

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Tuesday, November 29, 1983 2:30 p.m.**

[The House met at 2:30 p.m.]

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF VISITORS**

MRS. LeMESSURIER: Mr. Speaker, it is a great honor and privilege to introduce to you and to members of this Assembly Mrs. Olga Fisch. She is visiting our city and is a most honored citizen of Ecuador because of her discovery of folk art traditions in the jungle and mountain regions. Her private collection is of such stature that the Smithsonian Institute had an exhibition of her collection, which toured the United States and Canada in 1981. Mrs. Fisch is also famous for her own designs, including tapestry and rugs, five of which can be found in the United Nations Building in New York; others at the Metropolitan Opera, the Museum of Modern Art, and in the collections of royalty, presidents, and leaders all over the world.

Mrs. Fisch has assisted us with the assembly of our South American collections, and we are very, very proud and honored that she has accepted an invitation to come to Alberta. Mrs. Fisch is accompanied by Dr. Vik, from the Vik Gallery. They are seated in the Speaker's gallery, and I would ask that they rise now, please, and receive the warm welcome of this Assembly.

head: **INTRODUCTION OF BILLS**

Bill 259

Alberta Volunteer Award Act

MR. R. SPEAKER: Mr. Speaker, I would like to introduce a Bill, being the Alberta Volunteer Award Act.

The purpose of this Bill is to recognize and reward volunteers in communities throughout Alberta. It not only recognizes the volunteers themselves but, as well, the organizations which they represent, in terms of a monetary reward as well as certification.

[Leave granted; Bill 259 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. HORSMAN: Mr. Speaker, I wish to table with the Assembly Motion for a Return No. 137.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. TOPOLNISKY: Mr. Speaker, seated in the members gallery is a group of fine young Albertans. They are 25 grade 6 students from the H.A. Kostash school in Smoky Lake, the 1983 forest capital of Canada, in the Redwater-Andrew constituency. They are accompanied by their teacher Mr. Wolan-

sky, parents Mrs. Senetza and Mrs. Way, and bus driver Mr. Moroz. Mr. Speaker, I'm very delighted to introduce them to you and to the members of the Assembly. I ask that they rise and be recognized by the Assembly.

MR. SCHMID: Mr. Speaker, also in the members gallery are 27 bright and exuberant young grade 6 students from Waverley elementary school. They are accompanied by their teacher and friend, Wally Mosychuk. I have had the pleasure of being in their school several times, and I can assure you that it's one of the finest schools in the city of Edmonton. I ask them to rise and receive the welcome of this Assembly.

MR. MARTIN: Mr. Speaker, I'd like to introduce to you and to members of the Assembly members of the Committee of the Unemployed representing constituencies in Alberta, including three members of the Sacred Heart Church, including Father Emmett Crough of Edmonton Highlands. They are in the members gallery, and I would ask them to stand and receive the warm welcome of the Assembly.

MR. PAHL: Mr. Speaker, I'd like to introduce to you, and through you to all members of this Assembly, Mrs. Beverley Mahood. Mrs. Mahood has served the people of Alberta well, particularly the people of Edmonton, through her membership on the board of directors of Grant MacEwan Community College. In addition, her esteem among her fellow board members and their recognition of her contribution, is such that she was recently elected vice-chairman of the board of directors. I'd like Mrs. Mahood to stand in the members gallery and receive the welcome of the Assembly.

MR. SPARROW: Mr. Speaker, it is my pleasure today to introduce to you and to the Members of the Legislative Assembly a group of 35 grade 10 students from Calmar school, located in the Wetaskiwin-Leduc constituency. They are accompanied by their group leaders Jerry Pon and Walter Watamaniuk and by a mother, Doris Manchak. They are seated in the public gallery, and I wish they would rise and receive the warm welcome of the House.

head: **ORAL QUESTION PERIOD**

Housing Corporation Land Purchases

MR. NOTLEY: Mr. Speaker, I'd like to direct the first question to the hon. Minister of Housing, and ask if he can outline to the Assembly the government policy concerning the many parcels of land Alberta Housing Corporation purchased during the boom years. In particular, is it government policy to sell or develop land which has generally decreased in value since the onset of the recession?

MR. SHABEN: Mr. Speaker, the Alberta Housing Corporation has been involved for a number of years, principally working in co-operation with municipalities, in providing land banks and developing lots for housing within the province. Recently, with the slowdown in in-migration, the very high interest rates, and the slowdown in construction starts, the market for developed land has not been very strong. The policy of the government has been to sell property at cost. That policy has not changed; however, it is under review at the present time.

MR. NOTLEY: A supplementary question to the hon. minister. Does the government have any overall policy for determining

the price it is willing to pay for land, or has that policy changed in any way?

MR. SHABEN: Mr. Speaker, at the present time the government is not purchasing land. However, in previous purchases the policy was based on market value, often supported by market appraisals.

MR. NOTLEY: Mr. Speaker, a supplementary question. Could the minister outline whether it was the policy of the government to review land title records regarding previous purchase prices of land that the government was considering purchasing?

MR. SHABEN: Mr. Speaker, I'd have to check on that, because I'm not aware whether that was a practice or whether it was pursued from time to time.

MR. NOTLEY: Mr. Speaker, a supplementary question. Could the minister advise the Assembly whether he could give the Assembly any information as to the plans for the government developing the land it owns in the town of Smoky Lake?

MR. SHABEN: Mr. Speaker, again, I wouldn't be able to provide the hon. member or the House with any specifics on that without checking.

MR. NOTLEY: Mr. Speaker, then when he's checking — or perhaps he could give us the information today — could the minister review the reasons Alberta Housing paid \$1 million for a quarter section of land east of Smoky Lake, which was worth \$.5 million the very same day?

MR. SHABEN: Mr. Speaker, as I indicated earlier. I'll check into that particular question.

MR. NOTLEY: We'll wait with interest, Mr. Speaker.

Day Care Guidelines

MR. NOTLEY: I'd like to direct the second question to the hon. Minister of Social Services and Community Health, Mr. Speaker, and ask the hon. minister what specific steps he has taken to investigate the concern expressed by Judge Crockett in the Woodcroft case, in which he indicated, quoting from his observations, that

the Department of Social Services and the Day Care Licensing Office are to be faulted in not following up ... sooner, for had they done so. I'm convinced we wouldn't be here this afternoon.

Specifically, what investigation has the minister conducted to determine whether there was a breakdown in the ability of the department to follow up complaints?

DR. WEBBER: Mr. Speaker, if it's the day care situation that I'm thinking of, during the spring session questions were raised by the hon. Member for Edmonton Norwood. If that is the situation where day care licensing people were involved in getting information together, and then finally getting into contact with the child welfare people, then there has been follow-up action with regard to handling concerns such as that. As I recall, the policy now is that any day care licensing official would draw to the attention of the child welfare people any complaint arising from a day care centre.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. My question relates specifically to the judgment of

October 14, 1983, and the statements of Judge Crockett. As a result of the observations by the judge, has the minister taken any particular initiative subsequent to this judgment?

DR. WEBBER: Subsequent to checking, Mr. Speaker, corrective action had been taken prior to the judge's decision.

MR. NOTLEY: Mr. Speaker, a supplementary question. What instructions did the minister give the department in terms of identifying what the breakdown was and why investigations seemed to be stalled, thereby forcing complainants to take their case to the judicial system?

DR. WEBBER: Mr. Speaker, I think I've already indicated that it was the day care licensing officials, in terms of getting in a complaint drawn to their attention initially and these people wanting to get the complaint in writing. A considerable time period elapsed from the time complaints were first made until the complaints were put in writing. So in terms of a time delay, there was delay there, as I recall.

In terms of any future complaints being laid to day care officials, I've already indicated that instructions to notify the child welfare branch right away have been given to them.

Civil Defence

MR. R. SPEAKER: Mr. Speaker, my question to the Minister of Transportation is in light of a statement the minister made to the Assembly on November 23, that with regard to weaponry, there were other areas more likely to be prime targets than areas in Alberta. Is the minister aware that a pamphlet published by Disaster Services, entitled *The Nuclear Threat To Alberta*, lists Edmonton as a potential target for a one-megaton nuclear war-head?

MR. M. MOORE: Mr. Speaker, I presume the hon. member is addressing the question to me in my capacity as Minister responsible for Disaster Services, not Transportation.

In that case, I would only make these remarks. My comments last week arose from the film that was shown widely throughout North America, and were in the context of whether or not there were points in Alberta that would be considered high on the list or major target points in North America. The advice we receive from federal authorities — and that's what we rely on — is that in their opinion, there are numerous other points which are higher on the target list than any point in the province of Alberta. That doesn't mean that Edmonton, Calgary, or some other point in Alberta might not well be somewhere on the list of potential targets, or the possibility of a nuclear strike. But again, Mr. Speaker, that would depend on how long the list was.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister, with regard to the report. In the most recent report of March 1983, the city of Calgary has been deleted as a potential target area, and Edmonton has been indicated as the prime target in Alberta. Are there any preparations going on in terms of Edmonton, as a city, in comparison to Calgary, which is not a prime target at the present time, as listed by this report?

MR. M. MOORE: Mr. Speaker, the only thing I can add to my earlier remarks is that there are indeed a number of plans associated with peacetime operations that are effective with respect to our citizens' ability to be prepared for the unlikely

event of a nuclear war. Those plans are developed on a national basis, on a provincial basis and, finally, on a municipal basis.

As late as earlier this year, some portions of those plans were updated with respect to Edmonton. For example, the listing of those buildings which might be helpful to ensure that some citizens may be protected to some extent from nuclear fall-out, was updated with respect to the city of Edmonton. As well, there may have been other work going on, that I'm not presently aware of, with respect to those plans. But I do know that they're updated from time to time.

Mr. Speaker, I was not aware that any city had been added to or taken off the list. In my view, the likelihood of problems associated with a nuclear attack on any area in Alberta is much lower than it might be in other parts of North America, and I wouldn't like to differentiate between the two major cities. But it may well be that because of their categories, the Department of National Defence, which gives us advice in this regard, has done exactly as the member says. I haven't seen that information.

MR. R. SPEAKER: As well, the report calls for special studies to be done in Calgary with regard to it being a potential site or not, as well as studies in terms of the needs in Edmonton. Could the minister indicate whether these studies are proceeding through Disaster Services, or is it planning to proceed with any type of studies to follow up the needs of this report?

MR. M. MOORE: Mr. Speaker, before I could try to determine an answer to that question, I would have to check the comments the hon. member is referring to in the report he has.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the minister indicate whether he has reviewed the report of Disaster Services, called The Nuclear Threat to Alberta, from the the Alberta Survival Plan? Has the minister personally reviewed the report in his office, on the basis of whether or not policy should be updated or whether or not all items of the report are endorsed by government?

MR. M. MOORE: Mr. Speaker, I have a copy of an Alberta Survival Plan in my office, the most recent and up-to-date one that I've reviewed. But I would not know whether or not I've reviewed the material the hon. member has in his possession until a copy of that has been forwarded to me, so I would have an opportunity to review it. I only say that because there are a number of reports, they're updated annually, and I don't know what's in the possession of the hon. member.

Premier's Travel

MR. MARTIN: Mr. Speaker, I'd like to direct my question to the Provincial Treasurer. Can the hon. Treasurer advise us if a special budget was struck for the Premier's current visit to California? If so, can he provide us with an approximate estimate of that budget?

MR. HYNDMAN: No there was not, Mr. Speaker.

MR. MARTIN: A supplementary question to the Treasurer. Is it government policy, then, that budgets not be struck when ministers or the Premier are travelling outside the province?

MR. HYNDMAN: Those decisions are made under the general parameters and guidelines of the individual minister or member of the Executive Council. Of course, the specific information

as to the amounts expended are available later on by motions for returns, a number of which we've had.

MR. MARTIN: A supplementary question. Will the Minister of Energy and Natural Resources outline why he has not gone to California with the Premier, given the nature of the visit?

MR. ZAOZIRNY: Mr. Speaker, I'm happy to respond. In the same way that the Premier displayed confidence in me in my travelling to Washington without him being along, I have an equal amount of confidence in him as he makes his journey to California. It's a concept the member may be unfamiliar with. We call it teamwork.

MR. MARTIN: I'm very glad to hear that you have that much confidence in him.

My question is to the Government House Leader. Will the House Leader outline what considerations were made when arranging the Premier's trip to California, given that the Assembly was still in session?

MR. CRAWFORD: Mr. Speaker, I don't understand the question.

MR. MARTIN: Well, I'll say it: seeing that we are in session, I understand, what consideration was given to having the Premier travel when the House is not in session, so he can be here to participate?

MR. CRAWFORD: Mr. Speaker, I think there is a timeliness to the visits the Premier and other ministers make, both within and without the jurisdiction, which of course depends in part on the people they are calling upon. I'm sure all those things were taken into consideration.

MR. MARTIN: A supplementary question. Could the Government House Leader table an itinerary of the Premier's trip to California, so members can assess the value of that trip?

MR. CRAWFORD: Mr. Speaker, I'll take the question as notice.

MR. MARTIN: One final supplementary. Will the Government House Leader assure the Assembly that no documents will be delivered in person, by a government employee or agent, to the Premier while he is in sunny California?

MR. SPEAKER: No doubt that's an allegation which can stand on its own feet, if any.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Minister of Energy and Natural Resources. It's with regard to supportive staff, in terms of the energy and natural gas question. I think the future of this province is very dependent on those talks. Have officials from the minister's department travelled with the Premier, in terms of back-up information and supportive advice in the negotiations that are going on and in terms of the necessity of the success of those negotiations for the 1984-85 budget of this province?

MR. ZAOZIRNY: Mr. Speaker, the hon. member is quite accurate in outlining the importance of the Premier's travel to the state of California. In the same way as I was accompanied to Washington, the Premier is being accompanied to California by Mr. Wayne Minion, the chairman of the Alberta Petroleum Marketing Commission.

Canadian Encyclopedia

MR. SZWENDER: Mr. Speaker, my question is to the Minister of Culture, responsible for the new Canadian encyclopedia. Could the minister indicate to this Assembly whether the encyclopedia is being prepared on schedule and what the completion date would be?

MRS. LeMESSURIER: Yes, Mr. Speaker. It is on schedule, and it will hopefully be completed in early 1985.

MR. SZWENDER: A supplementary. Could the minister give a brief description of the composition of the encyclopedia in its finished stage?

MR. SPEAKER: I hope the answer will be in the form of a digest, rather than encyclopedic.

MRS. LeMESSURIER: Mr. Speaker, it will be in three volumes of approximately 700 pages. The size will be about eight and a half by 11. In the new year, I will have a dummy of the encyclopedia to show our colleagues in the House.

MR. SZWENDER: A further supplementary. Considering the government's financial commitment to this project, could the minister indicate whether the government of Alberta has had any input into the articles found in the encyclopedia?

MRS. LeMESSURIER: No we haven't, Mr. Speaker. But the articles that are being submitted, which are done by approximately 2,500 or 2,600 people, were selected from people right across Canada and the Territories, and they are of the highest calibre. The persons being asked to write are of very strong capabilities, whether it be in the arts, in sports, or in the humanities. They are the tops in their fields.

MR. SZWENDER: A further supplementary, Mr. Speaker. Could the minister inform the Assembly what safeguards are in place to ensure that articles submitted to the encyclopedia are unbiased?

MRS. LeMESSURIER: Mr. Speaker, when an article is delivered to the encyclopedia, it is edited sometimes two, three, four, or five times. The facts that are in that article are then verified and sent to the editor in chief of the encyclopedia. If there is a feeling that the article is biased, it is then reviewed by a national advisory board, which has been selected from people right across this country, and there are 10 in number.

MR. SZWENDER: A final supplementary, Mr. Speaker. In order to allay the fears of some members of this Assembly, could the minister indicate what colors will be used on the cover of this encyclopedia?

MRS. LeMESSURIER: Mr. Speaker, I believe the outside covers of the encyclopedias will be dark blue, with gold lettering.

MR. PAPROSKI: A supplementary, Mr. Speaker. Could the Minister of Culture please comment on the interest expressed to her department regarding the encyclopedia?

MRS. LeMESSURIER: Mr. Speaker, we've had letters from the various premiers across Canada, leading scholars, and editors of newspapers, not only in Canada but throughout North America. Also, may I say that the Encyclopedia Britannica is

very interested in the encyclopedia and, at the present time, sight unseen, has ordered 25,000 copies.

MR. SPEAKER: The hon. leader of the Independents, and then the hon. Minister responsible for Workers' Health, Safety and Compensation wishes to deal further with a question that I believe was accepted as notice.

Treasury Branches

MR. R. SPEAKER: My question to the Provincial Treasurer is with regard to a matter that affects the income of the province. The March 31, 1983, statement of the treasury branches indicates that for the first time, the treasury branches had a net deficit of \$3.7 million and, for the first time, could not contribute some million dollars to the General Revenue Fund of the province. I am wondering if the minister could indicate at this time whether the financial situation of the treasury branches has improved so that in terms of the next fiscal year, 1984-85, the million dollars could again be contributed to the revenue needs of this province?

MR. HYNDMAN: Mr. Speaker, I'm told that it is improving over the months of this fiscal year. The hon. member is correct in indicating that there was a loss in the treasury branches for the last fiscal year, due largely to the desire of the treasury branches to try to accommodate, in the fairest possible way, the cost of loans made to farmers and small business men throughout the province. They have established a reserve for bad debts, as the financial statements indicate, and it is hoped that this year the financial statement will be back on more traditional lines.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. The net loss, from the 1982 fiscal year to the 1983 fiscal year, went from \$4 million to just about \$18 million. Has the minister had a discussion with the treasury branches, with regard to a change in loan policy or the collection of various loans being undertaken at the present time by the treasury branches?

MR. HYNDMAN: Not recently, Mr. Speaker. The treasury branch continues to put into effect and carry out a loan policy which I think has demonstrated the fact that they are responsive to the urban and rural needs and concerns of borrowers throughout the province of Alberta, especially during the last 18 months of the economic downturn. So they will do their best to continue that, while at the same time trying to get back to a position where there would be dollars on the proper side of the balance sheet in future years.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Provincial Treasurer. Other banking institutions in the province of Alberta show a profit during this same fiscal period.

MR. SPEAKER: Order please.

MR. R. SPEAKER: Could the minister indicate whether any change has been made with regard to the loan policy, in terms of relaxing loan policy at the present time or strengthening or hardening the position of the treasury branches with regard to loans to small business men, farmers, or people who wish to initiate new businesses in this province?

MR. HYNDMAN: Mr. Speaker, the loan policy which has been in existence will continue. That means that the treasury

branches will continue to be totally competitive with other financial institutions, in the sense that the cost of their loans would be the same as, or in many cases slightly less than, the cost of loans from other financial institutions. The other side of that coin, of course, is that from time to time there may be situations such as the loss which was manifested in the balance sheet under review. But that continued policy of being extremely competitive, and in many cases offering costs of money that are slightly less than those of other institutions, would continue.

Occupational Health and Safety Courses

MR. DIACHUK: Mr. Speaker, the other day the hon. Member for Calgary North West requested information on whether any nursing research projects were submitted. I am advised that there were two projects submitted under the program; however, both those projects were rejected.

I might point out that while nursing research pertaining to occupational health and safety is certainly within the mandate of our program, a grant program which is designed specifically for nursing research is now operational through Advanced Education.

ORDERS OF THE DAY

head: MOTIONS FOR RETURNS

MR. HORSMAN: Mr. Speaker, with respect to the motions for returns, I move that motions for returns 221 and 222 stand and retain their places on the Order Paper.

[Motion carried]

216. Mr. R. Speaker moved that an order of the Assembly do issue for a return showing:

In respect of the fiscal year 1982-83, the cost to the government of Alberta to provide vehicles for members of Executive Council and Members of the Alberta Legislative Assembly, including:

- (1) the total purchase price of the vehicles or the lease cost;
- (2) the total repair, servicing, and maintenance cost of the vehicles;
- (3) the total registration and insurance cost of the vehicles;
- (4) the total cost of additional equipment for or alterations to the vehicles;
- (5) the total cost of all fuel and lubricants provided for the vehicles at public expense;
- (6) the cost of chauffeurs or any other part-time drivers of the vehicles.

MR. CHAMBERS: Mr. Speaker, I wish to accept Motion for a Return No. 216, but amend it by adding "and total sale price of vehicles in this category disposed of during this period" to paragraph (1) of the motion; by renumbering paragraph (3) as paragraph (2); paragraph (6) as paragraph (3); and paragraphs (2), (4), and (5) as (a), (b), and (c) of a new paragraph (4), which reads "the costs of the following where provided by Central Vehicle Services".

MR. SPEAKER: Perhaps it would be simpler to treat that as an amendment.

[Motion as amended carried]

219. Mr. Notley moved that an order of the Assembly do issue for a return showing a copy of the memorandum of understanding under which the Alberta Oil Sands Technology and Research Authority and the U.S. Department of Energy have agreed to exchange information and co-operate on oil sands and oil shale research.

MR. ZAOZIRNY: Mr. Speaker, I would like to propose a small amendment, simply adding the words "subject to the concurrence of all the signatories". The reason for that is that other provinces and governments are signatories to the agreement and, as a matter of protocol, it would of course be essential to have their concurrence.

[Motion as amended carried]

220. Mr. Martin moved that an order of the Assembly do issue for a return showing:

- (a) What is the government's best estimate of the per annum dollar value of government positions as listed under 120 and contracts as listed under 430, noted separately, which are to be abolished during the 1983-84 fiscal year, and again noted in each category, the dollar value of those positions and contracts which have been abolished in the period April 1, 1983, to September 30, 1983?
- (b) What are the amounts in dollars expended during the current fiscal year to September 30, 1983, in each category, under codes 120 and 430?

MR. SPEAKER: Might I just mention that I put this motion on the Order Paper with some misgiving. I don't perceive it to be within the official duties of the government to work out, on demand, estimates of various things. I was a little doubtful about it, though, in case the estimate was actually in existence as a document; then, of course, it would be an appropriate object for a motion for a return. But otherwise, it would seem to me that this is not one of the things you would get under a motion for a return.

MR. HYNDMAN: Mr. Speaker, I would like to move an amendment to this motion, in order that the information sought can be effectively provided, by deleting paragraphs (a) and (b) and replacing them with the following:

- (a) What is the government's best estimate of the per annum dollar value of government positions which are to be abolished during the 1983-84 fiscal year and the dollar value of those positions which have been abolished during the current fiscal year to the end of September 1983?
- (b) What are the amounts in dollars expended during the current fiscal year to the end of September 1983 on employment, as shown under codes 120 and 430?

[Motion as amended carried]

head: GOVERNMENT DESIGNATED BUSINESS

[On motion, the Assembly resolved itself into Committee of the Whole]

head: GOVERNMENT BILLS AND ORDERS (Committee of the Whole)

[Mr. Purdy in the Chair]

MR. DEPUTY CHAIRMAN: The Committee of the Whole Assembly will please come to order for consideration of Bills on the Order Paper.

Bill 107**Legislative Assembly Amendment Act, 1983**

MR. DEPUTY CHAIRMAN: There are two amendments to the Bill. Are there any comments or questions to be offered with respect to these amendments? Are you ready for the question on the first amendment?

MR. CRAWFORD: Mr. Chairman, when you said "first amendment", there is a November 29 amendment which incorporates what was in an amendment that was distributed earlier. So only the one amendment should be dealt with.

MR. DEPUTY CHAIRMAN: So the October 22 amendment is deleted?

MR. CRAWFORD: Yes.

MR. DEPUTY CHAIRMAN: Thank you.

[Motion on amendment carried]

MR. DEPUTY CHAIRMAN: Are there any further questions or comments with respect to the Bill as amended?

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill No. 107 be reported as amended.

[Motion carried]

Bill 109**Real Property Statutes
Amendment Act, 1983 (No. 3)**

MR. DEPUTY CHAIRMAN: There is an amendment to this Bill. Are there any questions regarding this amendment?

[Motion on amendment carried]

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill No. 109 be reported as amended.

[Motion carried]

Bill 111**Dental Profession Act**

MR. DEPUTY CHAIRMAN: Are there any amendments, questions, or comments to be offered with respect to any section of this Act?

MR. LEE: Mr. Chairman, I wish to enter a few concerns and comments on this Bill. During the past week, I've heard from two denturists that reside in the constituency of Calgary Buffalo. They've raised a number of concerns, and I would ask the minister who is responsible, in the absence of the Minister of Education, to comment.

During the past decade or so, we have had a situation in Alberta where denturists were permitted to operate and act under their own Act and, in the past, a dentist could not hire a denturist. This Bill allows this to occur. There is concern that the dentists' fee schedule is significantly higher than that

of the denturists, and that if we were to proceed with this Bill and a significant number of dentists were to hire denturists, we would see an additional bill of about \$2 million to the taxpayer of the province of Alberta through the Alberta health care insurance plan. Denturists do not overbill; dentists apparently do overbill.

I'm told that costs for dentures have risen 61 per cent since 1961, when they were first made legal by way of denturists; whereas dentists have increased the cost of partial plates, which only they are allowed to do, by 123 per cent since 1961. So it would seem there is an efficiency we are realizing through the profession of the denturists that may be lost, should the significant change be that dentists could then hire denturists. So, Mr. Chairman, through you to the minister, I'd appreciate some response to these concerns.

I'm also aware that a provision has been made for some negotiations or agreement between the dentists and denturists for all this to take place. My concern would be, what if this matter is not resolved amicably? In effect, we are significantly affecting the field of practice of denturists. Frankly, given this era of rising health costs, it seems to me that we want to ensure, wherever possible, that if any competition can exist, it will, and that we don't see any immediate rise in health care costs. It would be my expectation that as a result of this change, we're going to see a very large number of senior citizens flock to dentists rather than denturists. If that's going to increase the cost to the taxpayer, it might be something we want to reconsider. So I'd appreciate a response from the minister.

MR. CRAWFORD: Mr. Chairman, the hon. member's remarks raise several points. I don't think it would be anticipated that the denturists in the employ of dentists would necessarily be a very large proportion of those practising in that field.

From the presentations that have been made to the Minister of Education, my understanding is that through the denturists' association, there has been a considerable amount of discussion. It may be that other members of the same profession are not entirely satisfied with what may be an apparent compromise reached in the course of preparation of the Bill. I think the hon. member made a good point in expressing a concern about rising costs, and that is surely not an objective of what is being done. The hon. member would immediately say: it may not be an objective, but it may occur nevertheless. I think the response to that is that that would have to be very carefully and closely monitored, because I think that would be contrary to all the areas in which the government and the people generally are looking these days: to see costs controlled in areas that are tax supported.

I think the real answer to the hon. member's concern is that the negotiation period he referred to, which I understand is an agreement between the two associations — at least, it's the understanding of the minister that negotiations will take place. The time frame involved there takes us well into or beyond the spring sittings of the Assembly. If there were difficulties that could not be resolved by way of negotiation, they could be resolved by the Assembly.

MR. DEPUTY CHAIRMAN: Are there any further comments on the Bill as presented?

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, on behalf of the Minister of Education, I move that Bill No. 111 be reported.

[Motion carried]

Bill 110
Labour Relations Amendment Act, 1983

MR. DEPUTY CHAIRMAN: There are two government amendments to the Bill. First, I'd like to get clarification from the Minister of Labour as to whether the November 22 amendment is included in the November 29 amendment?

MR. YOUNG: No it is not, Mr. Chairman. Perhaps I could address both amendments briefly.

To start with, there is an amendment dated November 22. The amendment is not included in the set of amendments dated November 29. The amendment of November 22 is to make it very clear that in the event of a vote among the employees of a company which is alleged to be a spinoff, the decision would rest with the majority of the employees who vote, rather than the majority of employees who are eligible to vote. That's the normal concept which prevails in most voting situations. So all the amendment of November 22 does is deal with that one item, which is important in and of itself but does not extend to any other sections of the Bill.

Mr. Chairman, since there's a great deal of interest in this Bill, perhaps I could take a moment to identify the highlights of the amendment dated November 29. I will do so in the order in which they appear in the amendments; it will be easier to follow.

First of all, there is a change in wording in the section entitled A(i), wherein the phrase "the same unit" has been changed, and substituted therefor is the wording "an equivalent unit". It has no significance of principle to the Bill but is a much more appropriate wording. Since we're dealing, in fact, with two different companies, we shouldn't be using the expression "the same unit", but rather "an equivalent unit".

Mr. Chairman, the second amendment is intended to address the complaint or concern which was expressed to many members of the Legislature during last week by members of the construction trades and was again addressed to me last Friday and Saturday, when I met with the two councils representative of the building trades. That amendment is intended, for the term 1984, to deal with the concern that there might be a succession of spinoffs. It attempts to reverse the onus of proof on a company if it is alleged by the union that more than two corporations that are conducting similar activities and can be construed to be associated companies exist. It would have the effect, then, of saying that if there are two or more corporations of similar ownership and similar activity, the union could bring one of the corporations before the Labour Relations Board. The company would be responsible for demonstrating that it was not in fact a spinoff of other companies for the purposes of avoiding the responsibilities of a collective agreement. We believe it will be effective in controlling any attempt at successive spinoffs, which was a point made quite frequently by members of trade unions who contacted Members of the Legislative Assembly.

Mr. Chairman, I want to be very clear that this is a difficult wording. It is a difficult section of legislation. Despite the fact that it has existed for the better part of 11 years, it has had very little challenge, very little usage, before the Labour Relations Board. I am pleased that we have been able to establish certain principles in Bill 110; however, I am not well pleased that the issue involved is as poorly delineated as this one is. It would be my hope that once a review of the Labour Relations Act is under way, this area of spinoff may be one of those areas that can receive a considerable amount of attention.

I have to indicate that it is my personal view that the solution to these problems is a solution of understanding within the

construction industry and a resolution of differences between the union and non-union sectors, because I do not believe it is possible to have major differences in wages and working conditions between those sectors. If that is going to be the future, then I say to all hon. members here: the challenge will be on us to draft legislation which would be so exclusive and so controlling in its effect that we would have a legislated difference within the construction industry, in terms of market forces. I would submit that that is not something which a legislature can reasonably expect to accomplish. So in advancing these amendments, I do so on the understanding that they are the best resolution that can be produced at the present time, but they are not in fact the resolution that we might ultimately wish.

For those who have not had the opportunity to look at it, I would refer hon. members — and according to my information, all received a copy — to the submission supplied under the date of November 25 by the International Brotherhood of Electrical Workers. I think this is a good outline of the problems that are inherent in trying to pierce the corporate veil, in understanding the relationships between companies, that unions must try to prove or to demonstrate before the Labour Relations Board. However, I also note here that despite the concerns which exist about intimidation and coercion, and despite the concerns about a vote, when a vote was held by the Labour Relations Board in this particular instance, it was favorable to the union. I think that is a positive feature of the document that was given to us. However, it does illustrate very amply for us the difficulties faced by unions in trying to pierce the corporate veil. That matter is a challenge which I would hope any review of the Labour Relations Act would take as a priority.

Mr. Chairman, with respect to the second amendment, B on page 2, last week members of trade unions also expressed concern to members of the Legislature that the right given to the employer to communicate seemed to be a right without constraints. That is not so, and there are restrictions on the capacity of employers in the Labour Relations Act. However, because we are expressing that right in a manner in which it has not been expressed before, I have recommended, and had it accepted by my colleagues, that the Legislature should consider the addition of expressing that the employer, in using his right to communicate, shall not do it in a manner which is either coercive or causes intimidation. I think that completes the principle of ensuring that the employer has ample opportunity, as well as ensuring that the rights of the employee are adequately protected.

There has been some discussion about — the hon. Leader of the Opposition raised the question of a document which he alleged had been used by one company requesting a declaration from a potential employee. Just so it isn't omitted, I want to draw all hon. members' attention to section 137(3) of the statute, which now makes it an unfair labor practice for an employer or an employers' organization to refuse to employ anyone because they are "a member of a trade union or an applicant for membership in a trade union", or because they have indicated in writing their selection of a trade union as a bargaining agent on their behalf. So we already have in place legislation which I think adequately protects against this sort of thing. Now that it has come to my attention, members may be well assured that I will be speaking with the leaders of the construction industry contractors and expressing my displeasure with that kind of documentation.

Another point was raised by a number of trade union members in speaking with members of the Legislature, Mr. Chairman, and it had to do with pensions. A great deal of concern was reflected by the possibility that they may, through lack of

employment in a union capacity, lose their access and rights to certain pensions which have accrued. That is not something that can be dealt with briefly, but I want to assure union members and others in the private sector that it is something which has been a matter of consideration by government for some time. We have been more or less trying to co-ordinate our activity in the private pension area with that of other provinces. Given that this matter has arisen and the concern that has now developed, it is my hope that we may be able to address that matter in the spring sittings of the Legislature. I can't make a total commitment, but it is my wish that we should be able to do that. I think that will be the best means of resolving what some trade union members have expressed to us is a deep concern about contributions they have made to pension plans over a period of time.

Finally, Mr. Chairman, the amendment dated November 29 provides that Bill 110 will come into force on proclamation rather than on assent. My current thinking is to express here an intention that I would recommend to my colleagues that it might come into force about the end of January. Prior to that time, it may be that there will be more presentations which some persons might wish to make to me, and I will certainly be discussing Bill 110 with the chairman of the advisory committee in the event that that committee wishes to offer me reflections on the Bill.

MR. NOTLEY: Mr. Chairman, when I very quickly read over the amendments that the minister introduced today, my initial response was to say that perhaps the government had decided to sign a ceasefire with the building trades, until I had an opportunity to discuss it with some people and look at the fine print. Rather than a ceasefire, we find that we have a continuation of government aggression against the unionized work force of this province in a thinly disguised, thinly veiled way, to make a bad Bill look a little better but to retain the substance.

Mr. Chairman, I want to deal with the amendments the minister has put before the committee this afternoon. It's important to note that the language of the original Bill talks about "one corporation, partnership, person or association of persons". The amendment now talks about "two". While the minister says that there will be a year's delay in succession of spinoffs, what we in fact have is the provision of at least one spinoff which can occur according to the provisions of 110. It is the whole concept of spinoffs where people have a collective agreement in place, where they have gone through the process of organizing a union — it is the concept of a non-union spinoff which is at stake. To simply suggest that we are going to put a cap on the number for a period of a year doesn't answer the concern of the 4,000 or 5,000 who assembled at the Legislature yesterday. If this committee and the government members in this committee think it does, they are indeed misled.

Mr. Chairman, when one looks at the wording of the amendment, we are told that we are going to put the onus on the company or partnership to show that they are not setting up a spinoff company for the sake of circumventing a collective agreement. But the problem is that the company is obviously going to say that they aren't setting up an additional company for that purpose. Regardless of the wording of this Act, the real onus is going to be on the union to prove intent. That's going to be very difficult. We have to keep in mind that the batting average of organizing so-called spinoff companies has not been very good at all to date. It has been abysmal, as people in the trades freely point out. It has been abysmal with the legislation passed by this Legislature in 1973 that precludes spinoff companies. What will the batting average be now with the modified wording?

The fact of the matter is that what we're giving the big six is one free spinoff and a situation where they have an overwhelming probability of being able to get away with successive spinoffs. Even so, we are putting a cap on that, because after December 31, 1984, this provision no longer applies, which means that there is open season on the construction trades. Perhaps there will be some kind of agreement in the next year, but if there isn't, the construction trades have to live with the reality of the legislation we are passing. All the safeguards, however feeble, will be stricken away as of December 31, 1984.

Mr. Chairman, I suppose the other option exists, that against the prevailing stream, the fact that the union movement has not been successful in dealing with the spinoff companies to date, even with the legislation — assuming that all the breaks go with a union and they are able to prove, despite how the legislation is worded in the amendment, that there was intent to set up a spinoff company to circumvent a collective agreement, and they win the case, what is to stop the company from simply closing down? Nothing at all. Since they already have one free spinoff, if by some stroke of good fortune the union beats them in this successive spinoff, they simply close down the company.

We're dealing with very large operations, where this sort of procedure is not difficult. So the so-called guarantees for the people who assembled in unprecedented numbers in front of this Legislature yesterday to voice their concern are just illusions to make the government's case look a little better. The grim reality of what is in fact anti-union legislation still remains.

The minister then tells us that he is going to change section 143 to add, as those of us in the opposition pointed out when we debated it in second reading, that there has to be some restriction on communication. I just want to remind the minister and perhaps straighten out his research a bit, because he took some time during second reading to say that the phrasing "communicate" with the workers was taken from legislation passed by the Barrett government in British Columbia. What the minister forgot to do — and I'm sure this was an oversight on the part of his researchers — was add one crucial portion of the B.C. legislation which says "except as expressly provided".

Mr. Chairman, in the B.C. legislation what is "expressly provided"? Rather than the rather weak wording we have today, it says:

seek by intimidation, by dismissal, by threat of dismissal, or by any other kind of threat, or by the imposition of a penalty, or by a promise, or by a wage increase, or by altering any other terms of employment, to compel or to induce an employee to refrain from becoming, or continuing to be, a member or officer or representative of a trade union.

When we discussed this in second reading the other week, the minister forgot to mention that the communications section in British Columbia was "except as expressly provided" — a minor oversight, but a minor oversight that totally changes the picture. All the government members sat there smug, thinking that perhaps they had won a Brownie point in the Legislature. The fact of the matter is that that oversight totally changes the meaning.

I've had my office research the statutes in every province in this country, and there is no province in Canada which has provisions which are as weak in defending the right of people to organize a union as in the province of Alberta. Perhaps as we debate this Bill today, we'll have an opportunity to compare and, if need be, to compare the precise wording province by province, because I happen to have it right in front of me in case anyone needs to have the facts presented.

So, Mr. Chairman, what we have is this illusion of compromise behind the grim mask of a government that is going

to take on working people and make them scapegoats instead of partners in the process of economic recovery.

The final provision in this shameful so-called compromise amendment is that we're not going to bring it in until after proclamation. If this government were serious about sitting down with the Building Trades Council and the employers, what they would do is simply keep the Bill where it stands right now — in committee. The motion we're going to deal with tomorrow, Mr. Chairman, is not that we prorogue the House; we're simply going to adjourn it. What is the point of having a committee review labor legislation in the construction field if we then have to come back in the spring session and totally amend it again? If the minister is showing any good faith at all, presumably there will be recommended changes in this Bill.

Doesn't it make more sense to leave the Bill in committee until such time as we have the report from this committee? Then we can be called back into session. We shouldn't take ourselves so seriously as members of this Legislature that it's not possible to do the public business whenever it is necessary to do the public business. If that means that we're called back into session for a few days at the end of January when the committee has completed its report, so be it. It's our obligation to do it. Some of them might have to come back from their winter holidays. That's too bad. It might inconvenience a few Conservative members of the Legislature, but we're here to do the public business.

The fact of the matter is that what we have instead is that the Act doesn't come into force until proclamation. But what latitude does that give the government to make any changes, other than to come back to the Legislature and go through the process of amending an amended Bill in the first place? Mr. Chairman, that doesn't make any sense. If the minister genuinely wants to hold an olive branch out to the people who are concerned about this throughout the province, he's not going to come in with the kind of proposal we have today. What he would do is say: all right, we're going to set up this committee; we're going to hold Bill 110 in committee; and perhaps we'll call the Legislature back into session in late January or February; and perhaps if we can't reach an agreement I'm going to be forced by my right-wing colleagues in this government to go ahead with Bill 110 because I can't convince them to be reasonable. At least the process of consultation and discussion could be legitimate. What kind of legitimacy can there be when all we're saying is that the Act comes into force on proclamation?

If this government thinks they are going to be able to convince anybody that the amendments today are a compromise, let them think again. Bill 110 is bad legislation. The amendments have been thrown together by a caucus that wants to create the illusion of co-operation but the reality of confrontation. Mr. Chairman, as my colleague pointed out during second reading, we must confess that we oppose this legislation without any hesitation.

[Mr. Appleby in the Chair]

I'm glad the hon. Member for Edmonton Belmont piped up a moment ago. One of the ironies of legislation of this kind is that it is this sort of legislation that causes people to move against a government. Many of the signs yesterday were really quite delightful to read. A sign said, I never thought the day would ever come when I'd vote NDP. People who would never in 30 years have considered voting for an opposition party — it may not be the NDP; it might be WCC, Independent, Liberal, or whatever the case may be. But one thing is that with leg-

islation of this kind, it won't be for the hon. Member for Edmonton Belmont.

Mr. Chairman, the fact of the matter is that whatever the political consequences of this legislation, we have to stand in our places and say what we think is right. I think what is right for the government of Alberta at this juncture is to recognize that they got into a process that was basically wrong. They were pressured by some large companies that were having difficulties because they were losing a portion of their business to smaller, non-union companies. In order to save the bacon, if you like, of the big six, we brought in this kind of restrictive legislation.

What is right, even for a so-called Conservative, free-enterprise government at this stage is to say: okay, we're going to sit down and discuss the matter fairly; we have our ideas; we have our agenda; it's now before the Legislature; it's passed second reading and committee stage; since we aren't proroguing the House, simply adjourning it, we'll leave it in committee; we'll carry on our discussions as honestly as we can, and if there are major changes we'll come back and debate those changes in committee when the House can be recalled at the request of the Speaker at any time.

Mr. Chairman, that's the responsible way. I believe the minister when he concluded his comments. The minister said he wants co-operation. I say as sincerely as I can that if you want co-operation, Mr. Minister, hold the Bill in committee, because that is the most sensible thing to do at this stage. There is no great rush. If you're not bringing it into force until the end of January, why in heaven's name create the confrontation and the trouble that you — not only you but your entire government caucus — are going to get by ramming it through? If there are going to be recommendations from this committee, as I trust there will be, then surely it would make sense to hold it. And we as a group of 79 people can show our public responsibility by saying, okay, we'll be ready to come back whenever we're called back in order to discuss this Bill, because it affects the rights of a lot of Albertans. Their rights are important enough that whatever convenience or inconvenience it may cause some of us as individuals should not in any way stand in the way of doing our public duty.

There is an option to the amendments that we have. I say to the members of the government: consider it carefully, because the amendments aren't going to work. They aren't going to create the atmosphere of co-operation; they aren't going to set the tone for the kind of honest deliberation and discussion which I'm sure we all want in terms of wrestling with the problems of the construction industry.

Mr. Chairman, unless the government chooses otherwise, my colleague and I will have no choice but to vote against the proposed amendments and to spend the balance of whatever time this Legislature takes, to deal with what we consider to be more appropriate amendments to this Act. Rather than going that route, I say that the best strategy by far is for this government caucus to realize that instead of always attempting to get the last word and to be in command of the events, once in a while it won't hurt to hold something until you've got other people who have an interest as stakeholders in this issue, in a far more meaningful way than the members of the government caucus can ever possibly have, give their recommendations.

Then we'll go back, and as an entire Legislature, government and opposition alike, wrestle with the recommendations of that committee report. It would elevate the importance of the committee. It would underscore the importance of working together. It would demonstrate our commitment to a responsible public attitude in this Legislature. It would be far preferable for us,

either passing these amendments and thinking we've done our job or spending the rest of this legislative fall session dealing with amendments that we might propose from the opposition. I leave that with the government as, I think, a positive recommendation they might well consider.

MR. YOUNG: Mr. Chairman, what we've just seen isn't even good theatre. It's not good videotape let alone good theatre, even though the hon. member did come out today sporting his three-piece suit so he could make a front-on image that would look really good.

The hon. leader talks about delusions. Let's examine some of the comments we've just heard. He says that we don't have provisions in our statute to deal with certain things. I just call to his attention, Mr. Chairman, that under the prohibited practices, in section 137(3)(d) of the Labour Relations Act, it is prohibited for an employer to

seek by intimidation, threat of dismissal, or any . . . kind of threat, by the imposition of a pecuniary or other penalty or by any other means, to compel a person to refrain from becoming . . .

The hon. member would have us all believe that that wasn't in there before, that it's not been in there, that it's something unique to legislation in other provinces. What a bunch of non-sense.

MR. NOTLEY: That's not what I'm saying at all.

MR. YOUNG: You're implying it, hon. leader.

MR. NOTLEY: No I'm not.

MR. YOUNG: With every bit of skill at your command, you're implying that the legislation in this province is deficient.

MR. CHAIRMAN: Perhaps the remarks could be addressed through the Chair.

MR. YOUNG: Mr. Chairman, the hon. Member for Spirit River-Fairview has made that implication in his debate.

With respect to another delusion that is implied in his debate, Mr. Chairman, he suggests that the onus will be on the union to make the proof. If hon. members will flip to page 2 of the amendments and look at subsection (2), it says most clearly:

The Board shall grant a declaration or certificate . . . unless the corporation . . . proves to the satisfaction . . . that the . . . association of persons has not been created for the purpose of avoiding a certificate or collective agreement.

What could be clearer as to where the onus is? It's got nothing to do with the responsibility of the union. It has to do with the responsibility of management to make that proof on consecutive or successive spinoffs. To suggest otherwise is to cause a great misunderstanding as to the significance of this legislation.

Mr. Chairman, I'd like to take hon. members back to what the issue is that caused the problem in the first instance. The issue is that we've had a tremendous build-up in the construction industry in this province, for which we were most grateful — tremendous development in skill, training, and resources. We have the best apprenticeship programs in Canada — well-attended. Along with the opportunity afforded, that caused a tremendous increase in capacity. Just like other parts of Canada, we've now had an economic recession. And just like other parts of Canada, we've had difficulty in the adjustment in the construction industry. Our difficulty is perhaps exaggerated more than in other parts of Canada, because we had a disproportionate

build-up in the construction industry. The consequence of that situation is a tougher adjustment to go through.

So what happened? Let's talk about the relationship between union and management and the significance of the collective agreement under the registration collective agreement system. The significance is this: the unions and the contractors' associations got together; they signed a collective agreement. In retrospect the collective agreement doesn't look so good, because it doesn't reflect the market in that the non-union sector is able to pay less and find sufficient employees. Why?

There is an oddity or feature of the collective agreement relationship which hasn't been well established here. It is this: while the union signs the collective agreement and the contractor signs the collective agreement, there is nothing that precludes the union members, the employees of the contractor, from going to work for non-union contractors. That is precisely what they've been doing; not perhaps because they wish to, but because they've found that the opportunity for employment is in the non-union sector. I wouldn't for a moment suggest that they wish to do that, but they wish to do that more than they wish to be unemployed. By their actions, they have given the non-union sector a capacity to underbid the unionized contractors. The unionized contractors have come to me and have said: we must have some relief from this situation; we are going out of business; if we go out of business, so do the unions, because where do their members work?

The problem that is being addressed in a very narrow sense here is to try to enable the union contractors, where they have spun off, to be judged by their employees as to whether those employees wish to have a continuing union relationship. It is their secret ballot vote, and their right to a secret ballot, which will be the deciding factor in this legislation.

Mr. Chairman, I indicated the other day that to get at this issue I had to revert to some very basic principles. One of the principles is surely that the employer has to have a right to do business in the form that that employer wishes. On the other hand, that is constrained by the wish and the right of employees, if a majority decides, to form a union and to be effectively represented by a union. The spinoff legislation comes from trying to balance those two factors. But when the legislation enables, as it does and, I think, as it must — I do not think that we or any other Legislature should pass legislation which says to an employee: you cannot seek employment for which you are qualified with the employer for whom you prefer to work. I just don't see how we can, in any Legislature in Canada, do that without a gross violation of a basic human right.

The problem is then how to balance the situation. As far as I'm concerned, a secret ballot vote of the employees should be an adequate balancing of the situation. If there were no differences between the union and non-union market rates and conditions, or very little difference, there would be no problem at all. Those differences will be resolved because they cannot continue to exist in the degree and dimension that they do in the construction industry. They just cannot, or one or the other sector of the industry will disappear. Either the unionized sector will disappear, or the non-union sector will disappear, but both will not exist with those kinds of differences.

So in my view, we're looking at a relatively short-term phenomenon. The situation we're in today is to try to respond to the representations which were made to me and to other members of this Assembly over the past week. In terms of working it out, as the hon. Leader of the Opposition said, I have met with both councils, one for upwards of seven hours on Saturday, and the better part of two hours just before the Grey Cup game on Sunday, on the telephone, while we discussed these issues and tried to work our way through them.

Quite frankly, I think they were very gracious in the discussions I had with them, and I hope that I replied in the same vein. From my point of view, those meetings were exceedingly positive, some of the most positive that I've ever had, of people really trying to understand the challenges before them.

We all agree: the basic problem has nothing whatever to do with legislation. The basic problem is an economic problem. The sooner the construction industry can come together as an industry, which I hope the advisory committee will cause it to do, the sooner we can get on about the business and challenge of creating jobs. The sooner we get some stability in the industry, the sooner we can get more jobs created. So it's very important that we get the parties all working together.

Mr. Chairman, with those remarks, I'm prepared to sit and listen, as I expect I shall have to this afternoon, to a variety of other comments from the hon. members from Spirit River-Fairview and Edmonton Norwood. I do believe it important to keep the issue in perspective and to keep in perspective some of the effort which has been made to solve this in a reasonable, reasoned way.

MR. CRAWFORD: Mr. Chairman, I wonder if I might deal with another matter. It's often been said, I think, that confession is good for the soul, if any. We have the suggestion, between the Leader of the Opposition and myself, that we continue beyond the hour, but the committee can't grant that leave; it has to be the Assembly. The confession I make is that I should have done that about an hour ago. I wonder, Mr. Chairman, if we might attempt to do that now and, perhaps at the same time, deal with the question of whether the Assembly wishes to see the clock stopped at 5:30. Therefore, Mr. Chairman, I move that the committee rise and report.

MR. CHAIRMAN: The Deputy Chairman of Committees informed me that this hour of Designated Business started at 3:07, which would terminate at 4:07. He also informed me that before the Assembly gave permission to go into committee, the motion for unanimous consent to give the committee the consent to carry on was not passed. We would have to go back to the Assembly and get that permission. Is that agreed?

HON. MEMBERS: Agreed.

[Mr. Speaker in the Chair]

MR. APPLEBY: Mr. Speaker, the Committee of the Whole Assembly has had under consideration and reports Bill 111, and Bills 107 and 109 with some amendments.

MR. SPEAKER: Having heard the report, do you all agree?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, I wonder if I might ask for the unanimous consent of the Assembly to extend beyond the designated one hour, until 5:30, at which time I would ask the consent of the Assembly to see the clock stopped. The reason for that double-barrelled suggestion is that based on some discussion with members of the opposition, it may be possible to finish this particular Bill in committee before very late in the day.

MR. SPEAKER: I perceive two motions in what the hon. Government House Leader has said. The first one is that the allotted time for Designated Business this afternoon be extended. Does the Assembly agree?

HON. MEMBERS: Agreed.

MR. SPEAKER: The second is that the clock be stopped at 5:30 should committee business extend until that time. Does the Assembly agree?

HON. MEMBERS: Agreed.

MR. SPEAKER: I take it that under the circumstances, the Assembly is now adjourned until the chairman of the committee reports.

HON. MEMBERS: Agreed.

head: **GOVERNMENT BILLS AND ORDERS** (Committee of the Whole)

Bill 110

Labour Relations Amendment Act, 1983 (continued)

[Mr. Appleby in the Chair]

MR. NOTLEY: I'd like to respond, if I may, to several of the observations made by the hon. Minister of Labour. I must say that I'm always delighted to get the hon. minister agitated, because he does carry on so. It's the minister that is presenting the amendments. The minister, with great flair, says that we don't need to worry, because we have section 137, clause (d), which I have as well. But you see, it's the minister who is proposing the amendment. The minister may not be a lawyer, but in dealing with the question of communication, if the minister had really wanted to have 137 apply, instead of the wording that we have in the amendment, we would have said "Except as expressly provided", in which case, 137, as an unfair labor practice — which, I would point out to the Minister of Labour, is still somewhat less stringent than other provinces. If we want to go over it province by province, hon. minister, and instead of adjourning at 5:30, adjourn at 10:30 or 11 o'clock tonight, that's fine; I'm quite prepared to do it.

If the minister had wanted 137 to apply, it would have been "Except as expressly provided". But in terms of determining in court what communication is, that's going to be qualified by this new subsection (2), which is a Mickey Mouse provision. If the minister had really wanted 137 to apply, the wording is very clear from a legal point of view. It would have been "Except as expressly provided". Since it's the minister's amendment, not mine — we'll have an opportunity to change that, because a little later down the road I intend to introduce an amendment to clarify that. I think 137(3)(d) is somewhat stronger than the Mickey Mouse language of subsection (2) of this amendment, but we'll see to just what extent the government is prepared to stand behind their rhetoric on that one.

Mr. Chairman, I want to say that while the minister tries to tell us that the wording places all the onus upon the company, the fact of the matter is that that has to be examined in the context of how the process works. When you just follow through for a moment, the company is going to say to the board: look, we have absolutely no intention of setting up this third spinoff operation to circumvent a collective agreement; we want to do that because of a particular market we want to create or take advantage of; perhaps we want to do some building in a certain area of the province. So there are going to be all kinds of plausible reasons.

At that point the onus is going to come back on the union to prove intent. Nothing in this amendment is going to change that. The minister can rant all he likes; that's how it's going to work. There isn't a person in the building trades and there isn't a business agent who would disagree with my interpretation on this, neither, I suspect, is there anybody in the Construction Labour Relations Association that would basically disagree with it. So let's not try to pull the wool over the eyes of members of the Legislature. We are not exactly learned labor lawyers. I think most of us would admit that. I don't pretend to be either, and that is one of the reasons I have sought advice from people who know the field very well.

Mr. Chairman, we have so many loopholes in this Act in the first place and so many loopholes now in these so-called compromise amendments that basically what we have is a piece of anti-labor legislation. Call a spade a spade. I don't want to preclude debate on the general provisions of the amendments. I know my colleague has some observations he wishes to make. But I do want to specifically answer the minister with respect to those two points that he attempted to make. Then when we get into further discussion of Bill 110, as we will later this afternoon, I will probably have some more observations to make.

MR. MARTIN: I thought the hon. Member for Edmonton Belmont . . . Let me first of all try to be as positive as I can about the amendments, Mr. Chairman. Let me say, Mr. Minister, that the amendments you have proposed do not make the Bill worse. I will give you that, and that's about it. They don't do much to improve the Bill either, but they don't make it worse.

Mr. Chairman, what we are talking about here is . . . I always like to listen to the minister; he says things well. I always wonder how he is going to get around making a silk purse out of a sow's ear, but he does it very well. I will give the minister that. The amendments are here, very simply, because there has been some political heat on the government. We know that. I expected, though, from yesterday and what I heard over the weekend that there might be something significant, that perhaps the minister had listened to some of the trades people besides the big six and that there was a legitimate dialogue going on. I was legitimately hoping for that. I will come back to the stability that the minister was talking about. I think we all want stability.

In terms of the amendments themselves, I think my colleague has said a number of things that bother us. The fact is that we are still legitimizing spinoffs in this Bill, which is the significant concept of the Bill. The minister will say it's a compromise, because now they can't do 14 spinoff companies; they can only do two, at least for the year. We don't know what will happen at the end of 1984. But the fact of the matter is — I think the minister would agree — that we have legitimized at least one spinoff. That's very significant in terms of labor relations, Mr. Chairman. That's the point that most of the people were saying: it should not occur. That's what the trades are saying. In labor relations, you can't compromise on something like that. As was pointed out to the minister, many of the smaller, non-unionized companies aren't happy with it either. As they pointed out, they ran into problems because the big six started to lower wages. So that's unacceptable, Mr. Minister.

I think my colleague is right. In terms of the spinoff cases, Mr. Minister, I am told that the unions have only won one spinoff case thus far, even with the legislation before. As the minister is well aware, it is very hard to prove intent in a court of law. As my colleague said, and I know the minister quoted (2):

The Board shall grant a declaration or certificate under subsection (1) unless the corporation, partnership, person or association of persons that is not affected by the certificate or collective agreement . . . proves to the satisfaction of the Board . . .

That's very, very difficult to do, Mr. Chairman. That is very hard to do. That's why, even with the law the way it was, the unions had won only one case. A corporation, with the legal beagles it has, isn't going to come to the board and say: well, gee, we just wanted to get out of the collective agreement; we wanted to destroy the trade union movement. They don't present their case that way. It is presented very well indeed. Intent becomes very difficult. I think the minister is well aware of that.

The other part in terms of the amendment is that we talked about section 143. To be fair, I suppose I would say that it is a little better than it was, because we have added "an employer shall not use coercion or intimidation". Going back to the particular Bill, as we've already talked about, why put this in if it's not needed? Why put it in if it was covered before? By putting this in the Act, the fact is that it is in contradiction with some of the things that were there before. The minister is well aware that "an employer shall not use coercion or intimidation". Coercion or intimidation is how you perceive it at the particular time. What the companies see as coercion or intimidation is probably going to be very different from the workers. I am sure that the minister would agree with that point.

So without belaboring all the amendments, Mr. Chairman, I guess what I am saying is that they haven't made it worse, but they haven't improved it to any great degree. To the people we've talked quickly to, the people who know something about this, it's still unacceptable. Mr. Minister, I know you went through a lot of work over the weekend, but I would have hoped that because of that work, and the minister being an honorable man, we would have come to a compromise that was acceptable to the trade union movement. This is not; it can't be. The minister knows this. I know that he will couch it well when he talks to the media. He will couch it well and, as I said, it will come out the best that the very able minister can make it. The fact is that it is still unacceptable.

The minister talked about the economic climate and the changes. Very simply, the fact is that in the boom of the '70s, and now we are facing a recession — obviously we all have to agree with the minister's comments there. But the only analysis that I can come to is that it seems that we had better labor legislation when we needed the tradesmen. At the time we needed the tradesmen, we had the Syncrudes and all the other major projects. It seems that labor legislation, which I believe . . . As the minister is well aware, the right to collective bargaining is a human right. We talked about the ILO and even the Charter of Rights. It seems to me that by that statement, we are saying that the rights of trade unions are negotiable. When we need them, we will give them good legislation, or at least better — I won't say good, but better legislation in the '70s. Now, when the recession comes, when times are tough, we will niggle away at them to do what we can for the big six, to make them competitive. Surely, Mr. Chairman, even with these amendments, that's not the proper way to look at labor relations.

The minister talked about stability. Clearly, I think he legitimately wants stability; we all do. But if you saw the demonstration, and even with the amendments, there is not going to be stability in the construction industry. The stability is not going to occur, because tradesmen can see that they are being used for cannon fodder, if you like, in the recession. They know that the whole purpose of this — and it doesn't change

it with the amendments — is to lower their wages, to cut back the trade union movement. We all know that the trade union movement tends to get better wages for its people. So the only conclusion is that now that there is a recession, when we no longer need as many tradesmen — we were trying to get them from all over Canada at one time — we bring in regressive labor legislation to, as the minister might say, reflect the economy. So I guess labor relations or good collective bargaining are things that you have when times are good, but then we throw them out when times are bad.

The point that I make — I'm trying to be so positive here. I will even say to the minister that it didn't make it worse by adding the words "an employer shall not use coercion or intimidation". On a scale of one to a hundred, that improves it by one; it doesn't hurt the Bill. But in terms of the intent, the principle, and everything else, I really had looked for a compromise from the minister. I think we all wanted that. But this is just not good enough.

If the minister thinks this will soothe those workers — the ones I've talked to, when they go over the Bill, and they understand it better than politicians — it's just not going to happen. The stability the minister wants is not there. I hope the minister could, even at this late date, leave it here at committee stage for another month. If the minister is saying that they're going to start the consultation process, leaving it here in committee stage for another month, as my colleague suggested, would not be the end of the world. Maybe some real ongoing negotiations to help out both the workers and the construction industry could occur.

With those few remarks on the amendments, Mr. Chairman, I don't have much more to say about the amendments, because I don't think the intent of the Bill has been changed that much.

MR. SZWENDER: Mr. Chairman, I think the Mutt and Jeff act has reached an all-time low. I've only been in this House for a short tenure, but this is the first occasion when I've actually had the chance to get angry at the kind of complete balderdash that I've been hearing today. It's a complete distortion of the minister's work in trying to provide us with a workable, acceptable Bill.

I'd like to dispel a fallacy which may be a creation of the members of the Official Opposition, Mr. Chairman, and that's that somehow members of the government cannot be of a background in which they understand or were part of the union movement. Last week in our debate, the Member for Calgary Currie indicated his strong union background. Personally, I have been a member of the United Steelworkers of America, of the united brotherhood of railroad workers, and I am a member of the ATA. Some people include that as a union movement. So the fallacy that members of this government cannot understand or know the union movement is completely false.

Somehow those members are trying to identify that occupation is automatically identified with political party or with political partisanship, and that is completely wrong. We know that, because the votes in the last election have borne that out for us extremely well.

Mr. Chairman, to the minister. Representing a riding such as Edmonton Belmont, I have the concerns of a large number of union employees who have voiced their concerns to me over the past week. I know how long, hard, and diligently the minister has worked to come back with a compromise position. These amendments today are indeed a welcome sight. I will now be able to go back to the people of Edmonton Belmont, which I so proudly represent, and point out to them that indeed this government is able to be flexible and is able to correct

situations that may have been unclear previously. With these amendments, I certainly feel far more comfortable in going back to my constituents and presenting them with this position.

Certainly, one that was raised on a number of occasions was part C: "This Act comes into force on Proclamation." The argument made previously was: if we're having an advisory committee, what would be the purpose of that advisory committee if Bill 110 becomes law? With this two month delay, we will certainly be able to receive the kinds of representation that the committee will be able to return to the minister and advise him on future labor relations in this province.

Mr. Chairman, maybe I could present a number of questions to the minister that don't have to be immediately responded to, but maybe through the debate they could be addressed. Certainly the question of identification of spinoffs has been brought up. I'm just wondering if the minister could indicate how many spinoff companies of parent companies have actually been identified, let's say in the last two years, prior to the introduction of Bill 110, as closely as possible. I'm wondering whether the observations made by people who have approached me — that spinoffs are virtually impossible, if not impossible, to legally identify — is a correct observation.

I'm also pleased with the principle of the Bill which identifies communication. Previously, it was a one-way street. Because of the introduction of the section where the employer is now able to communicate, with very clear restrictions, which the Leader of the Opposition was so conveniently able to ignore, are there . . . So we know what limitations are available. However, with that communication there has still been concern brought to my attention that employers will present their case in a factual way to the employees, stating their ability to pay or their position, and there is no definitive way of verifying whether they are indeed being completely honest. Has the minister considered any way in which the employees, prior to taking the secret vote, would be able to verify as to the ability of the employer to present them with accurate facts? I'm sure the question speaks for itself rather than further explanation. I think that would certainly alleviate the fears of a lot of individuals that employers will paint a bleak picture, give their employees a hard luck story, hoping they would vote non-union under the secret ballot, but indeed may be withholding vital information from them.

As a final observation and question combined, maybe the minister could in a general way give his view as to how he sees Bill 110 affecting the negotiations in the construction industry come May 1. Does he feel that it will have any impact, and will the advisory committee be asked to address that problem?

In conclusion, I would just like to say that I observed the protest in front of the Legislature yesterday, and I was extremely impressed by the maturity and concern expressed by the individuals that took the time to come here. Those individuals were not here to rip up the pavement and tear down this Assembly. It was not a campaign rally for the NDP, Mr. Chairman. Those were people concerned about jobs and about their livelihood. I was extremely pleased to witness what happened yesterday.

MR. HORSMAN: I want to take a moment during the course of the discussions of the amendment to make a few remarks relative to the representations I as a Member of the Legislative Assembly have received on this particular Bill. It seems to me there's a marked difference in the representations I have received from members of the trade union movement in my own constituency and representations on the subject put forward today by the hon. Leader of the Opposition.

[Mr. Purdy in the Chair]

Last Wednesday evening, the hon. Minister of Labour and I met with a delegation of trade union representatives in Medicine Hat. During the course of our discussions, those rank and file members and union representatives made certain points to us that related to the perceptions they had with respect to Bill 110 before the Assembly. As a result of that particular meeting, I invited the leader of the group to meet with me once again last Saturday morning in my constituency office, which he did, and he brought with him other representatives of various trades in Medicine Hat.

I should point out, and most members are aware, that in many respects the city of Medicine Hat is almost a microcosm of Alberta. It has a large industrial base and a large number of people who are members of trade unions. During the course of my term in office, I've tried to make it very clear to members of the trade union movement that the role of government with respect to legislation affecting trade unions is to take a position of neutrality and fairness.

During the course of my meetings with those representatives, they made the point that they felt there was some unfairness with respect to the legislation in the following areas — first of all, with respect to the possibility of the occurrence of multiple spinoffs by unionized companies. I listened very carefully to their arguments on both occasions, and it is my view that those arguments and concerns have been met by the amendments which have been introduced today in the Assembly, in particular with respect to the possibility of a second spinoff occurring and the clear imposition of the onus of proof upon the company. Without going into all the aspects of what that means in law, I can assure members of the Assembly that in my opinion that onus of proof shifting, as clearly it does, pursuant to the amendment put before the Assembly today by the hon. Minister of Labour, is an answer to the concerns that were raised with me.

The second concern raised with me related to the subject of the right of an employer to communicate with an employee. Mr. Chairman, it is clear that that is already included in the legislation in a form. But in order to emphasize that, I think that has been dealt with, with a better provision in the amendments than appeared in the original Bill 110. I believe it will go a very long way towards answering the concerns that were raised with me.

Mr. Chairman, the third area that really rang the alarm bell with me, as someone who respects the trade union movement and the important role it has played in providing improvements for the lot of working people in this province in Canada, was the issue of whether an employee could be asked, on a form or in any other way, whether or not the employee had been a member of a union. Indeed a copy of a document, which I understand was in the possession of the Leader of the Opposition during second reading debate on Bill 110, was made available to me. It may not have been the same document, but none the less it was clear from this document that a person seeking employment would be asked that question. I clearly agreed with the representations made to me by the trade union representatives who met with me, that that type of document is unacceptable and, in fact, would lead to a black-listing of union members by spinoff companies. I could not accept that. I have made my position very clear to those people who met with me, and I make it clear to members of the Assembly, that that would be totally inappropriate behavior on the part of any employer seeking to spin off a company. Those were the three particular concerns.

I expressed my agreement with the objections that were raised, and I believe those objections are met by the amend-

ments which are now before the Assembly or are already included within the legislation. I think the latter point is very important, because it leads to the final amendment before the Assembly today, that the committee which is proposed by the hon. Minister of Labour to deal with this entire issue in the construction industry, between both the employers and the employee groups, is that these matters can and should be considered during the period of time that is made available between now and the end of January.

That is why I also support not bringing in the Act upon Royal Assent but waiting until proclamation. It gives an opportunity to the people who are really and legitimately concerned about the future of the construction industry in this province to sit down together and try to come to grips with the real issues facing this industry in light of today's economic circumstances.

Mr. Chairman, I wanted to add those few words in support of the amendment, because I think it is important that we don't try to escalate this issue further now, and that we give the working committee a full opportunity to take a look at the future of the construction industry and the legislation which is now before the Assembly during the next few very important and crucial weeks.

I also want to say that I agree with the hon. Minister of Labour in his remarks today, in that he suggested that the appropriate time for proclamation of the Bill would be towards the end of January. I think it would be very unfortunate indeed if the issues that are now outstanding were unresolved and this legislation were not in place at the time the next round of bargaining between the parties and the construction industry commences. In other words, I think we need a clarification and clearing of the air well before that time occurs, so that we can have stability as we move into a year which, in many respects in the construction industry, may not be better than the year we have just gone through. I will not go into the economic circumstances of the reasons for it, but I say to members of this committee today that I think the Minister of Labour has been responsive to the concerns legitimately expressed to him and certainly to me as a member of the Assembly, having had an opportunity to meet with people I believe to be honest and sincere trade union members in my constituency, as their views expressed to me are met and dealt with in the amendments before the Assembly in committee this afternoon.

MR. NOTLEY: Mr. Chairman, the hon. Member for Edmonton Belmont tells us that on one or two occasions he belonged to a trade union. He cited different unions. I don't know whether he was paying much attention during his service in any of the unions, because had he been paying attention as a good union member, he wouldn't have been saying some of things he said in debate this afternoon.

When the Minister of Labour introduced the amendment we're debating this afternoon, Mr. Chairman, he made reference to this excellent resume of concerns with respect to Bill 110 by the International Brotherhood of Electrical Workers. It describes the problems with spinoff companies and answers many of the questions the hon. Member for Edmonton Belmont expressed in a very naive way, if I may be so unkind and uncharitable to say it. Because if he had been around the trade union movement at all and understood anything, he would know what happens when you try to organize a union.

Since the Minister of Labour raised it, and obviously some members haven't had an opportunity to read it, I'm just going to cite what happened in one particular case to describe the problems. Here's a spinoff company. The index and comments concerning the certification of bargaining rights between Local Union 424 and the International Brotherhood of Electrical

Workers: on September 21, 1979, a board report indicates that there is majority support for the union. Well three weeks later, on October 10, 1979, there's

A Board report indicating that the Employer is objecting to the findings of the Board's Investigator.

No surprise about that, Mr. Chairman. So there's going to be a hearing to look into the objection.

October 22, 1979

A Board report indicating that employees of the Employer withdraw support from the Union. October 24, 1979 Board Hearing, employees witness that they would like to withdraw support from the Union.

Later the employees submit to the Union that the Employer threatened to fire employees and close the shop if it becomes Union.

This is the evidence of the union. Now I don't know where the Member for Edmonton Belmont or other Tory members in this House have been, but if they don't know that this practice goes on, they don't know what the real world is out there. Anybody who has the foggiest idea of the problem, even the foggiest idea of organizing a trade union, knows that this practice goes on.

October 25, 1979

Board Report — a Secret Ballot Vote to determine if employees support the Union. Vote to be held October 31, 1979.

... Union tries to ensure employees that the Labour Act will protect their rights and keep Delta from firing employees or closing shop ... Vote is held. Some employees feel threatened as Union supporters have been laid off.

Small wonder if they feel threatened if some of the union supporters in the company have been laid off.

November 5, 1979

Board finds majority support as a result of Secret Ballot Vote and issues certificate naming Local Union 424 ... as Bargaining Agent ...

But

Prior to November 1983

All Union employees laid off and Delta ceases construction work.

So they won the certification but the company went under.

Afterwards, we find out some interesting aspects of the spinoff:

- a) Objects in the incorporating company are the same or similar.
- b) Both companies use the same premises.
- c) Both companies use the same staff and Solicitor.

And on and on it goes. They use a common telephone system.

Mr. Chairman, what this little handout from the union shows is just how incredibly difficult it is to deal with the organization of a trade union, and how extremely cautious we must be when we begin to phrase language in legislation. We say, everything's all right because we have it worded right here. We had much stronger wording before the government provided this giant escape hatch in Bill 110. And here's the problem that a very well-organized union had in dealing with a spinoff company.

If the Member for Edmonton Belmont or anybody else thinks it's going to be easier with Bill 110 or the amendments we're dealing with today, then I can assure him that he will have a tough time convincing any of the people whom he chivalrously accepted were here in good faith yesterday making their presentation to this government. None of them would be deceived by the amendment that we have today.

So much for some of the concerns from the back bench, Mr. Chairman. I want to deal with the point the hon. Minister of

Federal and Intergovernmental Affairs raised, because I think he at least has a little better grasp of the politics of his region, coming from Medicine Hat, which has a very strong trade union base. Let me say to the Minister of Federal and Intergovernmental Affairs that the wisest course — we don't want to escalate the problem — is to simply leave the Bill in committee. I come back to the point that I made with the Minister of Labour. There is nothing to be gained by ramming this Bill through the Legislature and simply stalling proclamation. What you're doing is asking the union members on this committee to work under the threat of an axe which will fall at any time. Perhaps it will be the end of January, perhaps the middle of January, perhaps the end of February, whatever the case may be. Mr. Chairman, that is no response at all if you're generally concerned about co-operation in the construction industry.

The proper response is to say: since we're going to adjourn the House rather than prorogue the House, we'll leave it in committee; we'll come back, meet in late January, early February, whatever the case may be, and deal with whatever amendments come in as a consequence of the careful study. We will de-escalate the entire issue. That would be useful. That would be useful in everybody's interests in this province. Instead, what we seem to be doing is saying: no, our compromise is that we're going to ram through this Bill, and we'll delay the proclamation until such time as we decide behind the closed doors of our government caucus that we've had enough talk and that's it. Mr. Chairman, you're not going to win friends and influence among people who were here yesterday with that kind of hollow compromise. That's no compromise at all.

Unless we have a better response from the government, I say without any hesitation at all, and without the slightest embarrassment or even the slightest equivocation, that my colleague and I intend to vote against what we consider a totally inadequate response by the government caucus to what is a widely perceived and, I think, generally held view in the province that Bill 110 is reckless provocation in an area where wiser counsel would call for consultation rather than confrontation.

MR. GOGO: Mr. Chairman, I've listened with great interest. I don't pretend in any way to be a labor lawyer; it's a self admission that the Leader of the Opposition has made. I'm not here representing either side as factions. I'm here as a Member of the Assembly for Lethbridge West, and I want to express a couple of views as to where I stand on the issue and how it affects those people who sent me to Edmonton. As a member of the caucus committee, I have spent considerable hours meeting with both employers' sides and employees' sides. I've listened to both sides. In the final analysis, I've returned to my constituency and had a great number of discussions with people there who say: Gogo, something must be done.

All I've heard so far is accusations of union bashing on this side, undermining the trade union movement on that side. Where are the people talking for the worker of this province who wants to work? My information in Lethbridge West is the following: I have four contractors, all family-owned, who did extremely well during the so-called boom of the last few years, and reality has set in. The reality is that they cannot bid on these construction projects and get a job because non-union firms — many of them from Calgary, who spent years building and overbuilding the residential part of Calgary where there's 10,000 vacant apartments — have moved into my community with a pen and a pencil and a superintendent and been the lowest bidder on a job they've no experience for. They then hired people locally to carry out the job. It's no secret, and the Member for Spirit River-Fairview is well aware, that the very tradesmen carrying it out are union members who perhaps

tucked their cards in their boots because they want to feed their families. That's what they want. They want to meet their obligations; they want to keep a job. They're not hung up on whatever is going on here today. They're concerned Albertans and parents who want a job.

MR. DEPUTY CHAIRMAN: Order please. The Chair has some problem with the Member for Lethbridge West because we are now discussing the amendments the government has placed before us. Can the member revert to that?

MR. GOGO: I appreciate that, Mr. Chairman. I hope to address the amendments, but I also hope to address reality. Frankly I've seen reality tend to disappear where people are becoming advocates for movements around here and forgetting why we're here. We're here to do what's right for the people who send us here.

I get concerned when I have people out of work, when family corporations that have been in business since before I was in Lethbridge say to me: Gogo, I don't care what you do; everything I've ever earned I've ploughed back into this corporation, and I'm not going to stand by and see us go down the tube. I guess what they're saying, Mr. Chairman, is that they'll break the law if necessary.

[Mr. Appleby in the Chair]

What I'm seeing here with Bill 110 and the amendments before us today is an effort by a government to try to rectify that situation. I have read the Bill many times. Perhaps I'm not as expert as some other people are. I now see amendments which show the government has listened to the representation they've had. Don't kid yourselves; everybody in this House doesn't agree with the amendments. But surely the art of politics is the art of compromise. People are trying to say, let's let democracy work.

Here we have a system whereby the secret ballot will prevail. For some reason, we all come here on the basis of a secret ballot, but once we're here it's not good enough. In Bill 110, when a spinoff company is so found by the board, a secret ballot is conducted. I have great difficulty understanding that for some reason that's not good enough. Aren't we really losing sight of the fact that what we're trying to do is get Albertans working again? Isn't that what it's all about? Surely we should be looking for some area of compromise, and I think within this Bill — it may not be the best; I didn't hear the minister say it was the best; he just can't find anything better — we have an alternative before us. It's not time for us to be political in this. It's time for us to be concerned for the people that sent us to Edmonton.

Looking at the Bill and the amendments, I think we should all come to the common conclusion that if we pass this thing today we'll help put many of the Albertans back to work who sent us here to Edmonton. Thank you.

MR. THOMPSON: Mr. Chairman, I'd like to get in a few words in this debate. I heard the Leader of the Opposition say that this Bill was designed to save the bacon of the big six. If I were involved in a construction trade union here in Alberta, I would be very interested in seeing the big six survive. We're called anti-union. The easiest thing for us to do would be to just sit on our hands and do nothing, and the big six would soon become the big zero. Instead of having 20 per cent of construction done by union construction companies, we'd end up having 100 per cent done by non-union construction com-

panies. So I really can't buy the idea that this government is anti-union or anti-labor.

I really do believe that there is no way the union construction companies in this province can operate for another year unless there is some modification in Bill 133. I think it's to the union's advantage and to the company's advantage to have that done.

Thank you, Mr. Chairman.

DR. BUCK: Mr. Chairman, I want to add a word or two to the debate this afternoon. First of all, I would like to say that in the discussion on second reading the other evening the section where we were concerned about coercion of the worker when the worker is trying to establish a union was brought to our attention and the minister's attention. The minister, in his judgment, has tried to address that fact. I presume that he did that in conjunction with the people he met with last weekend.

But I would still like to say to the minister and the government that if the government is acting in good faith, it would be willing to go the extra mile, as the hon. Leader of the Opposition indicated, and sit down and not have the guillotine hanging over the discussions. Mr. Minister, I don't think that is bargaining in good faith. I somehow overlooked the fact that we're not going to prorogue. We're just going to adjourn, so the avenue is there to sit down in good faith and have discussions that will be of mutual benefit to all parties concerned. I hate to accuse the government of bargaining in good faith. We would never want to do that, but at the same time I am as concerned as the hon. Member for Lethbridge West is. I have many, many union people in my constituency. I have many non-union people in my constituency. I'm concerned that the government is not going that extra mile to say: let's sit down and try to resolve the differences we have; then we will bring the legislation into place.

The minister has indicated that he has worked many hours, and I believe that. I believe that representatives of labor and unions have sat down with the minister and worked many hours. What I'm really trying to say to the minister is, let's have proclamation after we've had all the discussions. To me, that is what we call bargaining in good faith.

Mr. Chairman, I've publicly indicated that I'll be voting against Bill 110 — that comes as no secret to the minister — because I know there are some problems. I know there are some problems in the business sector. But I think it's incumbent upon the government to go that extra mile, because governments are elected to provide that kind of leadership.

Mr. Chairman, with those few words, I have publicly said that I will be voting against Bill 110, but I think it's incumbent upon the government to go that extra mile to make sure that both sides are as happy as we can possibly make them when we are trying to reach compromises.

MR. PAPROSKI: Mr. Chairman, I'm amazed and grossly disappointed in the socialists in this House. I really wonder if there are two or three or four of them in this House these days. The point made over and over again is negative with respect to the amendments, and never do we hear anything positive from the opposition about these amendments. [interjections]

Mr. Chairman, the Progressive Conservative Party is not a union buster. I resent that, and I say out of hand that that is not true. All of us in this House know full well that that is not true. These amendments permit more communication, and the socialists have said over and over again that we need more communication with our labor movement. That is what these amendments are permitting. Yet they still get up and say, no, we need more time. They are never satisfied with any resolution or amendment made by this side of the House.

I say that these amendments and the Bill are strong legislation that enhances communication. Let's get on with this. Let's permit adults who are workers and adults who are management to sit across the table and discuss these particular amendments. And I praise the Minister of Labour for permitting this proclamation to go ahead perhaps the end of January.

Mr. Chairman, I talk about the negative. Listen to the terms the Leader of the Opposition is utilizing in this speech. He talks about an axe over a committee's head. What axe are we talking about? He stirs the pot. That's what he enjoys doing. He says that we must leave it in committee or else. Those are the types of antics and words we hear from him all the time. He uses the words "reckless provocation" and "confrontation". We need more positive views from that side of the House.

I say that we get on with these amendments, and I praise the minister for them.

MR. YOUNG: Mr. Chairman, I would like to take this opportunity to respond to a few questions and make what are basically summary comments, very briefly on my part at least.

First of all, there were some questions from the hon. Member for Edmonton Belmont relating to the number of applications under the spinoff section. We did a study of that particular area of the statute and the number of applications brought before the Labour Relations Board. We had one difficulty, in that there was quite a difference in the quality of the applications. I'm going by memory now. I don't have the data today. I had it here at second reading and couldn't bring it back today. But if memory serves me correctly, over a period of seven years, just over 40 applications were brought. But most of them weren't proceeded with; they were sort of identified as an application for the attention of the board and then were left to lie or withdrawn. There have been a few successful ones and I think about fifty per cent unsuccessful. But it can't be separated totally from the successor provisions of the statute either.

So apart from the quality of the applications that have been brought, we know — and it's what I've already acknowledged — that there is a difficulty in piercing the corporate veil, getting information on the equity position of companies and how they relate to one another, which clearly puts the effectiveness of this particular section in some jeopardy. When a review of the Labour Relations Act is done, I hope more attention can be given to that area. Because there is a clear desire and intent that while the corporations should have been able to do business in whatever corporate form, equally the union, if one exists, should be able to be reasonably effective. Clearly we are presented with a problem in that respect.

In terms of evaluating the accuracy of facts, or the "factualness" of facts stated by an employer, I've been at the bargaining table a long time and I guess that's a difficult judgment to make. It would be difficult to be sure they were factual even if both parties agreed upon the facts. For instance, in Canada we've gone merrily along on the assumption that we're all entitled to a higher and higher standard of living. In fact by some projections, it will be the end of the last quarter of 1984 before our output gets back to its peak of 1978-79. If that's the case, on average our standard of living across all the population is not going to increase one whit between 1978-79 and the end of 1984. Most people don't accept that, and they don't understand that. Even if they were at the bargaining table, they still wouldn't understand that, but it's a fact. One of the problems that Canada has is to come to some form of consensus about what has been happening to our economy, and it's a pretty tough acknowledgement to make.

In terms of the advisory committee and its activity, and the effect of Bill 110 on negotiations, that's a matter of difficult judgment. There are probably as many different judgments as there are individuals making the judgments. However, I have been very much encouraged by the fact that last week one of the trade unions and one of the industrial sectors were able to come to a collective agreement well before the expiry of their existing agreements and extending through for two years plus. I think that that achievement can now be marked as a success is a very, very encouraging sign for the industry.

In concluding, I want to make one other observation. I was assisted in a number of my meetings by the hon. Member for Edmonton Whitemud, the Minister of Manpower, and the Minister responsible for Workers' Health, Safety and Compensation. I want to make those acknowledgments. I also want to acknowledge the union leaders, who have been very patient during this period of time and I think have shown a tremendous willingness to try to understand with me the full dimensions of the challenges facing the industry and them at this particular time. I can only say that I commend them for their efforts. I would like to have similar relationships with many other groups — and some of them are not trade unions — that I could consider as productive, as positive, as those particular relationships are and have been.

Again, I want to take this opportunity to commend them publicly. They were operating in an arena of considerable stress, and I suppose the same may be said in my case. The fact that we can share a bottle of wine and some cheese at the end of a long day, even if it's out of their refrigerator, I think speaks well for the situation. So once again, hon. members, I didn't want to let this occasion pass without indicating the nature of the relationship which I think exists and our determination and commitment to do what everybody believes is right: to encourage the development of this industry and the opportunity for better employment and more employment in it.

[Motion on amendments carried]

MR. CHAIRMAN: Are there any questions or comments regarding the sections of the Bill as amended?

MR. MARTIN: Yes, Mr. Chairman, there certainly are. As I have already alluded to, the amendments did not hurt anything, so in that sense we're now back to the principle of the Bill, which we find totally wrong. I think some comments that were made speak loudly for themselves. One of the things I agree with that the Minister of Federal and Intergovernmental Affairs and the minister alluded to is the application form. Obviously that was odious, and I am glad the minister will do something about it. The point though — and I think the minister would agree — is that that's not going to solve the problem. I think we're all well aware that most companies have computer banks, and it's still fairly easy to find out who is a union member without putting it on an application form.

The other point we'd like to make is that we keep talking about ways of solving our economic recession. Have we ever looked the other way? Perhaps if it was easier to organize, we would have less of this problem, Mr. Chairman, and this Bill will not make it easier. Alberta is one of the hardest provinces in Canada to organize in. Maybe to solve some of the problems we could eventually look at the other route. We've talked about that before.

To the hon. Member for Lethbridge West, when he says that he wants people to work, we all want people to work. If he watched the demonstration, that's what part of it was. The point we're trying to make here is that we've talked a lot about

job creation; we will agree on that. But this is not going to create any jobs. It's not going to help that little contractor that the Member for Lethbridge West is worried about. What it will do, if you listen to what some of the smaller contractors are saying — and I'll just quote a couple of remarks here, Mr. Chairman — is wipe them out if the big six are allowed to spin off. They're complaining about it as much as the trade unionists. The fact is that the little person will find it very difficult to compete, very difficult indeed, and this is all there will be left. The big six will look after themselves. They'll be around regardless of what labor legislation there is; we all know that. The fact remains that the little person will find it extremely hard to compete.

I say to the hon. minister that here's a person faced with it. He talks about it:

New labor laws in Alberta could cut unionized construction workers' wages in half, says a non-unionized contractor in Edmonton.

"I've heard talk of tradesmen having their wages cut to \$9 an hour because of this legislation," said Amo Binder, president of Binder Construction Ltd.

He says, Mr. Chairman:

"I admit union labor was overpaid before. But if we go to the other extreme, it's going to have serious social consequences. You can't expect anything else if a guy who has been making good wages for 10 years suddenly has them cut in half."

What he says here, as a member involved, is precisely what you were talking about:

"It appears the government has done away with unions, but not created any more work," said Binder.

Then he says where the problem started:

... most non-union firms were paying union rates until unionized firms started setting up non-union subsidiaries six to eight months ago.

"They're the ones that cut the wages," he said.

The point he's trying to make with this Bill is that it's not the non-unionized little person that the Member for Lethbridge West is, I believe, sincerely concerned about. They're the ones that are going to be in some difficulty with this — a lot of difficulty, Mr. Chairman. I think we have to listen to them also, because they're not praising the government for it. They're saying it's wrong.

I believe there are members here who aren't necessarily anti-labor, as some people said. But when we look at Bills that come in — Bills 41, 110 and 111 — and the intent of that to all the trade union movement, and when you talk to people around the country who look at this legislation, the overall intent at least is anti-labor. Whether an individual member feels they are anti-labor or not is beside the point. What you have to look at is the legislation. Is it anti-labor or not? If you look at it, it's clear that it is.

The minister said something interesting. I agreed with him. I heard about the contract that was just settled, and I think we're all happy about that. But as the hon. minister said, that was collective bargaining; it worked. Most often, in a free society, collective bargaining does work. That's the whole point of what we're trying to say, Mr. Minister: collective bargaining always reflects the economy of the time. When wages were big, things were booming here. The government had created an overheated economy and they had Syncrude, so obviously wages reflected that. Wages now would reflect — they do reflect, and I see both groups trying to cope with it. I certainly saw the construction trade unions trying to cope with it. They weren't asking for the sky, as I pointed out the other night. They were trying to reflect very difficult economic times, Mr.

Chairman. Here's a case of where it did work. It didn't work because of Bill 110. We're both happy about that, but it had nothing to do with Bill 110 at this time.

I'll just come back to the point. To me, amendments in this Bill are largely irrelevant. They're just a papering over. The minister asked for stability, and I agree with him. We all want stability; we want to get on with making the economy better. If the minister or the government thinks this is not true from the opposition side, they can think what they want, but they know that's not the case.

When people start off like the Member for Edmonton Belmont, telling us that they were once in the trade union movement, I know their arguments are going to be a little weak, because they have to show people how sympathetic they are because of what they were in the past. That's irrelevant. What we're talking about is this Bill. Whether you were in a trade union movement or not has little to do with it.

I come back and say this to the minister. I've said it before, and I guess I'll have to say it to him again. I don't know what other Bills they have for us in the future. I hesitate — one after another, going back to Bill 44. But this Bill is a backward step in labor relations. If we look at labor relations and where it works, it does not work when we try to blind-side one side and take away hard-earned rights. No matter how you wash it down, even with those amendments, this is an anti-labor Bill. That can exercise as many members here as they want, but the facts are plain.

As the minister himself indicates, when we talk to people in the trade union movement and in the construction trades, people who the minister will admit are co-operative and have tried to work out this problem, they say to us — and excuse me if I believe them more than I do the backbenchers of this government — that this will make it extremely difficult, that even with the amendments this Bill is not good enough, that it is a backward step and will make negotiations very difficult. I say it's a backward step and a back-door method of the right to work. The minister knows as well as I do that the right to work is a misnomer; it's a right to crush unions. It's not as far as in Alabama, Mr. Minister, but we're certainly moving in that direction.

We tried to show why the amendments wouldn't work, why it's still a step in the wrong direction, but even after 1984, the minister has given us no indication that he might allow those 14 spinoff companies. When I'm told by people who know what they're talking about, the people who have to go out and operate and work in this type of environment, I have to believe them, Mr. Minister. I have to believe that they're telling us the truth. My colleague indicated one specific case, and I talked to a number of people about how difficult it is to prove these spinoff companies. The first step is legitimizing it. I'm not sure that even if there are four or five — and there are a number of them now, as the minister is well aware — how you're ever going to prove it. You may make the lawyers rich trying to figure out if they're a spinoff company, because they're going to have to have a lot of debates over this for a long time.

The fact is that they're out there, and companies are shrewd enough. It's to their best benefit at this point — I don't think in the long run. In the long run, I think they're being sharked too for labor stability. But in the short run, the aim is clear. We want to knock down the wages as much as we can. That's the reason they want spinoff companies. It's that simple. We don't have to be labor experts to figure that out. I'm suggesting there is another way around it that this government never looks at. Did we take a look at where labor negotiations are working, where economies are working well, where they have labor peace? Have we ever done that? I offered, half in jest, Mr.

Chairman, to send the minister to take a look at some places. I would suggest to the minister that you're not going to see it in this type of legislation.

I know the hon. minister; I believe him when he wants that stability. When he stood out there and saw how people felt — people that were in the field — saw how at least one component felt, and I talked about the second component, I thought there was really going to be some compromise developing at that time, because of the reports we were hearing, radio reports about what was going on during the weekend, that there was really some hard-nosed bargaining and perhaps something would come out of it that would be a legitimate compromise. But these amendments are not a compromise. I know the minister will make the best of them and say that they were, but the fact remains that they're not. Even for these sort of token things, we have to have a demonstration in front of this building. We have to have a demonstration of 5,000 people to even bring these to the point of the government. I suggest to you, Mr. Chairman, that this is just not appropriate.

Mr. Minister, this is not the stability you want. This is not going to turn the economy around. I believe we are sowing the seeds for destruction in the future. In the meantime, because there is such high unemployment in some trades, as the Member for Lethbridge West talked about, a person has to worry about his family. There is no doubt about that. Even half your wages is perhaps better than none, to maintain your pride and dignity. But remember that that is just creating a lot of friction for that person. In some construction trades there is anywhere from 20 to 80 per cent of the people unemployed. We are not creating new work here.

The best alternative I have heard — if the minister is serious, and I believe him — is that perhaps this will not be given Royal Assent until the end of January. Why push ahead now? We have obviously made the suggestion in the amendment. We know it is not going to be passed. It is going to be rejected, Mr. Chairman. Why couldn't we leave it in the Committee of the Whole? As the Member for Clover Bar pointed out, we are adjourning and not proroguing the House. We could come back at any time if the minister was really interested in compromise with the people he talked about and in being co-operative and trying to come to a solution to this problem. As the minister pointed out, he is dealing with co-operative, reasonable people. He acknowledged that. So the way for this government to deal with co-operative, reasonable people is to be co-operative and reasonable. At this point, it wouldn't take much.

Leave it here in the Committee of the Whole. What's the rush? Leave it right here. When we adjourn, if there are major problems and he wants to come back, as my colleague pointed out, we can come back any time. To me, that would be putting out the olive branch to get the stability and co-operation the minister asked for. Mr. Chairman, if you don't do that, while you may make some big contractors relatively happy, this is not going to bring the stability the minister wants. Again, I say to the minister that the types of labor negotiations that work right across different provinces and in different parts of the world are not the Bill 110s. They just aren't.

Mr. Chairman, because this Bill, even with the amendments ... I am sincerely sorry for the minister because, as I have said before, he is a very decent man. I keep trying to help him out of hot water that he gets himself into. He doesn't often take my advice, but I will try one more time, being the decent sort I am. Because I feel the Bill is a bad labor Bill and is going to bring not labor peace but labor strife, I want to amend it. The only way that I think I can salvage the Bill by amending it is "by striking out sections 3, 4, and 6". If we were able to strike out sections 3, 4, and 6, we would have some words

there but they wouldn't hurt anybody. This is probably the best we could do with the Bill at this time.

Thank you, Mr. Chairman.

MR. NOTLEY: Mr. Chairman, very briefly, I don't think any of the opposition members prefer the route of amendments. The route that would be far more preferable would be for the government to hold this Bill as it stands in committee, take the time to evaluate the results of this joint industry/labor committee, and then reconsider where we go from there. Since we are only adjourning anyway, call the Legislature back rather than passing the Act and just withholding proclamation.

But since that doesn't appear to be a route the government wishes to take, it is important for those of us who have concerns to itemize our concerns in the easiest and most straightforward way possible. The Member for Edmonton Kingsway said a moment ago that he was a bit disappointed that he only heard negative things from the opposition. I can assure the Member for Edmonton Kingsway that had he an opportunity to listen to the 5,000 people who were assembled before the Legislature yesterday ...

AN HON. MEMBER: How many? [interjections]

MR. NOTLEY: ... the observations my colleague and I have made, or the Member for Clover Bar ...

MR. MARTIN: They can't count that high.

MR. NOTLEY: They don't like to count beyond ...

MR. MARTIN: One-ten.

MR. NOTLEY: Mr. Chairman, I just want to make it clear to the hon. member that the observations the citizenry of Alberta who assembled yesterday made about this government were a good deal more negative. The fact of the matter is that those comments were negative because of the action this government has taken, action which, without any doubt at all, has been a confrontationist approach, a "bull in a china shop" approach to industrial relations in the construction industry.

Mr. Chairman, if members of the House may not like us saying that, that's too bad. My heart grieves for them, let me tell you. Members across the way may dispute how many were there. The fact of the matter is there is no doubt that if they carry on with this kind of legislation next time, there will be even more, and the time after that, even more. What we have here is legislation which is affecting people in a way that they feel strongly about.

Mr. Chairman, as I said before, it would have been far better if the government had decided to follow the prudent course and say, we will withhold it. In the absence of that kind of responsible leadership by the minister and the members of the government caucus, it is incumbent upon us to at least strike out, by amendment, those features which are most offensive in Bill 110. I don't expect this amendment to pass, knowing the composition of the House. Notwithstanding whether it passes, it is clearly our obligation to itemize the features of the Bill which are wrong in principle and can contribute to nothing but instability and confrontation as opposed to co-operation.

I just want to say in closing that what we are doing with sections 3, 4, and 6 ... The only make-work program this government seems to be interested in, Mr. Chairman, is a make-work program for Alberta lawyers, because there are going to be so many legal battles over the spinoff companies and their representation before the board that the only people who will

find gainful employment as a result of this legislation will not be the small contractors in Lethbridge that the Member for Lethbridge West talked about, but the legal fraternity. One wonders whether this wouldn't be better named the legal fraternity betterment Act as opposed to the Labour Relations Amendment Act, because there is not going to be much work here for people in the construction trades. What we are going to have are simply more legal wrangles and a lack of harmony and co-operation in that important industry.

So, Mr. Chairman, I commend the amendment to members of the House, although I am not optimistic about the results of the vote.

[Motion on amendment lost]

MR. NOTLEY: Mr. Chairman, I wouldn't want to have members of the House report this Bill until we have an opportunity to clean up at least one aspect of the wording with respect to section 143. Mr. Chairman, the amendment the minister proposed today adds a subclause:

(2) In the exercise of his right under subsection

(1) . . .

What that doesn't do however is make it absolutely clear, so all the legal beagles, who are now going to be in seventh heaven attempting to represent everybody from companies to unions, will have to recognize the provisions of 137 of the Act.

Section 137 of the Act, as the minister pointed out, is certainly not as good as other legislation; no doubt about that. But it is a good deal stronger than the weak language we have in subsection (2) of the Act. Therefore the only way in which we can make it abundantly clear to the legal fraternity — and abundantly clear to whoever has to interpret this Act — that 137 shall apply, is to follow the amendment I'm proposing now, and that is that the Bill is amended as follows: in Section 6 by striking out "Nothing in this Act" and substituting "Except as expressly provided".

To explain very briefly, Mr. Chairman, that would then make it clear that a definition of an unfair or prohibited practice is 137 and 137(d). One of the reasons I took a bit of umbrage with the minister's first foray in this debate is because, in reading the thing over, our concern was that this feeble amendment the minister brought in would in fact not deal with even the protection that is afforded by 137 of the Act.

So that there is no misunderstanding at all, and we don't leave this to legal wrangling and the competing views of lawyers, by incorporating the amendment I'm proposing, we're making it abundantly clear that 137 does apply in determining what is an unfair practice in terms of communicating information. So when one reviews what an employer can do in communicating with his employee, following 137(d) he cannot seek by intimidation, threat of dismissal or any other kind of threat, by the imposition of a pecuniary or other penalty or by any other means, to compel a person to refrain from becoming or to cease to be a member, officer or representative of a trade union . . .

as well as the other prohibitions in section 137.

Mr. Chairman, this amendment would clear up any ambiguity whatsoever that exists and make it crystal clear to the legal fraternity, to the board, and to people who have to in fact adjudicate this Bill, that 137 prevails.

MR. YOUNG: Mr. Chairman, on a point of order, the amendment purports to amend the Bill as it was brought in and is no longer relevant. The section to which this amendment applies

has been amended by its removal. So the amendment can't possibly be a valid amendment.

MR. NOTLEY: Mr. Chairman, that's not correct. If the minister wants to propose to his colleagues that we vote down the amendment, that's up to him, but the amendment is completely in order. What we would in fact be doing is striking out the "Nothing in this Act" and would be inserting "Except as expressly provided". I don't think there's any possible procedural difficulty with that. If the government doesn't want to follow that route, let them say so. But the advantage of following that route — and I make it clear to the minister — is that we would make it abundantly clear to everybody that section 137 applies.

If the minister can tell us so that it forms part of this debate, part of *Hansard*, so that it could be cited in court if need be, that 137 and the provisions apply to what he sees as subsection (2) of his amendment; that is, "not use coercion or intimidation", and in actual fact that means all the provisions of 137 — if the minister is prepared to say that clearly in the House, then I'll be glad to withdraw the amendment. But I want no ambiguity left in the minds either of the members of this committee or of the people who have to interpret the Act.

MR. YOUNG: Mr. Chairman, on the point of order — I will call it a point of order. In Bill 110, page 2, italicized 6, there is the phrase "nothing in this Act" which is exactly what this amendment, as proposed by the hon. leader, would substitute. The problem we are into is that on page 2 of the amendments dated November 29, 1983, clause (b) removes in total that provision of "nothing in this Act" et cetera and substitutes:

(1) An employer has the right to communicate . . .

(2) In the exercise of his right under subsection (1)
an employer shall not use coercion or intimidation.

There is nothing left in Bill 110 as amended in this committee this afternoon, nothing left in that provision, no phrase at all which says "nothing in this Act". Since that's what the amendment is attached to, it can't possibly be a valid amendment.

MR. NOTLEY: I think that's probably correct, because of the amendment we have just passed. However, because I don't want any uncertainty to prevail, I would like to move another amendment which would simply say . . .

MR. CHAIRMAN: Perhaps we could recognize that the amendment as presented by the hon. Leader of the Opposition is now redundant, because it applies to a section that has already been amended and is no longer in existence.

MR. NOTLEY: No, Mr. Chairman, that is only one part of it. The minister is only partly correct. The thrust of the amendment would be perfectly in order, but one phrase of it would not be in order. So by simply rephrasing it, the amendment would in fact be in order. What I would propose, instead of striking out "Nothing in this Act" and substituting it, would be in fact adding to the beginning of 143.1(1) "Except as expressly provided", and that would be completely in order. If the government doesn't like it, they can vote it down, but that amendment would be completely in order. I will write it out for you and other members.

MR. CHAIRMAN: Is the committee then agreed that the change suggested by the hon. Leader of the Opposition be placed into the new amendment? Are you agreed on that?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Is there any discussion on the suggestion by the hon. Leader of the Opposition to change the amendment he has presented in the manner in which he has presented it?

MR. COOK: Mr. Chairman, in the interest of fair play, we would be delighted to work with the hon. leader on this.

MR. NOTLEY: Mr. Chairman, what the amendment would do then, since we have stricken "Nothing in this Act" — it would be: "Except as expressly provided, an employer has ..."

MR. CHAIRMAN: Is there any discussion on the change the hon. Leader of the Opposition has suggested?

MR. YOUNG: Mr. Chairman, perhaps the hon. leader would read all that portion after A on the amendment so we would know exactly what we're dealing with.

MR. NOTLEY: Mr. Chairman, what I would propose, as things now stand, is that we would add 143.1(1):

Except as expressly provided, an employer has the right to communicate to an employee a statement of fact or opinion reasonably held with respect to the employer's business.

MR. CHAIRMAN: Perhaps the hon. Leader of the Opposition could start with the preamble, which reads: "The Bill is amended as follows:"

MR. NOTLEY: All right. Mr. Chairman, the proposed amendment would now read: "The Bill is amended as follows". Then we're dealing with section 143, which would now read:

Except as expressly provided, an employer has the right to communicate to an employee a statement of fact or opinion reasonably held with respect to the employer's business.

Mr. Chairman, I would also suggest to members of the House that while leaving (2) in is possible, it would probably be clearer to strike that. Because that in fact would bring us right back to 137 of the original Act. And 137 is very clear as to what constitutes an unfair labor practice; we have a definition.

MR. CRAWFORD: I wonder if I might just make a few observations. I don't know if I can resolve the matter or not, but I think that the essence of what the hon. leader is proposing might be more clearly expressed if it said, "unless otherwise prohibited in the Act, an employer has the right to communicate ...". Then he wants to attach that thinking to other sections of the Act where there are prohibitions against an employer, and he wants to be sure that nothing that is done here would take away from the existing prohibitions.

Mr. Chairman, I don't think we should proceed with the amendment for these reasons. If I'm correct in perceiving that it's the other prohibitions that may be elsewhere in the Act that the hon. leader wants to preserve, then I don't think additional words are necessary to do that, because those prohibitions are already part of the same statute. If they are in fact prohibitions and are clearly stated — and the example we were talking about earlier was that there are prohibited practices in section 137 — then section 137 in my view would stand in its own right in any event.

My hesitation in recommending a small adjustment is that, without the advice of the draftsmen, it is very difficult in these cases. We may create another situation which would have some unknown quantities in it; that's the real reason. I think all hon. members would agree that if there is a prohibition of certain

practices elsewhere in the Act, it surely is not intended that anything that's done here should detract from any of those prohibitions on certain practices.

MR. NOTLEY: I'd like to get a clear statement from the minister, because the minister made great reference to 137. If I could get an undertaking from the Minister of Labour that in fact subsection (2) would be further expanded by the prohibitions in 137 — if that's in *Hansard* and can form part of the public background with respect to this legislation — so the very provision he cited when he introduced the amendment, subsection (d), will apply as a prohibition, that would suffice. Then we would clear up the situation. What I would not want is a situation where the somewhat less restrictive definition in subsection (2) overcomes the more clear-cut restriction in 137(d).

MR. YOUNG: First of all, Mr. Chairman, I don't think there's anything in the amendments and in Bill 110 as given that would in any way undermine section 137, if that's what the hon. leader is getting to. I hesitate because I'm still a little bit confused on what we're trying to do to make more vigorous statements, because 137 is in the unfair labor practices portion of the statute. There are also other provisions of the statute which may have some application. First of all, on the spur of the moment and, secondly, despite the moment being spurred, when the discussion is a little bit hazy I don't want to be put in the position of giving commitments that are going to stand above and beyond the statute.

I think that when we removed the notwithstanding clause, we accomplished the concerns that the hon. member has. We effectively removed it. Because I don't fully understand the hon. member's concern, I'm not a hundred per cent certain. But it was certainly our view that the expression of right to communicate became subject to a variety of other qualifications at that point, as it was before but more strongly.

MR. MARTIN: Just to proceed, Mr. Chairman. I'm told that one of the problems labor lawyers run into is where they're trying to deal with different provisions in the same Act. There is sometimes a fair amount of contradiction, and they have to wrestle with that. I hate to say it with the hon. lawyers living here, but that's precisely what a good lawyer is going to do to try to make the case stronger.

The amendment being proposed here is precisely the wording in the B.C. Act which the minister found so laudatory last week. Because of that, we think it would clear up some of the difficulty, at least in this part of it. I guess the question I would ask the minister then — I know his hesitation because he wants a draftsman. The minister's intent is clear then that 137(d) would be supreme in unfair labor practices. That is simple. Then that gives us at least something.

MR. NOTLEY: That's sufficient. I think that's the point, Mr. Chairman. Incidentally, I do have a word in here for an amendment, if we wish to put it, but I think it's better to — I don't know if this is negotiating during Committee of the Whole or what. But I think the important point is what constitutes an unfair labor practice in terms of communicating a statement to an employee. As it stands now,

In the exercise of his right under subsection (1) an employer shall not use coercion or intimidation.

That is not quite as strong as the provisions of 137. So as long as the provisions of 137 apply as an unfair labor practice, then this can stand. But if this stands in place of 137, or as a substitution for 137 as it relates to the definition of the right

of communication, then we would just simply have to argue that that isn't good enough. If it is "in addition to" as opposed to "instead of", fair enough; we have no quarrel with that. But we must be clear, as the minister attempted to demonstrate in his initial reaction to my remarks, that in fact the definition in 137 will apply.

[Mr. Purdy in the Chair]

MR. YOUNG: Mr. Chairman, I think the difficulties before us have been amply illustrated by the problem of the amendment that has been proposed. I don't wish to trip over the same twig, if I may express it that way, as has obviously happened to some other persons when they presumably had some longer moments than I have had to evaluate and relate the different sections of the Act.

My understanding of 137, which is the unfair labor practices section which applies to the employer or an employers' organization, is that each one of those subsections deals with a different prohibited act. The phraseology which is used to express the prohibitions in respect of each one of those acts is different in each subsection, and it is that way presumably for a purpose. When the hon. members put the question, which I'm not too clear about, I am hesitant to say that the whole thing applies holus-bolus, because the very reading of it, the fact that it is expressed differently in different subsections, raises some question in my mind. Mr. Chairman, I am struggling with the amendment itself, and then relating it to all these other subsections.

I come back to what I think is the main point, and that is that we did listen very closely to the submissions made to most hon. members in the Assembly by trade union members who were concerned about coercion and intimidation, and we were very careful to remove the notwithstanding clause. That's why the amendment, as it was originally proposed, fell. So I think that should address the concerns of the hon. members.

MR. MARTIN: Just to follow up to try to make it as simple as we can, I just ask the minister this statement through you, Mr. Chairman, and this may help clarify it. The question I ask is straightforward. Just in the area of unfair labor practices — in no other parts of the Act — is it the clear intent of the minister that 137(d) takes precedence over 143(1) and (2)?

MR. YOUNG: Without calling on my legal counsel for assistance in this, 137(d) has a different function in the array of prohibited practices, or practices which are subject to an interpretation of unfair labor practice. It has a very specific function, and I cannot give the hon. member an answer as to whether one provision takes precedence over another provision. When we remove the notwithstanding clause, we make them equal, as far as I know. But again, I don't know that any legal counsel could give the answer to that and be sure. We'd probably have to go to a court and get a decision.

MR. NOTLEY: That's why we're proposing the amendment,

MR. MARTIN: Mr. Minister, we're trying to get you to make a legal implication about the various sections in the unfair labor practices. I agree with you. But all we're asking — and we then won't need to worry — is: is that clear in your mind? All I'm comparing is 137(d) with 143, not the other Acts — that in your mind, 137(d) would take precedence over 143 in dealing with unfair labor practices — just those two parts of it.

MR. YOUNG: Section 137(d) is there for a very specific purpose, and for that specific purpose, I'm quite satisfied that it

should be the section of the Act to which the Labour Relations Board or a court would give the first consideration. However, the other sections of 137 are for different purposes. So it depends upon the facts and upon the issue that would be taken before it. I cannot give a better response than that. If there were no difference, it would be just one section in the statute, and for me to make a greater commitment than that — with respect, I do not think that the Labour Relations Board or a court gives one whit what is on my mind here and expressed in *Hansard*. What they're concerned about is what the statute reads. We've tried to make them equal by removing the notwithstanding clause.

MR. NOTLEY: Mr. Chairman, the reason we're proposing the amendment is that the minister told us on second reading that he'd borrowed language from B.C. What B.C. did was to point out "except as expressly provided", and then when you look at the expressly provided section, you have a very clear definition of what you can't do. You can communicate a statement of fact in B.C., but you can't seek by intimidation, dismissal, threat of dismissal, increased wages, promise of increased wages, et cetera, et cetera. If what we're saying here is that "an employer has the right to communicate to an employee a statement of fact", except as expressly provided, and that "expressly provided" means that they can't in fact use subsection 137(d), then fair enough. We know what the government's intent is. If that's not the government's intent, then we'll move an amendment. The amendment should stand, and we know where we stand on the issue. But if it is the government's intention, then I for one am prepared to let the case rest in *Hansard*, because I think various people will look at the record and the record will form part of any ultimate decision. But we have to know what the intent is.

This could all be solved, Mr. Chairman, if we held the thing in committee until the Legislature reconvenes. That would be by far the smartest thing to do. But if you insist on pushing the thing through, then it seems to me that we at least want a clear statement of the government's intent.

MR. CRAWFORD: Mr. Chairman, as unlikely as it may sound that a lawyer could help to clear anything up, maybe I can try.

I don't think the point has previously been made that section 137 is written throughout in mandatory terms. It begins by saying "No employer . . . shall", and continues in subsection (d)

seek by intimidation, threat of dismissal or any other kind of threat . . . to compel a person to refrain from becoming . . . a member, officer or representative of a trade union . . .

Section 143.1(1) is permissive only. It says "an employer has the right". That clarifies the right an employer has to provide certain communications by way of "statement of fact or opinion reasonably held in respect to [his] business".

I don't think there is any doubt at all that the permissive section is less than the mandatory section. In the result, my view is that section 137(d) does indeed stand unimpaired, and that is the intention.

MR. NOTLEY: With that explanation by the Attorney General, which forms part of *Hansard*, we will trust that that is the interpretation of the Act and will not move the amendment.

MR. DEPUTY CHAIRMAN: Is there unanimous consent of the committee that the amendment not proceed?

HON. MEMBERS: Agreed.

MR. DEPUTY CHAIRMAN: Any opposing? ... It is so ordered.

MR. NELSON: Mr. Chairman, I know the hour is getting late, but I had a short half-hour speech prepared. I don't intend to take all that time. I think I can get my ten dollars' worth in, in just a few minutes, instead of my nickel's worth in the last three hours.

Mr. Chairman, if we take some of the emotionalism, some of the grandstanding, continuing play to an audience, and maybe some of the endeavor to intimidate out of this debate, I think maybe we'll all find some common ground to endeavor to encourage all parties concerned to get together and negotiate in a manner befitting the endeavor that's being offered here by the Minister of Labour. Like most people, I think our union leaders are generally sensible people and are sincere in their efforts to ensure that the members of their organizations are properly looked after yet at the same time making sure those members are afforded the opportunity to work. Our present environment is jeopardized, of course, because of a lack of work. We need to recognize that, but I'm sure the opposition doesn't realize this.

MR. DEPUTY CHAIRMAN: Order please. The Chair is having some difficulty with what the hon. Member for Calgary McCall is getting at. If he's making a speech, it should be made on title and preamble of the Bill. We're still on the amendments of the Bill.

MR. NELSON: Mr. Chairman, I understood that the amendment was withdrawn. If I'm in error, please correct me. I want to speak to the main motion that is before us.

MR. DEPUTY CHAIRMAN: The main motion that is before the committee right now, as I was just going to put it, is: are there any further questions or amendments to be offered with respect to any section of the Act? If the hon. Member for Calgary McCall has some further remarks, he should make it under title and preamble when that particular part of the committee is called.

MR. NELSON: Mr. Chairman, just on a point of order. Can I ask if you have dealt with the main motion and the main part of the Bill before us?

MR. DEPUTY CHAIRMAN: I don't understand the member's question.

MR. NELSON: If we're still dealing with Bill 110 in the committee, do I not get the opportunity to debate this, or do you have an amendment before you?

MR. DEPUTY CHAIRMAN: What I'm saying is that the rules have been fairly free in the committee today. We should have some tightening up to actually follow the procedures of the House. Whenever hon. members are debating the principle of the Bill in the House, that should be done under title and preamble. If a member has some questions, they should ask the questions under the particular amendments of the sections of the Bill that are before the House.

MR. NELSON: I'll wait until that time then, Mr. Chairman. Thank you.

MR. DEPUTY CHAIRMAN: Are you ready for the question on the Bill as amended? All those in favor of the Bill as amended, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: The motion is carried. Title and preamble.

MR. NELSON: Mr. Chairman, there have been a lot of comments and rhetoric in this House in the last few days relevant to Bill 110. I'm having considerable difficulty with some of the comments that have been made.

There have been suggestions about Bill 110 reflecting and contradicting areas of human rights, the Bill of Rights, and what have you, and that contradicts the freedom of association as outlined in the Canadian Charter of Rights and Freedoms, the Universal Declaration of Human Rights, the European convention for the protection of human rights and fundamental freedoms, and the International Covenant on Civil and Political Rights of 1966.

Mr. Chairman, the Canadian Charter of Rights and Freedoms states that everyone has the

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful [assembly]; and
- (d) freedom of association.

Freedom of association is extremely important in relation to this Bill.

Mr. Chairman, in *Rights, Freedom and the Courts: A Practical Analysis of the Constitution Act, 1982* by Morris Manning, the argument is made that in addition to the freedom of association, there must be a freedom to refuse to join an association or union if a person so desires. Accordingly, if it is made obligatory for every member of a company or civil service to become a member of a government sponsored association, such a rule would be unconstitutional.

Mr. Chairman, I've made considerable notes relevant to the various arguments the members of the opposition have dealt with in the last few days. Unfortunately, I know the hour is late and it appears that some members — especially in the opposition — think this is a comedy act, but it's very serious business. We're discussing the opportunities of people in this province to work. With the legislation that is before us, we're also discussing the possibility of offering those Albertans the opportunity to work. We are also suggesting, according to some of the arguments by the opposition, allowing companies and people from outside the province to come in and take our jobs, which can certainly very easily happen if we should continue in a manner other than what is proposed.

Mr. Chairman, it's unfortunate that over the last few moments, the discussion of an amendment that was a non-amendment took so long, because it has not really afforded me the opportunity to speak on this matter in such a fashion that might get some attention. In any event, the members opposite obviously don't care about anything other than rhetoric and some of the garbage that they've been jumping with in the last few days. I thought they might have offered some compromise or positive opportunity to examine this Bill in another fashion, but as usual the opposition thinks there are only problems in our society and no opportunities. So they take the problem side and don't offer any opportunity in a positive fashion at any point.

I've been here for a year now, and when I sat on city council, at least when the argument and debate went on, there were some positive suggestions to assist the particular motion before us. The opposition doesn't provide that here. Mr. Chairman, I just want to touch on one or two other items briefly, and then I'll sit down because I don't feel the attention is there to continue too far.

Mr. Chairman, not only do the members opposite have a responsibility but I think the unions have a responsibility in this whole effort and that is one of discussion, not necessarily completely with the minister. There are 79 members of this House. Do the organized union leaders develop conversations with all members of this House? No.

I want to throw something out here. The other day the Leader of the Opposition suggested that the so-called big six — whoever they may be — gave the party a number of dollars in the last election. I suggest that the big six of the unions gave the NDP \$50,200 in the last election. We can certainly find debate to counter some of the rhetoric that went on, because it's a red herring as far as this argument is concerned.

Mr. Chairman, I offer a challenge to the unions and their leadership to sit down with various members of the Assembly, not just those opposite who are the socialists of the world. Let's deal with some of the practical people of this world, including the business community of which some of the members of this House are a part. Maybe you'll get something done. The world isn't loaded with socialists. Thank God for that. If it were, we would have more trouble than what we experienced today. But there is an offer to the unions, Mr. Chairman: come and talk to us. I think we have a better listening ear than some of those socialist members opposite.

Mr. Chairman, with that I would call for the question.

[Title and preamble agreed to]

MR. YOUNG: Mr. Chairman, I move that Bill 110, the Labour Relations Amendment Act, 1983, be reported as amended.

[Mr. Deputy Chairman declared the motion carried. Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Adair	Horsman	Paproski
Alexander	Hyland	Payne
Alger	Koper	Planche
Batiuk	Kowalski	Reid
Bogle	Koziak	Russell
Bradley	Lee	Shaben
Carter	LeMessurier	Shrake
Cook	Lysons	Sparrow
Crawford	McPherson	Stiles
Drobot	Moore, M.	Stromberg
Elliott	Moore, R.	Szwender
Embury	Musgreave	Thompson
Fischer	Musgrove	Trynchy
Fjordbotten	Nelson	Webber
Gogo	Oman	Young
Harle	Osterman	Zip
Hiebert		

Against the motion:

Buck	Martin	Notley
Totals:	Ayes — [49]	Noes — 3

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. PURDY: Mr. Speaker, the Committee of the Whole has had under consideration Bill 110 with some amendments.

MR. SPEAKER: Having heard the report, do you all agree?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, the business tomorrow will be third reading of those Bills on the Order Paper for third reading, as well as those that were dealt with by the committee today, in addition to Motion No. 31, with respect to the proposed adjournment and, if there's time, Royal Assent.

Mr. Speaker, I move the Assembly now adjourn until tomorrow afternoon at 2:30 p.m.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

[At 6:23 p.m., the House adjourned until Wednesday at 2:30 p.m.]