things that they are doing this session: they could have done things to ensure that long-term care centres, where many seniors but also other people who have chronic illnesses or comorbidities are living their final days were able to do so with consistent staffing that didn't increase the risks for residents of those facilities, where we are seeing tremendously high, scary rates of transmission of COVID-19 and fatalities.

It is devastating, and it is heartbreaking, and it's wrong. The government could have prioritized putting fixes in place to address that. The government could have prioritized hiring additional educational staff to ensure that class sizes were reasonable this year and that transmission rates were lower in schools, that staff weren't overwhelmed and overworked, that kids had all of the safeguards in place that we seek for other places of employment in our province in terms of physical distancing. Two-metre physical distancing is near impossible in almost every corner of our province right now.

In terms of proper funding for education, the fact that the government continues to move forward with reductions to the Education budget, cutting hundreds of dollars from every single student's education this year at a time where students need more support in the classroom, not less, and when now – it was just announced by the government yesterday – that next week students in grade 7 through 12 will have to transition to online learning. Let me tell you that it was never our goal to force that. It was our goal to create safe schools and a safe return to schools in September. That's why we brought forward our proposal in July, so that the government could build on evidence that we'd gathered and 15 recommendations that we'd presented based on research.

Instead the government is choosing to use its legislative time to roll back the protections for workers and the entitlements that they receive. I think that's wrong-headed, and I think it's disrespectful to the people of this province who are struggling to pay their mortgages today. One in five Albertans is in a position where they aren't able to pay their mortgage right now, and instead of focusing on what we're going to do to support them, we're talking about

taking \$500 from their pocket when they get injured. I think that that's wrong, and I think the government would be wise to reconsider its priorities for the remainder of this session and for the beginning of the next session as well.

With that, I move that we adjourn debate on this matter.

[Motion to adjourn debate carried]

11:00

Bill 46

Health Statutes Amendment Act, 2020 (No. 2)

[Adjourned debate November 23: Mr. Sabir]

The Speaker: Hon. members, the hon. Member for Calgary-McCall has three minutes remaining should he choose to use them.

Seeing not, is there anyone else wishing to speak to the debate? The hon. Member for Edmonton-North West.

Mr. Eggen: Well, thank you, Mr. Speaker, and good morning. I rise with considerable interest to speak on the matter of Bill 46, which is the Health Statutes Amendment Act, 2020 (No. 2). I was immediately concerned when I heard that this government was bringing forth more health legislation because, of course, they very recently made a series of drastic – and overreach by this government in regard to health care legislation. When this one was presented, I was definitely reading it carefully to look to ensure that the integrity of our public health system here in the province and the integrity of Albertans' ability to access top-quality health care was not going to be compromised.

Lo and behold, here is Bill 46, and it goes after a different angle somehow to compromise the integrity of our health system, and that is the privacy of an individual's health records here in the province of Alberta. I don't think I have to explain very much about the absolute necessity of maintaining the integrity of the privacy of an individual's health records, especially considering other measures that this government has brought forward in regard to health care compromising the integrity of our public health system and encouraging different elements of private health care.

Of course, one of the many weaknesses of delivering health care through private contracts is that knowing or having information about an individual's state of health gives a definite advantage to private health and the private delivery of health and the private insurance of health care. For an individual to have that information out there, let's say a pre-existing condition of any kind – you can name it, the different pre-existing conditions that people can have – this puts a person into a very compromised position in regard to the delivery of health, especially if you're moving down the road towards more private health care. This is the leading cost driver that has resulted in a place like the United States, for example, having at least 10 times the cost of delivering any health procedure compared to Canada. The information gets into insurance companies' hands; insurance companies make a determination based on risk; thus the charges are driven up.

When I saw that the Information and Privacy Commissioner, who is an independent officer of this Legislature, asked very specifically for Bill 46 to be pulled back until it can be properly amended to address the privacy concerns of Albertans, it simply reconfirmed my reading of the bill and, I believe, causes the necessity for us to consider pulling this bill back and amending it to ensure the integrity of the privacy of people's health files. I think it's quite shocking that the government would bring forward something like this, and certainly if they would have consulted or talked to anybody about it – I guess we're doing it now – then they would have told you straight away. The Privacy Commissioner would have told you straight away, Alberta Health Services would have told you straight

away, Mr. Speaker, that this is inappropriate. The robust safeguards that we require for electronic health records cannot be compromised. If they are, the health and the welfare of Albertans are compromised as well. It's as simple as that.

When we see legislation coming like this, again, it piles on to this notion about not just safety and health but a question of trust and integrity. If Albertans' trust of the handling of our public health system is compromised, then indeed that compromises the integrity of the system, too. Over the last 18 months we've had plenty of reason to question the integrity of this UCP government in regard to health care. We saw a direct attack on health workers, an attack on doctors, and the list goes on. In the midst of a pandemic this sort of change to our health system is unconscionable. It's as simple as that. I know that health workers are working very hard day and night, overtime, always short because of the COVID pandemic but, also, because other conditions and procedures and surgeries and accidents are starting to pile up as well.

If you think, in the back of your mind, which is an absolutely incorrect thought, not well thought out and irresponsible, this idea that you can somehow say, "Oh, well, if I get COVID, you know, I'll make it through," or "I'm not going to get COVID" – I don't know what makes you think that – think about the fact that you could still be in danger because the whole hospital system is compromised right now here in the province of Alberta. The Royal Alex hospital in Edmonton: it's full; the COVID unit is full. They've opened another one, and it will be full in the next couple of days as well. The ICU is full. They know that the system will simply be overwhelmed here in the next couple of weeks.

Here we are debating somehow compromising the integrity of that system even more by bringing forward something like Bill 46, which compromises the integrity and the security of health records.

Based on my reading of this bill, based on the advice of the Information and Privacy Commissioner, I would like to bring forward an amendment now to refer this bill for further consultation.

The Speaker: Hon. member, if you'd pass that to the pages, once the table and I have a copy, I'll ask you to proceed.

Hon. members, this will be referred to as amendment REF1. The hon. Member for Edmonton-North West has seven minutes and 20 seconds remaining to speak to the amendment.

Mr. Eggen: Well, thanks a lot, Mr. Speaker. As we can see, I am moving that second reading of Bill 46, the Health Statutes Amendment Act, 2020 (No. 2), be referred to the Standing Committee on Families and Communities in accordance with Standing Order 74.2.

We see references being used from time to time here in the House, but I believe quite firmly that having the advice of an independent officer of the Legislature, the privacy and information officer, specifically requesting that this bill be pulled back for further amendment and/or consultation gives this referral, I believe, some extra weight, that all of us should reasonably agree to.

11:10

Sometimes we have to look past the politics of any given situation, and as I just described, certainly I don't have to tell people, but I will do it again, that at any time compromising the integrity of our electronic personal health records is not in the best interests of the individual, of the province, or indeed the health system in general. Then at this particular juncture – I heard some member opposite describe this as the most significant health risk that we've seen in more than a century, since the inception of this province – to have this bill before us here now simply compounds the problem.

So I would urge everyone to please consider the reference that I'm making here. I know that the Standing Committee on Families and Communities serves us well, and this will be perhaps some of the most important work that this committee could do at this juncture for the sake of our province.

Thank you.

The Speaker: Hon. members, Standing Order 29(2)(a) is available if anyone has a brief question or comment for the Member for Edmonton-North West.

Seeing none, is there anyone wishing to speak to the referral? The hon. Member for Edmonton-City Centre has the call.

Mr. Shepherd: Thank you, Mr. Speaker. I appreciate the opportunity to stand and speak in favour of this referral motion from my colleague for Edmonton-North West. I'm not sure I have ever spoken to a referral that I felt was more strongly appropriate than this referral on Bill 46. In my first opportunity to speak to this bill, I noted the incredibly problematic foundation on which this bill has been introduced, that being that the Minister of Health came out and claimed that he had in fact consulted with the Information and Privacy Commissioner, and that was what his staff insisted during the briefing that I received on this bill at the same time as I was looking at a direct statement from that commissioner stating that she had not been consulted.

So, as you might say, Mr. Speaker, we have a dispute of the facts, but I would say that if we want to judge the integrity between those two individuals so far, I think, in their work on behalf of the public of Alberta, which of the two has demonstrated that they are trustworthy? I think that if you were to ask the average Albertan, they would tend to fall on the side of the Information and Privacy Commissioner.

She has raised many serious concerns about this legislation, sweeping legislation, Mr. Speaker, that, as has been typical for the pattern of this government, is putting more power in the hands of the Minister of Health. Again, I think Albertans have been given good reason, over the 19 months in which that member has served in his role as a minister of the Crown, to question whether they want more power concentrated specifically in his hands individually but also, I think, on this particular issue, when it comes to the personal health information of Albertans, any minister in the future who would be granted these powers, which, again, is an awful lot like Bill 10, that we had come into this Assembly this past spring. It appears this government has not learned their lesson in that regard, in the repercussions and what might be coming at them from the people of Alberta should they understand what it is this government is trying to do.

The Information and Privacy Commissioner wrote an extensive letter, eight pages, laying out her concerns with this bill and indeed calling for extensive consultation with all of the affected stakeholders and herself. Again, to be clear, as she has stated clearly, she was not consulted on this legislation. I think that's as good a reason as anybody could ask for this to be referred to a committee, where, hey, we could bring the Information and Privacy Commissioner in and hear from her directly. That's something that perhaps government members would want to consider if they're going to be answering questions from their constituents about their decision on this bill and whether they got the opinion of anyone other than their colleague the Minister of Health as to what the implications of this legislation would be.

Now, the Information and Privacy Commissioner writes at length, sort of explaining that Netcare is a cohesive system. It has a number of pieces that interact. It is complex, Mr. Speaker. It is the backbone of our health care system. It is what ensures that I can

receive quality care at any point within our province and that when I move from one specialist to another, that information is tracked and I'm able to access it. It is one of the most important things we have right now as we deal with COVID-19, despite the fact that the government has so badly failed on the most basic level, that being the contact tracing so that we can actually determine where the virus is going. They have utterly failed on that infrastructure. Nonetheless, the remaining infrastructure that existed prior, that's been set up over decades, is an essential part of our fight against COVID-19, too, in terms of the treatment of individuals once they arrive in hospital as, unfortunately, far too many Albertans are beginning to do.

She is quite clear that it is a complex system that involves a number of different parties and that the process of "obtaining access to Netcare requires that a health service provider sign an Information Manager Agreement with Alberta Health." So they set up the system, there's all the relationships, there's everything that's involved, and she talks about how the changes in this bill to give Alberta Health – and Alberta Health, again, of course, is the Ministry of Health, which is under the control of the Minister of Health, so essentially putting the Minister of Health in charge of the operation and management of Netcare, a position that was formerly held by Alberta Health Services as an independent body outside the structure of government. To be clear, Mr. Speaker, what we have here is more demonstration that this is not a conservative government in the purest sense of the term. No true conservative would say that government needs more power to handle the private information of Albertans, but that is what this bill does.

The Information and Privacy Commissioner notes that the Netcare operation currently relies on those health service providers signing this agreement with Alberta Health, and this amendment shifts the role of Alberta Health from simply managing the information that they've entered into an agreement with to provide information management to being "the [total] manager and operator of Netcare." She says that that has a number of implications. She says that the proposed section 56.71(1) and (2) would terminate the current agreements that exist between Alberta Health and those individuals, and she says, "I am not certain what the long-term benefits of this significant transition in responsibility" are going to be. I have not heard from the minister what those benefits would be. Indeed, the minister has not spoken at all about why he feels he needs to award himself this new sweeping power, much as he did the powers under Bill 10.

She says that she is "uncertain what consultation [actually] occurred" with those thousands of health service providers, who have each signed individual agreements with Alberta Health. Each one of those agreements will be impacted by this legislation. To date, the minister has not told us how many of those individuals he actually spoke with. Did he consult with any of them? Did he consult with any of the organizations that represent them? Has he talked to anyone in this province about the impact this decision will have and how it will impact their ability to do their work?

11:20

The commissioner also notes that there are "a number of amendments that set out the duties and responsibilities of Alberta Health [in regard to] Netcare, most of which will require regulatory development." Again, the minister is giving himself an awful lot of room to make some profound determinations about how he will exercise his powers to designate who can and cannot access Albertans' private health information, and much of it is going to be determined in regulation outside of the sight of Albertans. That is why the commissioner strongly encourages Alberta Health "to engage in a detailed consultation with [her]

office and with all health service providers affected by these amendments.” Mr. Speaker, it sounds like, in the view of the commissioner, who is the expert on this legislation and whose legislated role as an independent officer of the Legislature is to stand up for and protect the integrity of Albertans’ private health information, it’s saying that this minister has a lot of homework to do before this bill should be coming anywhere near this Assembly.

But what we are seeing instead is that they are rushing this legislation forward, forcing it through without even having had the least bit of actual consultation with the expert on this bill, on the bills that this impacts, and the effects that this will have on the people of Alberta, and who says that in many ways in this bill this government is moving backwards in terms of protecting Albertans’ private health information. That is why this should be referred at least to committee. If the minister will not have the integrity to at least withdraw this bill until such time as he has actually done the appropriate work, the least we can do is bring it to committee.

We as private members in this Assembly do our due diligence on behalf of the Albertans that we represent even if this minister will not. So that it’s clear to government members, through you, Mr. Speaker, their obligation is to their constituents, not to the minister of their government. They are being offered expert testimony from the Information and Privacy Commissioner that their minister has failed to do his job. If they stand and vote for this legislation without giving it the scrutiny it deserves and without addressing the issues she raises, I would suggest that they are failing in their duty to the people they were elected to represent in this House.

Here’s an opportunity, a very simple opportunity. We’re not saying that you have to reject this bill. We’re not asking you to vote against it although certainly if it proceeds as it is, we will be. At this point here is a simple option: refer this bill to a committee, where you could at least do a modicum of that diligence. Ask the questions to the Information and Privacy Commissioner directly yourself. Bring her to that committee. She will be happy to come. Invite some of these health service providers who will be impacted, their very agreements terminated and rewritten and restructured by this bill. Give them the opportunity to speak to you directly and hear from them.

The Information and Privacy Commissioner raises another concern, that sections 56.7(1) and (1.1) are “amended and remove the description of what the multi-disciplinary data stewardship committee . . . could recommend to the Minister.” Now, I’m not sure, Mr. Speaker, why the minister feels there needs to be less clarity about what the powers of that committee might be. In the view of the commissioner, she notes that currently there are rules related to access, use, disclosure, retention. Those are things on which that committee makes recommendations to the minister. Again, that is an expert multidisciplinary committee about the stewardship of data. She notes that the prior authority that even existed rested on the HIDGC, that committee, as an extremely important part of the “governance mechanism through which all participating custodians can make recommendations to the Minister.” Again, to be clear, this is a committee that has the responsibility of representing all of these health service providers to the minister, providing directly, and he is removing the clarity about what their role is.

This reminds me, Mr. Speaker, of Bill 30, where the minister removed a good part of the independence of the Health Quality Council of Alberta and indeed instead made them responsible only to himself rather than the entirety of the Legislative Assembly. It seems this is a minister who simply does not like anyone having any ability to have accountability on behalf of Albertans rather than simply himself. That is a troubling direction for this government.

There is nothing that symbolizes that arrogance better than the fact they would bring forward a bill like this without actually consulting the Information and Privacy Commissioner of the province of Alberta or providing any mechanism for the thousands of health service providers who this will impact to have input in this change. Of course, as I’ve spoken about previously, one of the most significant concerns brought forward by the Information and Privacy Commissioner is that this government is opening potential use of these health care records, Albertans’ private health information, by parties outside the province of Alberta with no provision for any level of enforcement should it be misused.

The Speaker: Hon. members, Standing Order 29(2)(a) is available if anyone has a brief question or comment for the Member for Edmonton-City Centre. The hon. Member for Edmonton-South.

Mr. Dang: Thank you, Mr. Speaker. It’s always a pleasure to hear from my colleague the hon. Member for Edmonton-City Centre, particularly on this issue because, as myself and a number of my colleagues have spoken to on the main motion, there are some very concerning issues with the Health Statutes Amendment Act. I always look forward to hearing more from my hon. colleague, and I think he perhaps had a few more thoughts he could share with us on some of the concerns and why we do need to be going to a committee on this. I look forward to hearing more from him.

Thank you.

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

Mr. Shepherd: Thank you, Mr. Speaker, and thank you to my hon. colleague. As I was saying, I spoke at length, I think, at my first time speaking to this bill about the concerns there, so I will here refer, then, to why this should be part of the referral. Again, this government is rushing ahead to take a step which it clearly has not thought through, much as they did with Bill 10 and then had to backtrack. We had an entire special committee and all those resources and all those people’s time for them to back down on something they simply could have fixed in the first place if they had thought it through.

Now we have them rushing ahead with a piece of legislation in which they have not contemplated what will happen if they indeed, through the powers they are now awarding to the Minister of Health, make Albertans give access to Albertans’ private health care information to an outside party, to a party outside the province of Alberta. This government has already clearly indicated that they intend to do precisely that, that there is no mechanism in place – this is the Information and Privacy Commissioner saying that. She is saying: I am not able to do anything if those parties outside the province of Alberta misuse or misappropriate the private health information of Albertans.

That is a serious gap, Mr. Speaker, and perhaps it’s one that could be addressed. Perhaps there is a way to fix this. Where better to explore that and to address a stunning gap in information legislation that could have such dire impact for individual Albertans, what better way to address that than to bring this to committee, where we can sit down and hear directly from the Information and Privacy Commissioner? Heck, maybe we could actually hear from the Minister of Health himself, and he could explain to us what his intentions are. Maybe he has some understanding of how he intends to protect Albertans’ private health information should it be misused by a party from outside the boundaries of Alberta.

11:30

So far he has not articulated that. We would have the opportunity to discuss that at committee. Indeed, we could hear from these

thousands of health service providers who themselves are impacted by this legislation and, to all appearances, so far have not been consulted or included in any of these discussions. They might be able to offer some thoughts on how this massive gap, this giant loophole, could be closed and addressed.

Mr. Speaker, let me be clear. There may be, in fact, some benefit to being able to provide this, to give this opportunity for folks from outside the boundaries of Alberta to access that information. There may well be. But as the Information and Privacy Commissioner is clear, while there may be value in finding more ways that we can share some of this data and open it up for research and innovation and many other things, that needs to be done with incredible thought. This is no small thing. This is why we have serious penalties in place when people within the boundaries of our province misuse or misappropriate this information.

There is value in exploring what this legislation intends to do, but again what we are seeing from this government, as we see in so many cases, not least the restrictions they brought forward yesterday regarding COVID-19, is that they are failing to do their homework, they are failing to prepare, and they are failing to give thought – considered, detailed thought – to the impact of their actions, and Albertans deserve far, far better than that.

The Speaker: Hon. members, is there anyone else wishing to join in the debate? Are you hoping for REF1 or under 29(2)(a)?

Ms Hoffman: REF1.

The Speaker: Perfect. On the amendment, the hon. Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Mr. Speaker and to my colleague the Member for Edmonton-North West for bringing forward this completely appropriate amendment at such an important time in our province's consideration around a major public health pandemic, in line with the direct concerns that the Information and Privacy Commissioner, somebody who reports to all of us as an independent officer of the Legislature, has so rightfully raised alarm bells on. I'll be citing extensively from her correspondence and news release of November 13, 2020. I will highlight some of my chief concerns that, of course, are raised by her.

[Mr. Hanson in the chair]

She says:

While many jurisdictions around the world are introducing new or enhanced privacy laws to build public trust and ensure accountability mechanisms are in place to protect personal or health information, many of the proposed amendments to [the Health Information Act] are heading in the other direction.

She also says:

Alberta has been considered a leader in health information privacy law and we should aspire to remain that way in the years to come.

Let me say that it isn't news that people want to be able to access health information that isn't their own. There are times when I think it is fair and appropriate, when I reflect on how many people I know right now who are parents trying to keep track of things like immunization records and when the next one is coming up for their child or when I think about the time when my mom was exercising additional support for her mom and the need for her to be able to access when the last prescription was issued, when she needed to make sure that she was getting a refill for my grandmother's medication that was keeping her alive.

There are times when people's health information should be shared, but I believe that it should be up to the person whose information is required to make that decision. I think that should be our default position, that you should have to grant consent, at least when you're an adult and probably even sooner, to be very frank. There is something sacred about your own information about your own health, your own well-being, and there shouldn't be concerns that things that are in your health record, including personal information that you've chosen to share with your health provider, could be used by somebody else without your consent and without your authorization. That should be a fundamental belief. I know that folks who were in this place elected as Wildrose members shared that belief and that principle. The idea of other people accessing the personal health information of others is something that they would have rallied against, and definitely we would feel the vibrations in this hallowed place.

That being said, I know that there are a lot of folks who want to access Albertans' health information for a variety of reasons. Research companies are definitely a big one. We have the largest single health authority in Canada, for sure, and many other jurisdictions would be shocked to see how much information we have here. We have a single health authority in Alberta Health Services and 4.4 million Albertans, approximately, who have corresponding health records that relate to that. Certainly, what a rich place to be able to access information about treatments and about population/public health information as well.

Again, the types of allowances that are made in this legislation are far-sweeping and have great risk that correspond with people's desire to have that potential reward. The commissioner goes on to say that expanding

Netcare access to "authorized users" outside Alberta, without compensating controls to address risks to Albertans' privacy [and] broadening access to Netcare beyond Alberta's borders [might] also pose potential jurisdictional challenges to effective oversight and may limit the recourse available to Albertans.

It's certainly not something that was campaigned on or in the platform presented to Albertans and, I would say, not something that any Albertan would probably feel is in their public interest. If there are breaches, as my colleague from Edmonton-City Centre said, within the province of Alberta, there are appeal mechanisms, there are controls, there are oversights, there are sanctions, but allowing organizations or individuals or even governments outside of our own control and our own province to be able to acquire this information means that they, in turn, don't have the same obligations around keeping it sacred and how it's used, so a deep concern.

Additionally, expanding

the use of health information made available via Netcare. Privacy risks are escalated by proposing to increase the number of users of Netcare and significantly expanding purposes for how health information available via Netcare may be accessed and used. These proposals must include updated and enhanced controls that reasonably mitigate this risk. Transparency is critical in this regard.

There isn't a strong track record on transparency in the last year and a half of this government. Certainly, reporters, media outlets have deemed that this government is the most secretive government in Canada right now, with significant delays... [interjections] There's an award. The award was granted last year. I'll be happy to table that later in this House.

Absolutely, the most secretive government in Canada was this UCP government in the province of Alberta. People are laughing and shaking their heads, but it's shameful. There's an objective measure. It includes the delays for FOIPs, the amount of public

reporting. I will be very happy, hon. member, to table it in this House for your information and for the information of all Albertans, because it is something that nobody should be laughing at and that nobody should be bragging about. It is something that is shameful and is something that has been documented by objective measures over the last year and a half. The Information and Privacy Commissioner highlights that transparency is at risk in the amendments that I imagine you're being encouraged to support through this bill.

Thirdly, eliminating

the privacy impact assessment required for the collection, use and disclosure of health information shared between Alberta Health, Alberta Health Services and the Health Quality Council of Alberta for certain purposes, unless implementing a new information system or making changes to an existing information system. This amendment will significantly reduce transparency and accountability for certain information sharing initiatives.

Again, deep concerns around transparency and accountability, and this isn't a laughing matter for me as a citizen of this province or as a member of this House.

[The Speaker in the chair]

Then she goes on to very carefully and thoughtfully say:

I am hopeful that the government will either make the amendments to the bill or ideally pause deliberations to allow for further consultation on the implications these proposed amendments have for the protection of Albertans' health information.

That's what we're here proposing at this time in this place.

11:40

There is a very clear off-ramp, should the government choose to use it, that is being offered here through this amendment. The off-ramp doesn't mean that you can't get back on the highway, but it means that you're pausing because you realize that you might not be going in the right direction. You realize that you might not be going in the right direction because concerns have been raised in this House and concerns have been raised by an independent officer of the Legislature, and I imagine you're probably hearing about other concerns through other means as well. This, to me, is an opportunity to take a pause, save some face, look at the concerns that have been highlighted and the potential legal risks and oversight that could be breached, oversight that is being given away so freely through this proposed legislation.

Again, this isn't the first health bill we've dealt with during this year. Certainly, Bill 10, Public Health (Emergency Powers) Amendment Act, 2020, came forward to this House and was rushed through at the beginning of the pandemic. Members were told we had to do it, and even when concerns were raised about the overreach and the draconian measures that were being put forward, there was laughter then, too. But the government decided to push ahead and to ignore the calls from within this Legislature and outside of it to revisit the constitutionality and overreach of the Henry VIII clauses that were being proposed. The government decided: "No. We're not going to listen. We're not going to listen to the opposition. We're not going to listen to outside objective calls from a variety of stakeholders," some not completely objective, but there were many calls from many folks on a variety of positions politically, and all of them were to pull the brake, to do a pause, to take the off-ramp, and to consider the long-lasting breach of appropriateness of the legislation and legality of the legislation.

The government chose not to do that. Fine. That's their choice. It would have been tied up in the courts. They decided, instead, to bring it to committee. The committee decided to double down and say that, no, they were totally fine with the overreach that the

Premier, the cabinet, and all of the government members, having voted for it, had chosen to pursue. In that committee there were a couple of very small changes to old pieces of the founding legislation but not substantive changes to the actual changes that were brought in through Bill 10. The government members on that committee definitely doubled down in their defence of it. But then a few days after, the minister had a change of heart, and the minister directed that many of them would not be moving forward, which was the right thing.

Please don't waste everyone's time, don't waste the legislative resources, and don't waste the court's time by continuing down this same path. We all know that folks are doing their best right now and that it is a tough time in Alberta and globally, so, please, when you know that you're headed in the wrong direction, when people are saying, "I know you think you're going to head south, but you're actually heading north," heed the caution. Take a pause. Talk to your minister. Make sure that you don't waste your own time and the time of so many others and that you don't tie up the courts on something that, clearly, there have been many concerns already flagged on as being a significant breach.

So here we are in the Health Statutes Amendment Act, 2020 (No. 2), a second substantive piece of legislation, and the government is failing to learn from its mistakes of the spring. I think that now is an opportunity for all members of this Assembly to take a pause, to ask those questions of due diligence, to show respect for the Information and Privacy Commissioner. I want to again reinforce: the Information and Privacy Commissioner has been serving this Assembly for many different iterations, was reappointed in the time that we were in government but originally was appointed in 2012, under a different Conservative government, and definitely has demonstrated to be persistent and consistent and clearly has read this bill objectively and has raised concerns on behalf of the people of Alberta.

That's what we ask her to do, to safeguard the information and privacy of Albertans, and this is one of the ways she is exercising her authority on this matter. She is deeply concerned with this legislation, has proposed an off-ramp in terms of pausing the considerations, doing further consultation, and then amending the bill in a way that's in accordance with that.

When the Minister of Health, at the beginning of second reading, talked about rationale, the rationale was all about Lloydminster and crossjurisdictional challenges, and having formerly served in that role, I understand the pressures that he's speaking to. Many different ministers in many different portfolios have found ways to address the interjurisdictional challenges that exist specifically in health, the long-term care facilities on one side of town, on the border, and the hospitals on the other. But in all the time that Lloydminster has existed, we've been able to work through those challenges, and when there are new challenges presented, there are ways to draft legislation to specifically address the challenges that you speak to. So there could be a bill specifically – there have been bills before – that has Lloydminster in the title and is very clearly about one interjurisdictional, cross-border challenge and how it's going to be resolved through the legislation.

That's not what's being done here. What's being done here is far more sweeping, has far more risk. It makes it really hard to take the government at its word when it says that it's trying to solve one problem when they're creating a whole slew of new problems through the bill and they're being highlighted by independent officers of the Legislature, other members of the community, and the media and the government chooses to put the blinders on and the earplugs in, keep their heads down, and move forward. This is a chance to show people that the earplugs are out, the blinders are

off, that you're taking evidence in and considering the implications of the decisions that we make here.

We are here to set laws that will serve this province, and our job is to try to make the province better. We have an opportunity to show that we are doing that work and we take it seriously through this amendment, so I sincerely hope that we all consider . . .

The Speaker: Standing Order 29(2)(a) is available if anyone has a brief question or comment for the hon. member. The hon. Member for Edmonton-South has risen.

Mr. Dang: Thank you, Mr. Speaker. It's a pleasure to rise and comment briefly on my colleague from Edmonton-Glenora's notes here already. I think that certainly what we've heard today is that there are significant concerns not just from this side of the aisle but from independent bodies of this Legislature, from outside as well on the types of legislation this government is moving forward, particularly, in this case, the Health Information Act.

I know that my hon. colleague here spoke a little bit about the committee process that was used to review the prior changes during the pandemic, that significantly changed the authority of the government, the Henry VIII powers of the government, and how that process played out and how the government actually failed and had to come back to this place and make substantive changes later because they had to admit that they messed up. Perhaps there are some parallels going on here, and the government is messing up again. Maybe I'd like to hear from my colleague some of her thoughts on that as well.

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

Ms Hoffman: Thank you very much, Mr. Speaker. I'm actually going to take the time to talk a little bit more about some of the pieces of the legislation that are being amended here, and thank you to my colleague for the opportunity to do so. In terms of the Health Professions Act there's a major change in terms of the legal requirements that regulatory colleges are being asked to consider. I would say that this is something where certainly we would benefit from having additional consultations with a number of partners in determining whether that's the right direction.

The ABC Benefits Corporation Act says that it's housekeeping changes that modify the benefits corporation act to Blue Cross act to be reflective of the public-facing name of the organization, which I find really interesting because in terms of public-facing names the Ministry of Education and the minister made massive changes so that "public" can't be in the words, the legal names of public school boards in this province. Interesting that we're so quick to try to make a housekeeping change to allow Alberta Blue Cross to be reflected in its name. I have no problem with that, but the lack of consistency and the lack of respect and values for other organizations that the government interfaces with, including public school boards, I think, speaks to it being challenging to accept that as a true concern.

11:50

I should go back, though, to the information-sharing piece because that is what is most concerning in this legislation. It has the potential to impact every single one of us in a significant way, including those constituents that we represent. One of the number one values in primary care, for example, should be a trusting and unbiased relationship that has no barriers, that everyone who goes to talk to their primary care provider – doctor, nurse practitioner, so forth – should be able to do so confidently, freely, with the faith that they won't face judgment and that their information won't be breached. What we are creating here is a significant opportunity for

that, to not just risk the information but to risk that relationship and the reputation between the primary care provider and the patient.

When I think specifically about addictions and mental health in this province or, rather, substance use, which is a slightly less judgment-filled term to refer to somebody who is using substances around a variety of conditions, the ability of somebody to speak freely with their primary care provider, to talk about their struggles, their weaknesses, their challenges, and to get help should be the focus of public health and the work we do in this place. When there are opportunities created through legislation, when we create the potential for that information to be shared unknowingly with a third party that potentially could be outside of our provincial boundary and the oversight that we exercise as legislators in this place, it causes great risk to the information and to the patient. We know that when patients don't have confidence that their information will be kept confidential, whether it's of their physician's doing or the government's doing by changing the legislation to make the sharing of information easier, it can absolutely compromise that relationship and therefore the patient's public health.

These are a couple of the concerns that I think we have a significant opportunity to consider reversing here. I urge my colleagues to do so.

The Speaker: Hon. members, is there anyone else wishing to speak to the referral amendment? The hon. Member for Edmonton-South has risen.

Mr. Dang: Thank you, Mr. Speaker. It's my pleasure to rise today and speak to the referral amendment on Bill 46, the Health Statutes Amendment Act, 2020 (No. 2). I think that my hon. colleagues have made quite a considerable number of points today on why we believe this referral is necessary. I think that it's interesting that as we move through the Health Statutes Amendment Act and the debate on this and as we discuss the really broad-reaching powers that are being changed and granted to this government and to this minister, it really does highlight the significant concern that Albertans are having around why adequate consultation was not done with respect to this bill.

Really, we know that to be the case. We know it to be a fact that sufficient consultation was not done because an independent officer of this Legislature, that is enabled and empowered by this body, by this Legislature, the Information and Privacy Commissioner, wrote a letter basically admonishing this government for introducing this legislation without any prior consultation with that office, without sufficiently considering the privacy impacts, without sufficiently considering the long-term effects and even the short-term effects of this.

At a time when privacy concerns are rising around the world, at a time when jurisdictions around the world are increasing privacy regulation and increasing the protections that exist for individuals, this government is deciding to go backwards, and those are the terms that basically the Information and Privacy Commissioner set out. It's extraordinarily disappointing, and it's something that I think we have the opportunity now to go back and fix, to actually correct, to say: what did this government get wrong? This government gets a lot wrong, Mr. Speaker, but in this case we have the opportunity to actually do a proper review, to actually properly consult experts such as the Information and Privacy Commissioner on why those concerns were raised.

Mr. Speaker, it is fairly unusual to see such a strongly worded letter come from an independent officer of this Legislature, to see such a significant piece of literature come out from an independent officer of this Legislature basically saying that this government has

made a mistake and needs to put the brakes on and needs to stop this legislation and accept amendments or review the legislation. Those are the actual requests from the Information and Privacy Commissioner.

This government, which, as my colleague for Edmonton-Glenora already mentioned, won the CAJ, which is the Canadian Association of Journalists, award for the most secretive government in all of Canada, is now trying to actually take away privacy rights from Albertans and asking Albertans to trust in the judgment of this Minister of Health. Mr. Speaker, let me remind you a little bit about the judgment of the Health minister. This is the Health minister that went to a physician's driveway and berated that physician in front of his family on private property. This is the Health minister who misappropriated and used personal medical records and personal and confidential Alberta Health information to call, on personal cellphones, physicians who had criticized him on social media. So when Albertans are being asked by this government to trust the judgment of this Health minister with their personal health records, with their personal and confidential information, Albertans should be very concerned, and the Information and Privacy Commissioner is very concerned.

Mr. Speaker, the questions become: why are we barreling forward with this legislation, why are we not putting the brakes on, and why are we not going to committee and reviewing it? That's what my colleague here has proposed, that we stop and actually say that there are significant privacy concerns, that there are significant privacy implications. We have not adequately consulted with the experts on information and privacy in Alberta, in Canada, around the world, anywhere. The government has not done any consultations. Because of that, we need to stop, and we need to actually look at this because every single Albertan will suffer. Every single Albertan will be subject to these new rules. Every

single Albertan will have the risk of having their personal medical information exposed to foreign entities based on this minister's judgment, which we know Albertans cannot and do not trust. When we look at this legislation, when we see this legislation, it really is clear that the government has done no work on this. They've not done the adequate consultation on this. They have not gotten it right. They have absolutely created a failure of a piece of legislation.

This is a significant overreach on this government's authority, it's a significant overreach on this government's mandate, and, Mr. Speaker, it significantly damages the trust Albertans have in the institutions. It significantly damages the trust Albertans have in our health care system. Of course, we know this government likes to do that. They like to Americanize our health care system and damage the reputation of the health care system. They like to fire 11,000 health care workers in the middle of a pandemic. They like to give \$4.7 billion away to wealthy and profitable corporations and then damage our health care system in the meantime. We have the opportunity here to fix one little thing, which is that personal and private confidential medical records should not be revealed to foreign entities without their consent. We shouldn't trust the minister's judgment when it comes to this. We shouldn't trust the minister's judgment when it comes to this because those personal medical records, based on every standard of privacy, and in particular I'll refer to the GDPR again, the European Union's centre for privacy, as the gold standard . . .

The Speaker: Hon. members, pursuant to Standing Order 4(2.1) the House stands adjourned until 1:30 this afternoon.

[The Assembly adjourned at 11:59 a.m.]

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