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Thursday, May 30, 2002

Afternoon Sitting

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LIEUTENANT-GOVERNOR
Honourable Iona Campagnolo

3RD SESSION, 37TH PARLIAMENT

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Afternoon Sitting

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THURSDAY, MAY 30, 2002

The House met at 2:03 p.m.

Introductions by Members

Hon. C. Clark: I'm delighted to introduce today for the very first time three employees of the Ministry of Education who, although they worked for the ministry for many years collectively, have never been introduced in the gallery and have never visited the gallery. They are Paige MacFarlane, Deb Naubert and Terry Foster. I hope the House will please make them welcome.

Hon. G. Plant: I have the honour to welcome into the gallery today four extraordinarily hard-working people who work for me in the office just down the hall from here and have come a hundred feet or so to see in person what they have heard about for a long time. I'm hoping that the House would please welcome, from my office, Gail Dawson; Christine Willows, the administrative coordinator; Michele Obara, my executive assistant; and Joan Dick, my ministerial assistant.

[1405]

S. Brice: It gives me great pleasure to introduce six members of the B.C. Hospital Maintenance and Trades Workers Association. In the gallery are president Dave Pellerin, vice-president Ed Mol, Dave Law, Myrle Peters, Jim Barrett and Ray Melville. Members of this House had the privilege of meeting with them today, and we discussed how we can work together to improve the delivery of health care in British Columbia. Would the House please make them welcome.

D. Hayer: It gives me great pleasure to introduce to the House a very good friend of mine, Jassa Grewal, who, along with Tom Peach, Russ Burtnick, Norm Blain, Paul Keenleyside, Del Virk and Lorraine Gordon, was very instrumental in my election campaign. With Mr. Grewal in the gallery this afternoon is his daughter-in-law Simmerjot Grewal and, from England, his niece Kulbinder Dosanjh and his granddaughter, three-year-old Serena Dosanjh. Would the House please make them very welcome.

J. MacPhail: I have the privilege of welcoming a whole bunch of friends today. Some of them are very young, and some of them are older, and I will leave it up to the House to determine whom are which: Melanie Vogels, Pye Fernstrom, Rose Dacosta, Patricia Little, Susan Baker, Jim Sinclair, Geoff Meggs and Bill Harper. I thought you'd laugh. I hope everybody will make both my new and my old friends welcome.

G. Trumper: Today in the precincts we have students from Alberni District Secondary School with their teacher, Mr. Frank Holm. The high school, this last weekend, celebrated its fiftieth anniversary of be-

ing in existence. I would ask you to please make these students welcome.

S. Orr: I have the privilege today of having lots of people come visit us. Firstly, I have a young UVic Liberal called Trisha Girard. She's not only a young UVic Liberal; she is also a member of the Cree nation, who is spending her summer in a first nations aboriginal internship program.

I also have 21 grade 5 students from St. Andrew's School with their teacher, Ms. Brown. Also, I think there are about 25 grade 4 students with some parents from Hampton Community School, also with their teacher, Ms. Forshaw. Would the House please make them welcome.

R. Stewart: It's my pleasure today to rise to introduce Maxine and Gordon Wilson from Coquitlam — the Gordon Wilson from Coquitlam — and their friends from England, Dianna and David Barfield. Would the House please make them welcome.

Hon. G. Bruce: I've been under a tremendous amount of pressure in this session this past while, because very early on I introduced a guest, a friend, and some of you were fairly biting and wondered whether I actually had more than one friend. At that time I told you that I had ten. The other day I introduced my ninth friend, and today, hon. members, I'd like to introduce to you my tenth friend. My friend is close to me. He comes all the way from Thailand. I had to search far and wide to find my tenth friend. If the House would join with me in making Noor Hossain from Bangkok welcome here, not only in British Columbia but in Canada, I would certainly appreciate that very much. Would you please make him welcome — my tenth friend.

[1410]

Mr. Speaker, I was on a roll. I actually found two more friends beyond the ten, and the pressure is truly off now.

Interjection.

Hon. G. Bruce: Be gentle. Be gentle.

With my family are friends of my children, Rob Pickerings and Jennifer Young, and if you would please make them welcome, my eleventh and twelfth friends, I'd appreciate that.

Hon. L. Reid: I would ask this House to please join with me in bidding a very fond farewell to my executive assistant, Rhonda Dashevsky. She has performed outstanding service to this Legislature and to my office over the past year, and I would ask the House to wish her every good wish as she goes forward.

Hon. R. Thorpe: Today in the members' gallery I would like to acknowledge some special guests visiting British Columbia from Mongolia. The Hon. Chimiddorj

Ganzorig, Minister of Industry and Commerce for the government of Mongolia; Mr. Bat-Erdene, the Department of Geology and Minerals; Mr. Badamsuren, director general of a major Mongolian mining company; Mr. Herlen of the Mineral Resources Authority; His Excellency Mr. Batsukh, Ambassador of Mongolia to Canada; Mr. Bardach with the embassy; and, lastly, Mr. Jim Cambon, the honorary consul for Mongolia, out of Vancouver.

During their stay in British Columbia, I hope that the minister and his delegation have the opportunity to discover many of the opportunities that we have here in British Columbia, and we look forward to developing a very good working relationship with the minister and his delegation. Would the House please make them welcome.

Mr. Speaker, I would also like to advise the House that Pat Samson of Hansard Services is retiring today after 11 years of service as a console operator for committee meetings and as a tablet operator here in the chamber.

Pat travelled extensively with travelling committees, working long days to set up the microphone systems and be ready for the members' arrival in various cities and communities across our province. She was the first one to rise in the morning and the last one to call it a day to ensure that the equipment was ready for members.

On behalf of the Legislature, I wish Pat and her husband, John, good sailing as they depart on their retirement journey.

Introduction and First Reading of Bills

HUMAN RIGHTS CODE AMENDMENT ACT, 2002

Hon. G. Plant presented a message from Her Honour the Lieutenant-Governor: a bill intituled Human Rights Code Amendment Act, 2002.

Hon. G. Plant: I move that Bill 53 be read a first time now.

Motion approved.

Hon. G. Plant: Mr. Speaker, Bill 53 will strengthen human rights in British Columbia by reforming the machinery of human rights to make it accessible, timely and affordable for complainants, respondents and taxpayers. This bill incorporates the results of extensive study and consultation, and it is being introduced now to encourage further discussion before debate in the fall.

For too many British Columbians, complainants and respondents, the processing of a human rights complaint has been a bureaucratic nightmare out of a Franz Kafka novel. It's too complicated, it's inefficient, it's too slow, and it's too expensive. I have seen no credible defence of the status quo.

We are not proposing changes to the substantive protections in the code, but we are proposing changes to the institutions which are intended to make those protections real. For the first time, complainants will have direct access to the Human Rights Tribunal. The tribunal will continue to be fully independent. It will be given enhanced powers to handle all aspects of complaints filed under the code and will emphasize mediation and settlement — in short, problem-solving rather than adjudication as the preferred means of resolving complaints.

In keeping with this new structure, the bill proposes the elimination of the Human Rights Commission and the Human Rights Advisory Council. Education, research and promotion of human rights protection can and will be undertaken by government. The new model includes funding for a clinic to provide education and training as well as legal advice and support to parties.

[1415]

Mr. Speaker, this bill will create a human rights system that is strong, effective and affordable for all British Columbians.

I move that the bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill 53 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

WORKERS COMPENSATION AMENDMENT ACT (No. 2), 2002

Hon. G. Bruce presented a message from Her Honour the Lieutenant-Governor: a bill intituled Workers Compensation Amendment Act (No. 2), 2002.

Hon. G. Bruce: I move that Bill 56 be read a first time now.

Motion approved.

Hon. G. Bruce: I'm pleased to introduce the Workers Compensation Amendment Act (No. 2), 2002. This bill amends the Workers Compensation Act to reform the systems appeals processes and structures.

This bill reduces the number of levels of review and appeal of Workers Compensation Board decisions from three to two. It imposes statutory limits on the length of time an injured worker must wait for a final decision. Cases will be in appeal for a maximum of 11 months versus the current 30-month average for all three levels — a reduction of almost two-thirds in the time taken to complete an appeal.

It establishes an internal review function at the board, focused on enhancing the quality of initial decision-making.

This bill establishes a new appeal tribunal, independent of the Workers Compensation Board, to serve as the final level of appeal for workers and employers

on the majority of workers compensation matters. It makes WCB policy, as set by the board of directors, binding on the workers compensation system.

I'm introducing this legislation today for debate in the fall session of this House.

I move that the bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill 56 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Statements (Standing Order 25B)

HATS OFF DAY

R. Lee: This Saturday is Hats Off Day in Burnaby. Originally, the Heights Merchants Association in Burnaby began Hats Off Day in the mid-1980s for customer appreciation.

Since that time it has grown into one of the largest celebrations in the lower mainland, bringing together more than 20,000 people and showcasing many local community groups and organizations.

The celebration begins with the Hats Off Day parade, now in its thirteenth year, led down Hastings Street by the Vancouver and Seattle motorcycle drill teams. Participants include the Burnaby fire department, the Chinese lion dancers, marching bands, community groups and many others.

After the parade the street festival begins. People can experience different ethnic foods as cultural associations cook up foods from their homelands. While they eat their lunch they can also enjoy the music of over a dozen different musical groups.

For the first time ever, this year's Hats Off Day will include a collector car show displaying at least 80 hot rods, classical cars and specialty cars from Europe. These rare vehicles from the 1920s to the 1980s will definitely attract many car enthusiasts and spectators from all over the lower mainland.

As the parade marks its thirteenth birthday, next Tuesday also marks the thirteenth anniversary of the Tiananmen massacre. On June 4, 1989, thousands of civilians and students in the pro-democracy movement were killed by machine guns and tanks in Beijing, China.

In Canada we are fortunate to be able to participate in events such as the Hats Off Day, having the freedom of peaceful assembly.

[1420]

Hats Off Day is a testimony to the community and human spirit. I commend all the organizers, including Gilmore Community School, the Heights Neighbourhood Association and the Heights Merchants Association for this great multicultural event.

TEN THINGS YOU DIDN'T READ IN THE NEWSPAPER

P. Bell: Some members know I produce a weekly e-mail entitled "Ten Things You Didn't Read in the Newspaper This Week." Well, here are the top ten of the "Ten Things You Didn't Read."

No. 10. A little-known fact. The Nechako basin, which incorporates the Prince George, Cariboo and Bulkley ridings, contains over five billion barrels of oil. This represents almost 30 percent of the estimated oil reserves in B.C., and oil companies are showing interest.

At No. 9. A quote from the 2001 annual report of Northgate Exploration Ltd. Speaking of B.C., they say: "Those benefits include a favourable political, regulatory and business environment."

At No. 8. Did you know that 8 percent of the people in B.C. pay almost half of the personal income tax in this province?

At No. 7. A number of new test wells are being drilled around the province exploring for coalbed methane — a whole new industry in the offing.

At No. 6. In our first year of office over 7,000 regulations have been eliminated, making it easier to do business and invest in B.C.

At No. 5. According to the recent Gallup Poll, 59 percent of the people in this province believe that what we're doing today will make it easier to invest and grow in the province of British Columbia.

At No. 4. Already this year in the first four months we've created over 40,000 new jobs in British Columbia, with fully one-third of all the jobs created in Canada in the month of April.

At No. 3. B.C. moved from the least-favoured province to invest in, in 2000 and 2001 to the third most-favoured province in all of Canada.

At No. 2. Since July of 2001 the average wage in the province has increased by 4.6 percent, the second highest in all of Canada, comparing that with an average of only 3.1 percent. From '97 to 2001 we were dead last in Canada.

And the No. 1 thing you didn't read in the newspaper this week: we accomplished this in just our first year, and we have three more great years to go. We're back on the map in B.C., and we're ready to grow.

NEW ERA FOR B.C.

K. Krueger: As the spring session of the Legislature closes today, we celebrate a successful year of beginning new approaches, fulfilling promises and launching a new era of hope, opportunity and prosperity.

This Saturday the most beautiful girl in the world will take her wedding vows in Kamloops. She is my daughter Keturah Anne Krueger, and for the past 20 years she's given me incredible joy — the joy a man only gets to experience through the privilege of being the father of a girl. I've been utterly captivated by her since the moment she was born. Keturah and her husband, Joel Neustaeter, will make their home in British

Columbia. They were in Alberta for awhile — pretty scary for me — but they've decided to build their lives here in Canada's most beautiful province.

I'm so thankful to be part of a government which is moving resolutely, competently, skilfully to restore our province to its natural position of leadership in this country. I grew up in B.C. knowing that I could become whatever I chose to, and I want that for my children and everyone else's in this province.

Fathers don't get to say much in the traditional wedding script, I've been thinking. Katie and I have always teased each other a lot, so I've been toying with the notion of ad-libbing. Perhaps instead of the usual that her mother and I do, it could be a little dissertation on how it takes a whole village to raise a single child, and how the B.C. Liberals are creating a whole new and improved village for Katie and Joel and their children. However, I doubt that I would survive the prank, necessitating a by-election and expenditures of taxpayers' scarce resources, so I may stick with the script.

I do want to express gratitude, though, to the Premier, the cabinet and my caucus colleagues for keeping our promises, working so hard and making the changes to bring the bright new era to British Columbia so that young people like our Saturday newlyweds can pursue their dreams and build their lives in the province we love.

[1425]

Oral Questions

CROWN PROSECUTION POLICY IN SPOUSAL ABUSE CASES

J. MacPhail: According to this government's own statistics, B.C. has one of the highest rates of violence against women in the country. In 2000 over 10,000 spousal abuse cases were reported. In B.C. we have policy that says Crown prosecutors must file charges in virtually every spousal abuse case. It's gained the strong support of the police and the justice system at large.

So I'd like to ask the minister responsible for women's services: is he aware of any plans the government has to change this policy that would give Crown prosecutors more discretion in the laying of charges in spousal abuse cases?

Hon. G. Plant: The criminal justice branch is indeed looking at policy around the criminal practice of British Columbia with a view to making a good thing better. If the member opposite has ideas for how we can examine and, if necessary, reform policy such as the violence-against-women-in-relationships policy to ensure that we do, in fact, have a criminal justice policy that works to prevent violence against women, I would welcome her suggestions. I would welcome the suggestions of all members of this House and, indeed, the suggestions of all British Columbians.

Mr. Speaker: The Leader of the Opposition has a supplementary question.

J. MacPhail: I'm afraid that offer comes far too late, because the policy is already being changed. On May 2 B.C.'s Crown prosecutors were told at a conference in Harrison Hot Springs by senior ministry officials to expect this policy to change. Apparently, a zero-tolerance policy for spousal abuse costs money to enforce, money which this government is unwilling to give, so the prosecutors will be given discretion.

This policy change is a huge step backwards for victims of spousal abuse. To the minister responsible for women's services: does he agree that victims of spousal abuse should not be further victimized by an Attorney General who is more interested in balancing his own budget than he is in ensuring British Columbians have access to justice?

Hon. G. Plant: I had the good fortune to attend that conference in Harrison Hot Springs, and what I heard was completely different from the member's characterization. What I heard was a statement of a commitment to ensure that Crown counsel policies are relevant and modern, work and do the job they're supposed to do. Yes, it's time to look at all criminal justice policy. It's always timely to ask the question whether our policies are working, including the policies with respect to laying charges in cases of spousal abuse.

I repeat my invitation to the member. If she has ideas for how to improve policies to ensure that they do what they are intended to do, which is to protect women from abuse in British Columbia, I welcome her constructive participation in this important discussion.

Mr. Speaker: The Leader of the Opposition has a further supplementary.

J. MacPhail: It's not surprising that this Attorney General heard things differently than virtually every other lawyer attending that conference. It's not surprising, given his relationship with the legal profession these days. It's surprising, though, that he would get up and defend a weakening of a zero-tolerance policy in this province which is recognized across Canada. It was this Attorney General that cut funding for victim assistance to provide help and support to victims of spousal abuse. Is it any wonder that women are worried that he's going deny them justice?

The minister responsible for women's services won't answer the questions. So, to the Attorney General: if the Attorney General is saying this direction is not occurring and if he is once again disagreeing with his colleagues who did attend the conference, will he rise up today and assure victims of spousal abuse that he won't let abusers off the hook by watering down B.C.'s get-tough prosecution policy?

[1430]

Hon. G. Plant: As I said in the first answer, as I said in the second answer and as I'll say in the third answer, the goal of any policy review is to determine how we can make the policies that exist work better to serve the purposes they are intended to serve. That is the goal in

this policy review. The goal is to prevent spousal abuse in British Columbia. The goal is to have a criminal justice policy that responds appropriately to spousal abuse by ensuring that those who commit crimes are charged, accused and convicted of them.

Interjection.

Mr. Speaker: Order, please.

Hon. G. Plant: My goal as Attorney General is to ensure that we have a criminal justice policy that will do exactly that.

PRIVATIZATION OF B.C. HYDRO ASSETS

J. Kwan: Is it any wonder that the legal profession has lost all confidence in this Attorney General?

One of the Liberals' core campaign promises was not to privatize B.C. Hydro's core assets, including transmission lines, or to engage in deregulation — in its *New Era* document, page 9. A large number of municipalities have voiced their opposition to the privatization of Hydro, and an overwhelming number of British Columbians agree. Many British Columbians are worried that this government plans to break that promise. It doesn't help matters when some big Liberal backers are suggesting just that. The B.C. Gas president, John Reid, whom I'm sure the Premier will be seeing tonight at his fundraiser, says he loves to buy them. The chamber of commerce president, John Winter, agrees.

To the Minister of Energy and Mines: will you help clear up some of the confusion and promise British Columbians, like he did during the campaign, that he will not break up and privatize or deregulate B.C. Hydro, including transmission lines?

Hon. R. Neufeld: The goal of this government is to continue to have Hydro provide the lowest possible prices in British Columbia so we can use that as an advantage to encourage industry to settle here and create jobs in the province.

We've been working very hard to get to that end. I want to say again to the member opposite — they've asked the question before — that this government is not going to sell the core assets of B.C. Hydro.

Mr. Speaker: The member for Vancouver–Mount Pleasant has a supplementary question.

J. Kwan: For months the government's been sitting on the energy policy task force recommendations, and British Columbians are very worried about what they may contain. They don't want to see the Premier do to Hydro what they have done to the health care system.

We understand the Liberals' plan to release the report and act on its recommendations in the middle of the summer. To the minister, once again: will the minister commit, when the report is finally released, to

ordering a full public consultation process before any changes are made to B.C. Hydro?

Hon. R. Neufeld: We will be releasing the energy task force report at the same time as we put forward our views on how we'll continue to keep B.C. Hydro at a competitive advantage in British Columbia, to continue to supply the lowest-cost electricity we can to all British Columbians, whether they live in northeast B.C., southeast B.C. or Vancouver Island. We will continue to work to that end. What we plan to bring forward will benefit the province immensely.

RESOLUTION OF PHYSICIANS' DISPUTE

K. Krueger: I have a constituent, Mr. Alan Parkes, who has cancer. He knows he has cancer — that's been confirmed — but he needs diagnostic procedures which have several times been delayed because of the doctors' failure over recent weeks to put their patients' interests first.

Mr. Parkes and his family are afraid for his life. We want to see these procedures done. Can the Minister of Health Services give us an update on the doctors situation?

[1435]

Hon. C. Hansen: I had a conversation with Dr. Heidi Oetter immediately prior to coming into the chamber at 2 o'clock. The BCMA executive met this morning to give consideration to a proposal that had been reached yesterday between the government negotiator and the BCMA negotiator. I am pleased to advise the House that the BCMA executive is recommending approval of that proposal.

I think it's unfortunate that thousands of British Columbians, like the member's constituent, have been denied access to care over this last number of weeks. Throughout this, we as a government have always put the interests of patients first. I also believe that most doctors in this province also want to make sure the interests of patients are put first.

We recognize that most doctors are frustrated by problems in our health care system. This being close to the first anniversary of the swearing-in of this government, I can say we have made considerable progress toward putting our health care system back on track. Much of the work we're doing actually reflects recommendations coming from the BCMA through their policy document called *Turning the Tide*.

I am very anxious that we can move forward, that we can begin to work with doctors to fix the system to make sure that individuals like the member's constituent can once again count on the health care system to be there for them when they need it.

Mr. Speaker: The member for Kamloops–North Thompson has a supplementary question.

K. Krueger: Mr. Parkes was a rancher throughout his working life, a very hard-working rancher in the Cache

Creek area. He has a beautiful family, and they're very successful. Everyone has been hurt terribly by what he's going through. Can the Minister of Health Services tell us whether this means a full and immediate resumption of services to patients, and whether the doctors will do something to try and catch up on the problems that have arisen? What exactly does this mean in the very short term for people like Mr. Parkes who are suffering?

Hon. C. Hansen: The BCMA will be recommending to their members throughout the province to discontinue the job actions. Clearly, there is going to be a backlog of surgical procedures that had been cancelled during this time. The health authorities throughout the province, working with the doctors, will be trying to do everything possible to ensure that those individuals get access as quickly as possible to the care they were counting on.

PNWER CONFERENCE AND
U.S. SOFTWOOD LUMBER DUTY

P. Bell: In two weeks, B.C. will be participating in the annual meeting of the Pacific NorthWest Economic Region in Oregon. This conference will provide an opportunity for B.C. to have its voice heard amongst the American community with similar issues and concerns. Goodness knows, we have enough issues and concerns right now with the Americans. Can the Minister of State for Intergovernmental Relations tell us what he hopes to accomplish at this meeting?

Hon. G. Halsey-Brandt: Indeed, British Columbia will be well represented at the conference. We'll have four MLAs representing us, along with the member for Chilliwack-Kent, who is the incoming president of PNWER for the coming year. The conference will be an important opportunity for us to meet with both legislators and private sector representatives from Alaska, Alberta, Yukon and the northwest states.

Some of the issues they'll be talking about are the 2010 Winter Olympics bid, since a lot in the tourist industry from the Pacific northwest are very interested in collaborating with British Columbia on that; cross-border electrical transmission, both internationally and between states; ensuring the smooth flow of people and goods across the border, preclearance and the Nexus system; and also looking at security after September 11, particularly around the cruise ship industry that is so critical to the tourism industry in British Columbia.

Interjection.

Mr. Speaker: The member for.... The Chair recognizes everybody. [Laughter.]

The member for Prince George North has a supplementary question.

P. Bell: It's tough to get by me sometimes, Mr. Speaker.

Last week the crippling duties....

J. MacPhail: I'm just worried about the glare.

P. Bell: The glare. Yep.

Last week the crippling duties on Canadian softwood lumber came into effect. Can the Minister of State for Intergovernmental Relations tell us whether he'll be using this forum to educate the Americans on the impact of these devastating duties not just on British Columbians but also on the American public?

Hon. G. Halsey-Brandt: It will provide an excellent opportunity. We're expecting over 200 American legislators to be there — state Senators, state representatives — who can bring our message to their federal representatives. It not only affects our forest-dependent communities but the Americans who are the homebuyers out there and the consumers in America. We have to bring that message to them.

[1440]

I believe that the 27 percent duties that are going on it will increase the price of a home in the United States by \$1,500. That translates into about 450,000 American families that will not qualify for mortgages. We've got to get that message through to them.

FUNDING FOR
HERITAGE LANGUAGE PROGRAMS

J. MacPhail: School boards across the province are struggling to meet the needs of students in the face of budget cuts imposed by the government. Valued programs are being eliminated because of these cuts, despite what any government cabinet minister may say.

I have with me here 10,000 cards addressed to the Premier and the minister responsible for the heritage language program, calling on them not to cut this program. There are 30,000 students studying heritage language who, as of this fall, will have their program cut.

To the Minister of Community, Aboriginal and Women's Services: will he stand today and commit to these 10,000 students and parents who have written to him that this valuable program will be restored this autumn and that there will be no funding cut? A simple answer, please.

Hon. G. Abbott: I'm really honoured that the Leader of the Opposition has provided me with an opportunity to respond to her last question of the entire session. It's an honour, particularly given that the information with respect to the heritage language program has been up on the website since January 17, when our service plans were announced.

I was disappointed that during 23 hours of estimates on my ministry, this issue never came up. Certainly it was one I was looking forward to talking to, but I'm pleased that at the last moment this has come up on the opposition leader's radar screen as an issue.

Interjection.

Mr. Speaker: Order, please.

Hon. G. Abbott: The issue is around the program. It's a \$170,000-a-year program. What we do with that is provide grants up to \$1,000 a year per school. The program will run through to '03. We have had to make some difficult decisions.

Again, to recall, it took 120 years for this province to get \$16 billion in debt. The last government in ten years in office more than doubled the debt in this province to \$37 billion.

Interjection.

Mr. Speaker: Order, please.

Hon. G. Abbott: We've had to make some difficult decisions as a consequence of the spendthrift ways of the former government. This is one area where we have had to make some difficult choices. We have, and we look forward to a brighter day and continuing programs like English as a second language.

[End of question period.]

Petitions

J. Kwan: I rise to table a petition. This petition has been signed by 723 parents in Vancouver. These parents, along with 13,000 others, have written to the Premier, have banded together to form SOS, which stands for Save Our Schools. They are deeply concerned by the devastating and unprecedented budget cuts the Vancouver schools are faced with over the next three years, and they're calling on the government to restore education programs.

Tabling Documents

Hon. S. Hagen: I'm pleased to table with the Legislature today the annual performance report for the year 2001 and a report on the creation of the 2002 assessment roll and the financial statements for the year ended December 31, 2001, for B.C. Assessment.

Petitions

R. Sultan: I present to the House a second petition, opposed to the closing of Capilano Care Centre. There are 1,553 signatures on this petition.

Tabling Documents

Mr. Speaker: Hon. members, I have the honour to present the annual report of the office of the information and privacy commissioner for the period April 1, 2001, to March 31, 2002.

[1445]

Point of Privilege

J. MacPhail: Mr. Speaker, I rise today on a point of privilege. I gave notice earlier today. The point of privilege is with respect to the premature disclosure of the draft report of the Special Committee to Review the

Police Complaint Process. On Tuesday, May 28, 2002, members were first made aware of the premature disclosure when an article appeared in the *Vancouver Sun* quoting the Chair of the committee providing the information that the committee had decided to provide severance to the former police complaint commissioner. Mr. Speaker, I was surprised when I learned today that this was exactly the recommendation of the committee to the House as tabled this morning at 10 a.m.

I have conferred with the opposition member, my colleague from Vancouver–Mount Pleasant, for the committee, who had a number of telephone discussions with the Chair of the committee in the days leading up to the disclosure, and at no time was there a discussion of providing the Chair the latitude to make this statement to the media prior to reporting to this House.

Common practice would dictate that I, as a member of the House, have a right of privilege to expect that such reports not be disclosed until tabled in the House. I know that the Speaker will rely upon the much-reviewed authorities of Erskine May and Maingot, and I expect that the second report from the Committee of Privileges, session 1984-85, entitled *Premature Disclosure of Proceedings of Select Committee*, would be examined.

This is separate and apart from my concerns expressed earlier, on May 28, that disbursements had already been made prior to these recommendations having been adopted by the House. I appreciate, Mr. Speaker, your ruling, which you made yesterday on that matter, of May 29.

In keeping with the procedure on raising a matter of privilege, I am tabling a copy of the *Vancouver Sun* article and a copy of the report, as well as a copy of the motion which I intend to move should you find that a prima facie case has been established.

Mr. Speaker: Thank you, hon. member. I will take that under advisement and rule on your point of privilege in due course.

Hon. G. Collins: Mr. Speaker, I just reserve my right to provide input on that as well.

Mr. Speaker: So noted.

Reports from Committees

B. Penner: I have the honour to present the third report of the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills for the third session of the thirty-seventh parliament. I move that the report be taken as read and received.

Motion approved.

B. Penner: I ask leave of the House to permit the moving of a motion to adopt the report.

Leave granted.

B. Penner: I move that the report be adopted.

Mr. Speaker: You've heard the motion.
On the motion, the Leader of the Opposition.

J. MacPhail: I understand that this is a debatable motion. My remarks in opposition to this report will be brief. Those who are interested in the detail of my concerns expressed here may view the *Hansard* of various meetings of the committee.

I suffer under no misunderstandings of the process. I know that at the end of the day, this report will be adopted by this House. My concern about this report, separate and apart from my concerns about the conduct of this matter in committee, here in the House and in the newspapers, is focused upon the deficiencies of this report before us. Specifically, the report makes no finding of fact. It does not establish that the member for Vancouver-Mount Pleasant was the leak. It does not establish that she indeed did breach privilege.

[1450]

As well, the report fails to respond to the precedent that Ms. Kwan has laid out in her attached submission, including the following, which I quote from the second report of the British House of Commons Committee of Privilege, 1984-85:

"One probable source of some leaks is inadvertent disclosure by a member. Some members naturally discuss the work of their committees with other members, with their own staff or with others who may have relevant advice or experience, without intending publication, but others may not have the appropriate respect for information of this kind that they have been given in confidence, and published leaks result."

Nor does this report address the findings of that very same committee from which I just quoted that it would be unjust to punish a person who was the inadvertent source of information that was subsequently published without that person's knowledge or intent. Instead, the committee finds that the member for Vancouver-Mount Pleasant, without finding of fact, is guilty and should therefore be penalized. It's a penalty that, if one reads the *Hansard*, she has already voluntarily submitted to. It is a pity that the report proves that the matter has been an enormous waste of all of our time.

Mr. Speaker: Further comment? The matter is debatable. The member for Chilliwack-Kent.

B. Penner: I would just like to note for the record that the matters raised by the member opposite were presented to the committee. The committee took those comments into consideration. The report has been presented to the House, and that reflects the view of the committee.

Mr. Speaker: Further comment? Question is adoption of the report.

Motion approved on division.

Orders of the Day

Hon. G. Collins: I call continued committee stage debate of Bill 48.

Committee of the Whole House

EMPLOYMENT STANDARDS AMENDMENT ACT, 2002 (continued)

The House in Committee of the Whole (Section B) on Bill 48; J. Weisbeck in the chair.

The committee met at 2:54 p.m.

On section 11.

[1455]

J. MacPhail: Just before we left the debate and adjourned for lunch, the minister was expressing his views on how serious he thought the situation was around farm labour contractors. I had a chance to think about those comments, and I want to give the minister an opportunity to correct what could be a misapprehension on others' parts: that in no way was he targeting any particular part of the farm labour community — was he? — in his comments.

Hon. G. Bruce: No. I'm just recalling that conversation. I think you had spoken about the agricultural community and some of the problems therein and the concern that those people, as the agricultural sector, wouldn't be left with any less protection as a result of the direction that we're taking here. The point I was trying to make, clearly and loudly, was: no, just the opposite. I intend to make sure that in the agricultural sector, where there have been concerns, they fully understand the employment standards they need to work and live to and that the people working in the agricultural sector know what their rights are. I did also acknowledge, in that aspect of things, the educational side that would go along with that.

J. MacPhail: This is the section that deals with the issue that no longer is there the same level of protection for farmworkers to get their wages. The part of the act that tied responsibility for the payment of wages to farmworkers to, both jointly and separately, the producer and the farm labour contractor is now gone or greatly weakened. As long as the producer, or farmer, can show that he or she paid the farm labour contractor, then the farmer, producer, is off the hook.

The only reason why I raise this is that it is one of the roles that was so wonderfully performed by the employment standards branch — to take on this issue. They have a stellar record in this province about ensuring that farm labourers have every benefit paid to them, even where there may be widespread abuse. The

employment standards branch did an excellent job of that. I am very concerned about the fact that with the culmination of both the repeal of these two sections and the huge cuts in the ministry of employment standards, that protection will no longer be there.

The reason why I asked the minister that he wasn't targeting any particular aspect — or any particular group of farm labour or producers, for that matter — was because we have to protect so carefully against any other aspects creeping in around tackling this issue, when there's now no longer legislative protection and when it's only going to be up to the government to protect against this. I'll be clear. One has to protect very carefully so that any vigilance against this matter, to protect against abuse, has to be vigilance across the whole sector and not just target one community.

Hon. G. Bruce: Point well taken. There are a couple of things I want to be clear on. It's understandable that we would have a differing of opinion. I happen to think that what we're doing here will strengthen the issue. I'm not sure if you're still talking about section 10 or 11, but the two of them must be taken into consideration as both. One is a paper process, and one is results-based.

More important, though, as I had mentioned before in regards to my comments prior to lunch, is the fact that the penalty section is greatly strengthened in what we are attempting to do in this instance. The educational side, as I have mentioned, we are going to continue and enhance upon.

[1500]

I'm not sure that one could say we were.... Actually, you couldn't. We haven't been, in the past years, as successful at dealing with this problem as one could have. As I was mentioning earlier, I think that's how one approaches things. I see us currently dealing with symptoms rather than the problem. Clearly, we intend to deal with the problem. As I had mentioned, my Deputy Minister of Labour, along with the Deputy Minister of Agriculture, who has already met with one group.... Well, groups — the farm labour contractors and producers. Also, the Minister of Agriculture and myself have been in discussion with federal officials, as well, on the other two parts in respect to HRDC and Revenue Canada.

This is an issue of great concern, but there could very well be — and I suspect there are — concerns of other sectors where we will be watching closely in respect to making sure that vulnerable people in the workplace are adequately and well looked after in respect to protection, not subject to abuse by employers.

Excuse me. I should have mentioned earlier on, as an introduction, that I have with me this afternoon Mr. Ed Wall, who is an industrial relations officer. He's in the office in Nelson and has 15 years with the ministry. He's a former director of communications for the ministry, and the last ten years with the employment standards branch. He, too, has been here and been instructive in helping to reshape employment standards as we

attempt to go about rebuilding the economy in the province of British Columbia.

Section 11 approved on division.

On section 12.

J. MacPhail: Section 12 amends the provision for hours of work that currently exists. It repeals, actually, the requirement for hours of work notices to be posted. That section, which is now gone, required employers to post a work schedule for the employees and required them to give 24 hours' notice of a change in shift. Failure to do so meant that the employee was entitled to overtime pay for the changed hours worked.

So this gave employees some abilities to plan their lives. It was a straightforward and very easily enforced provision. Well, let me try not to prejudge. What reason was there for completely eradicating this?

Hon. G. Bruce: This is a seldom a central issue in an investigation and rarely, if ever, is it the subject of enforcement. It's just one more way for us and the changes we're making here to increase flexibility. It clearly wasn't an issue where one is looking at it from an enforcement standpoint. Some of it is problematic in regards to shifting and posting of shifts.

Again, as I say, it was rarely a main issue in regards to the workload and the investigations in the past.

[T. Christensen in the chair.]

J. MacPhail: Pieces of legislation are more than just legal documents about breaches. They're about ensuring that people understand what they can expect in terms of rights and in terms of standards. Every single change that's taken place in this legislation is to keep working people further in the dark, under the guise of: "Oh well, nothing ever happened with it." Nothing was ever.... I guess the minister is saying, although my information is not that, that we didn't have complaints, so why bother?

It's a bit of a piling-on effect here, I must say. We're not going to require that the terms of the employment standards have to be posted at the work site. We're not going to require the employer to post a work schedule. We're not going to require them to give 24 hours' notice of a change. All of this is changing fundamentally the ability for working people to plan their lives.

[1505]

I know this is such a small piece. You'd think you can just flick it away. One might think it's just easy to flick away, because it seems so unimportant to some of us. But I also happen to know that there are people that have not one, not two, not three but four jobs that require them to juggle their lives. Those jobs are non-union jobs. They're jobs that are regulated by the employment standards. It's a nightmare sometimes for them to have to plan. Do they need the four jobs? Unfortunately, yes, they do, because the four jobs add up to a decent wage.

All this means is — it's not one to spend a lot of time on — that, once again, those at the bottom end of the income scale are going to have to just work that much harder at managing their lives and making a decent wage. That's what the repeal of this section means.

Hon. G. Bruce: Not at all. It's got nothing to do with that. We definitely have two different philosophical views as to how you build a healthy and vibrant workplace.

We come from the perspective that 95 percent or more of the employers in the province of British Columbia are good employers and that they understand the need to have a healthy and vibrant workplace. With that, you need to treat your employees fairly and as part of the team. Any successful operation will attest to that. Because of that particular process or philosophical view, we also have the other view that you go and deal with those that would be the so-called bad apples. You deal with them pointedly and strongly.

I come back to that whole aspect of things. An employer who wants to hold their employees and keep them in their operation — and, as we talked about earlier on, simply the most important aspect of a business is keeping your employees and keeping a happy workplace — is not going to allow for the abuse relative to scheduling. They will post their schedules. This doesn't stop anybody from posting a schedule. It doesn't stop anybody from posting the employment standards. They'll continue to do that.

Where we intend to concentrate with respect to the enforcement side.... Legislation and law is just that. There are laws there, and they're made. We want to strengthen the important parts of that. That is what I was mentioning earlier on in regards to the payment of wages and stat holidays — that where there are those employers who have taken advantage of employees by non-payment of wages, they will be dealt with in a stringent and severe manner, considerably differently than what was in the Employment Standards Act prior to the changes to this legislation that we're bringing forward.

J. MacPhail: What this government believes in is cutting all sorts of slack for employers and none for employees. The minister says: "Don't worry. We're going to enforce this in a way, because there's the toughest penalties on record." First of all, now the penalties will only arise where there's a complaint, after the self-help kit is exhausted and there's an investigation. Then a penalty may be awarded.

[1510]

This section had a built-in penalty for non-compliance that actually said to the worker.... It was a penalty that made perfect sense. The benefit of the penalty went to the worker, not into the government coffers, which is what these penalties now do — the enforcement penalties that the government keeps lauding as being wonderful.

What this section said is: what's the problem? Post the schedule. Post the hours of work, and give 24 hours' notice of a shift change. Is that so unreasonable? Doesn't that kind of make good sense for people who are juggling their lives? Then, if the employer didn't do that, the employee was entitled to overtime pay for the changed hours. That's what it was. The reason why it probably rarely needed attention is because that penalty was enough to say to employers: "Oh God, I guess I'd better give proper notice to my workers."

Now what we have gone is any sort of balance, in a way. All of that is taken away — the impediment to employers, the cautionary note to say, "You know, being a good employer means that you post notices, and gosh, if you don't, then the penalty isn't going to be on the employee; it's going to be on you, Mr. Employer," because there are consequences to this. People have to arrange their lives. If they don't have four part-time jobs that they're juggling, perhaps people have children that they have to attend to in terms of proper notice. Lack of proper notice from the paymaster, the employer, has all sorts of consequences flowing from it for the worker herself. Now all of that is gone.

Hon. G. Bruce: Well, absolutely not. There are several consequences.

The first of which is the fact that employers today will tell you one of the difficult challenges they have is hiring and keeping employees. An employer who is not going to treat them fairly and give adequate notice in respect to scheduling is going to soon find they don't have employees working for them, which is going to be an incredible challenge.

We've heard that — and I know the member opposite has mentioned the whole aspect of skill shortages in the economy and the challenge with that — with even the simple demographics of what people are projecting, as people start to retire through this baby boom, the vacancies in regard to jobs in the province will be some 700,000 over the course of the next ten years. As I was mentioning earlier, clearly a balance is starting to come back in regards to the fact of that, between the issue of jobs and supply and demand of such. That is one of the strongest ways of balancing and trying to give more leverage in respect to employees: by them having an adequate supply of jobs that they can choose to go to.

The very person that the member opposite was talking about, who may be working at four different jobs, could have not just one job to work with but could have a choice of maybe three or four other jobs — full-time jobs. That is a result of a strong economy. That is the result of British Columbians investing in their businesses and their community. That is the result of outside investment returning to the province. That is extraordinarily, incredibly important from the aspect of balancing up on the issue of jobs and the issue of leverage for employees.

Where we will go to relative to this bill, as we move through it.... The member opposite has mentioned several times that one must take all of this in the en-

tirety and reference it to Labour Code changes in WCB and also in changes here, relative to the rest of the bill. We will talk in section 37 about flexibility for these very people who have the opportunity for greater flexibility in scheduling to meet the needs of their own personal life situations. We'll come to that in section 37.

But you know, the whole aspect of these changes we're making and the issue of balance in there for employees.... We see that as the economy strengthens, it certainly helps in strengthening the leverage from the standpoint of employees.

[1515]

J. MacPhail: My only concluding comment is that there is a fundamental difference between how this government views flexibility and who gains from flexibility. The mere fact of referring that, "We don't need to worry about this, because later on there's greater flexibility," because an employer can cut individual deals with individual employees about outrageous hours of work, isn't nearly an answer to the protection that's lost under this one.

Hon. G. Bruce: Let's be clear on this. This is about the posting of a work schedule.

Interjection.

Hon. G. Bruce: Well, I guess I would prefer — not "I guess"; that's what we're doing — that we spend our resources on challenging and correcting those employers that are taking advantage of employees by non-payment of wages — the real, central issue — and making sure that they're properly looked after. That's what we're intending to do.

In respect to posting a schedule, a good employer will be posting those schedules. We don't happen to believe that needs to be enshrined in legislation. We think, just by virtue of what's going on in the workplace, that employers will be posting their schedules so they can keep their people and give them adequate notice in the aspect of their schedule.

Section 12 approved on division.

Section 13 approved.

On section 14.

J. Kwan: Section 14 deals with the reduction of daily minimum hours of work from four hours to two. Employees will now only be guaranteed two hours of salary for coming in to work. Of course, this is especially harmful, in view, for younger workers and those who are in the food service industry, who will undoubtedly be called in to work two-hour shifts at peak times only. At minimum wage, an individual can expect to receive \$12 for coming to work, after they've paid for their transportation costs.

Could the minister explain why this change was made? How is this change meant to benefit employees?

Hon. G. Bruce: We looked at cross-comparisons in Canada and found they varied between one and three hours. There were a number of different call-outs. British Columbia was clearly the highest at four.

We had also heard, in respect to the restaurant industry and people that worked there, particularly students, that the four-hour minimum meant that they usually worked a split — some. Where they would be quite happy to work the two hours at noontime, like 11 to 1, they weren't particularly fond of looking to come back for the 5-to-7 shift because they were studying. We looked at that and thought there was good reason in that respect.

The other point that I'd like to make is in regards to section 37, which will flow to the flexibility agreement. Where one was to sign a flexibility agreement that would be beyond eight hours, their minimum call-out would be four. In the standard employment arrangements right now, the minimum call-out would be two hours. If you were in a flexibility agreement and scheduled for more than eight hours, then your minimum call-out would be four.

J. Kwan: The minister doesn't have to go out into the workforce and be called in to work at peak times only for two hours and have to incur all the transportation costs to go in there and make only 12 bucks after that. The minister doesn't have to do that, but young people today have to do that. Real workers today would have to do that as a result of this change. In my view this does not actually benefit young people.

The kinds of analyses that the minister talks about. I wonder what kind of specific analysis the minister has to determine how this amendment and other changes to the labour policy, like the introduction of the \$6 minimum training wage, would actually help low-income earners. Or does it actually hurt low-income earners?

Hon. G. Bruce: First of all, I want to be very clear: the \$6 an hour was not meant to be a training wage. It was meant to be a first-job entry wage level. That's what that was meant to be.

Interjection.

Hon. G. Bruce: Well, it's not a training wage.

Interjection.

[1520]

Hon. G. Bruce: No, it's not being used as a training wage. It's a first-job entry wage level. It was focused in respect to grade 10, 11 and 12 students as a way of trying to encourage small business employers to try and make some jobs available.

Now, I'm not going to revisit ten years of disastrous economic policy in the province, but I will point out, just if the member opposite did happen to forget, that small business through the past ten years, particularly in the last seven or eight, went through the most disas-

trous period that they've ever faced in British Columbia. They weren't actually robust and vital. They weren't actually investing and expanding. Of those businesses — and keep in mind there are 360,000 businesses in the province — 98 percent of them have 50 or fewer employees, and a very, very large percentage of that have 20 or less. These are small operations that are trying to survive. By the policies of the hon. member's former government, the NDP government, these were businesses trying to survive. In fact, they provide virtually the economic backbone of the province. It's about a million jobs that they represent.

Just think. If they'd had enough confidence and inspiration to be able to invest and expand in their businesses and create not hundreds of jobs but one or two jobs in regards to their operations, you'd have had another 700,000 jobs in British Columbia. But after the policies, not only the business policies but the Forest Practices Code and a whole host of things, that the former administration, the NDP government, brought into effect in this province absolutely thrashed the economy, absolutely thrashed small business.... I could go on at length on the other sectors that you thrashed. Now we're paying for those very poor policies of the past.

We've had to make some changes. What we're doing here in this aspect is trying to inspire small business to find a way to regain some confidence and to invest in jobs. By virtue of allowing a first-job entry-level wage, we are hopeful they'll take advantage of that and provide some first-time employment for young people.

It's ironic that we would have government, through our school system, develop a program and have counsellors, through the courses in K-to-12, go out and speak to employers, asking employers to take on young people for job experience, which is a great and noble thing to do, and then not pay them, when in fact it was in the past that small business employers actually provided that whole realm of career opportunity, if you like, or job experience not for free but for payment of wages to those very young people.

The policies of the last ten years simply took all that away. Instead of having the small business employers contribute in such a way that they paid full wages to those young people coming to work, we now put it back to the taxpayer to actually pay that program and not pay the young people any wages but then pay somebody — a counsellor or somebody within the local school district — to go out and try and arrange all that when it was happening very nicely, quite frankly, within the small business sector — part of their contribution.

Small business makes a huge contribution to the development of communities and the economy of British Columbia. This was very much a focus during what we're coming from — a very difficult economic time — to find ways to inspire the small business community to hire some people.

J. Kwan: You know, the minister's just trying to run the clock with his rhetoric. What we know is that this is

a gift to the Liberal government's financial backers, a gift to the service industry people, a gift to the hospital-ity industry people.

You know what? Just this week it was broadcast on television on the *News Hour* that 12 percent of businesses are not going to be hiring this summer, 25 percent of businesses will be laying off this summer in this new era of prosperity, 50 percent said it was going to be status quo, and 13 percent said they didn't know what they were going to do. This is under this government's policy, and this is the result this summer for young people.

[1525]

For the minister to say, "Oh, it's all the bad NDP's fault," and that what we must do now is to take wages away from young people and give it to industry is somehow the right thing to do.... Well, if that was supposed to work, how come the numbers are not reducing?

There have been tons of studies — and I don't want to spend the time to go into all of the studies — suggesting that reducing employment standards does not help the economy. We haven't got the time because the government has decided to bring in closure on this bill and on all the bills that were before the House this week. We haven't got that much time to debate each and every single section in detail already, as it were, and I'm not going to spend all of the time bringing forward all the studies. The fact of the matter is: this minister is providing a gift to his financial backers, and he's taking it out of the pockets of low-income earners.

Hon. G. Bruce: You know, that's.... I'm not sure. Is "balderdash" parliamentary — or whatever? That is just simply not the case.

An Hon. Member: Nonsense.

Hon. G. Bruce: It is nonsense. Thank you.

The fact of the matter is the former administration did thrash the economy. I would love to be able to snap my fingers, as would this government, and not just have it turn around tomorrow at the snap of the fingers, but it would be nice to just be able to forget that past ten years. Unfortunately, we can't. Unfortunately, with that past ten years, when you have a situation where you have had policies that came from the former NDP government that were actually not just neutral but were actually anti-business, anti-investment and drove business out of British Columbia....

Now, let's get that straight. When you drive business out of the province, you drive jobs out of the government. They're actually one and the same. I'd like to just make that equation: business and jobs. They're actually one and the same. They're extremely important. When you chase a business out of British Columbia, guess what goes with that business when it leaves. Jobs. Guess what else goes with that. Taxes. Guess what else goes with that. People. What virtually happened in the province was that through the policies of the former NDP administration, the policies were such

that you were just thrashing the economy in the province.

We came back after that election and had to then start dealing with one problem after another left over by the former administration. What we're having to do is do things to try and inspire and instil confidence in the investment community and in the small business community, so that they can once again look to have the confidence to expand their businesses and to get on with providing jobs in British Columbia.

These steps we've taken here provide the flexibility that's necessary, both from the employers' and the employees' standpoint. I will give you this: it is a total and complete philosophically different approach to the workplace from what the former NDP government did in the past ten years. We know we had to do that, because we know what you did, what the former administration's policies did to the economy of British Columbia. They thrashed it. If we carried on simply doing more of what the former administration had done, we would continue to drive the economy into the ground.

I will give the opposition this. These are fundamental philosophical changes in how the workplace will work in the province, because we know that the past ten years didn't work, and we're confident that this type of flexibility and the changes that we're making, in its entirety, will once again instil confidence in the business community that provides jobs for everybody in British Columbia.

J. Kwan: You know, Mr. Chair, I wasn't going to drag up all of the studies that proved the minister wrong, but I will bring up one. He's full of rhetoric, and he does not know his facts. Let me just share some factual information with this minister.

[1530]

This is an article written by David Fairey: "Six Bucks Really Does Suck, According to Youth Employment Statistics." Here's what the article itself says. I'll quote some parts of it. The facts only — not just the opinions, but the facts as they stand. Maybe it will enlighten the minister just a little bit.

"Statistics Canada publishes monthly estimates of youth employment and unemployment based on their labour force survey. According to Statistics Canada, B.C. youth, 15 to 24 years of age, unemployment rates over the six months November 2001 to April 2002 were significantly higher than over the same six months in 1999-2000 and 2000-01" — when the previous administration was in government.

"In fact, the B.C. youth unemployment rate in every month since November 2001 has been higher [in the last six months] than in the...previous two years before the \$6 minimum wage. The average monthly youth unemployment rate over that six-month period was 13 percent in 1999-2000, 13.7 percent in 2000-01 and 14.8 percent in 2001-02. At the same time, B.C. youth employment levels have been lower on an average monthly basis since November 2001 — 268,600 — than in the same period in 2000-01 — 271,500.

"These higher B.C. youth unemployment rates since November 2001 are not explained away by increases in the proportion of youth looking for work; i.e., higher

participation rates. In fact, over the same six-month period since November 2001, monthly youth participation rates at 58.5 percent on average were lower than in the previous year, 2000-01, and the year before that, 1998-99. Compared to the same six months in 1999-2000, youth participation rates since November 2001 have been the same.

"Also, to the extent that youths tend to find their first jobs in service industries, the higher rates of youth unemployment in B.C. since November 2001 are not explained by declining employment in the services sector because services sector employment overall for all age groups has remained fairly constant.

"It is generally acknowledged that in October and early November 2001 when the new, first job, entry-level minimum wage was about to be introduced, many employers delayed hiring new employees or laid off young workers so that others could be rehired at the lower minimum wage. Statistics for November 2001 in fact show a significant drop in youth employment. As a consequence, a higher youth unemployment rate occurred in November 2001 — 15.3 percent — than in every previous November since 1997.

"Therefore, the preliminary verdict must be that the new \$6 minimum wage for first-time job holders has failed B.C.'s youth and not increased youth employment levels or reduced youth unemployment rates. Six bucks really does suck because wages have fallen without a rise in employment."

Hon. G. Bruce: That's great fodder. I appreciate that very much, but....

J. Kwan: That's the facts.

Hon. G. Bruce: I would love to see the substantiation of those facts — of how many jobs and how many people weren't hired because of the fact that the \$6 was coming in. It would be really interesting to see the evidence. Is this that somebody walked down the street and sort of thought about maybe they were going to get a job and didn't get a job? The factual evidence of that....

Interjections.

The Chair: Order, members. Member, the minister has the floor.

Hon. G. Bruce: We do know that British Columbia had one-third of the jobs created in Canada right here in British Columbia in this past year. Little things are going in the right direction. After ten years of being thrashed, there are some lights that are starting to shine once again in British Columbia. Instead of people turning the lights out as they left, people are actually coming back and starting to turn the lights on again.

There are some positive things. Of course, earlier this afternoon we heard the top-ten list there by the member from Prince George. They were good-news items indeed, so things are looking up.

[1535]

In respect to this section — and I'm sure you'd like to get back to it — in regard to the two-hour call-out

for the four-hour call-out, the employment standards branch in the past.... In fact, I've got some variance notices here from March 28, 2000: minimum daily hours paid will be no less than the actual time worked or one hour, whichever is greater.

That was a variance that came out of the employment standards branch prior to our administration taking over. There were practices of below the average of the four hours or the two. There was another one on December 4, 2000. I mean, these are examples. You were probably wondering about changes we were looking at making, of why we were changing the variance or why we were changing the minimum call-out from four to two.

The fact is that there were variances that were issued prior to us taking over. There's another one here. It was two and a half hours. Another one was three and a half hours, so there is some history to that. As I had mentioned earlier on, we were looking to be in a position where we would be more reflective of what was taking place across Canada. I do want to point out to the hon. member that if you're on a flexibility shift and you work more than eight hours, your minimum call-out, in fact, is four.

Of course, as you move through this in regard to overtime, overtime will still continue to be paid. I'm sure the opposition would like to canvass that issue in detail in regard to overtime. If you are not on a flexibility agreement and you work over eight hours, just as the case is right now, you're paid time and a half. You would continue to be paid time and a half for any hours after that.

There is a change. Currently, when one got to their eleventh hour, after eleven they would then be paid double time. Because of our flexibility agreements....

Interjection.

Hon. G. Bruce: No, not on top of the time and a half. They'd be paid double time.

Now, because of the flexibility agreements we have, and we're basing them on a 40-hour work week and then 12 hours that one can sign on, we've said that double time kicks in for everybody after 12 hours. I know that these other aspects all fit together. They're all part of a package, as the members opposite have mentioned — when we look at all three parts and at these parts here relative to employment standards — of trying to inspire again and build confidence within the workplace so there can be jobs for lots of people, and not just one job each but a job that they can pick and choose.

Alberta has been a very prime example of that. You want to talk there, again, about minimum wage. They don't pay minimum wage in Alberta. Do you know why they don't pay minimum wage in Alberta? It's because they have to pay more than that. The economy is hot, and there are lots of jobs. In fact, I know one employer there who's a friend of mine, who actually pays a bonus per hour for people just to show up in the workplace there in Alberta.

All of these things tie together, and I'm replying to your question of two to four. They all come together in trying to inspire and improve the economic performance here in the province.

J. Kwan: The opposition will not be supporting this section of the bill. The minister can close his eyes, close his ears and not look at reality. The facts are before him, but in spite of that, he refuses to acknowledge that the opposition will not be supporting a section of a government bill that takes away money from the low-income earners, particularly hurting people who are in the hospitality industry, in the food service industry, by requiring them to go to work for two hours and making potentially as much as \$12 for that day's work.

Hon. G. Bruce: I want to be clear. It's not taking away money from anybody. I mean, this is the difference of a call-out, and in most instances employers will be scheduling more than the four hours. They're looking to have continuity in employees. We come back to this whole balancing thing of employees and employers and to the whole notion that you've got to build a happy and healthy workplace. You do that by giving hours.

The Chair: Shall section 14 pass?

J. Kwan: By division.

The Chair: Deferred division on section 14.

Sections 15 and 16 approved.

On section 17.

The Chair: I understand the minister has an amendment on the order paper in respect to section 17.

Hon. G. Bruce: I move the amendment to section 17 standing in my name on orders of the day.

[SECTION 17, by deleting the proposed section 37 (6) and substituting the following:

- (6) An employer under this section who requires, or directly or indirectly allows, an employee to work more than the hours scheduled for a day during the period of the agreement must pay the employee
- (a) 1 1/2 times the employee's regular wage for,
 - (i) if fewer than 8 hours were scheduled for that day, any time worked over 8 hours, or
 - (ii) if 8 or more hours were scheduled for that day, any time worked over the number of hours scheduled, and
 - (b) double the employee's regular wage for any time worked over 12 hours that day.]

[1540]

On the amendment.

J. Kwan: Speaking to the amendment, the amendment that is significant here essentially refers to a subsection that is being added, which says that if eight or

more hours were scheduled for that day, any time worked over the number of.... Actually, I should read the whole thing, because you have to put it into context to understand what it means.

Section 17 now reads as follows:

"An employer under this section who requires, or directly or indirectly allows, an employee to work more than the hours scheduled for a day during the period of the agreement must pay the employee (a) 1½ times the employee's regular wage for, (i) if fewer than 8 hours were scheduled for that day, any time worked over 8 hours, or (ii) if 8 or more hours were scheduled for that day, any time worked over the number of hours scheduled, and (b) double the employee's regular wage for any time worked over 12 hours that day."

The substantive piece here that the minister is amending is to say that a person would not actually get 1½ times the regular wage if eight or more hours were scheduled for that day and any time worked over the number of hours scheduled.

That's the change that the government is bringing forward. You know, the minister says he's not taking money away from low-income people. He is. This entire bill speaks to the government taking away overtime pay, reducing overtime pay, limiting overtime pay and taking away scheduling that talks about overtime pay — protections for employees in the farm industry and for other industries and for children. All of this adds up to taking away rights for employees and for workers in the field. The only protections that this bill that the government is looking at affords are rights for the employer.

Hon. G. Bruce: Let's be clear. Currently, if an individual works more than eight hours they would get time and a half for the ninth hour, time and a half for the tenth hour. They would get double time, then, for the eleventh hour and double time for the twelfth hour.

The change that we're making is that under the new legislation, an employee on an eight-hour schedule would get time and a half starting after the eighth hour worked, but the difference would be they wouldn't get double time until they worked the twelfth hour. That's the only change we're making in that respect.

Interjection.

Hon. G. Bruce: Pardon me?

J. Kwan: ...that's good?

Hon. G. Bruce: Well, because we're building the flexibility schedules, which we happen to think are very good, what we've done in that instance is that if you were....

I'll use me as an example. If I was to be scheduled to work four ten-hour days, I would not receive overtime until I worked my eleventh hour. If it was a particularly busy day and the employer said to me, "Look, can you work that extra hour," I'd work that extra hour. I'd get time and a half. If it was an extraordinarily busy day, as the economy will bring us here in British Co-

lumbia, and I'm now working past my twelfth hour, in the twelfth hour, then, I'll start to get paid double time.

Really, what we're talking about is that one-hour change here. More importantly, though, is how that is drawn. That's drawn because of the fact that we're trying to improve and allow the flexibility agreements to be put in the workplace so employees and employers can work out arrangements which are best for them in their lives and their businesses.

The Chair: Shall the amendment to section 17 pass?

An Hon. Member: On division.

The Chair: Division is deferred on the amendment.

On section 17.

J. Kwan: On to the main section on 17. Section 17 is the amendment that the minister talks about as creating flexibility. It is now the code word for government in every ministry: "flexibility." Some have coined it as the new "f" word — flexibility. What it does is take away rights from people.

Here's what amendment 17 does. Section 17 allows for the employers to enter into averaging agreements with the employees. As a result of this amendment, the eight-hour work day and 40-hour workweek will no longer exist in British Columbia. Instead, employees can look forward to working ten-hour work days or 16 days in a row without receiving any overtime.

[1545]

While the minister seems to think that employers and employees will mutually agree to enter into such agreements, I fear that employers will be able to impose such agreements upon their employees because there is an imbalance of power within the workplace. That is how it is. The employer has more power over the employee. Yet the government is bringing this forward, saying that somehow this is good for the employee.

What safeguards are in place to ensure that employees aren't forced to adopt averaging agreements? What safeguards are in place to ensure that the academic schedules of children and students are not adversely affected by averaging agreements? Will children under 15 be able to enter into averaging agreements with employers if the parents of the children consent? If so, isn't this an inappropriate situation for the child?

Hon. G. Bruce: It would probably be good to look a little bit about what's in the workplace today before one climbs all over this particular issue, not understanding it, perhaps, or not understanding what's going on in the workplace. Under collective agreements, and there are numerous.... These are just a few examples. We've got numerous collective agreements where the eight-hour day was, a long time ago, negotiated to offer flexibility and different shift schedules.

Nurses are one. They work and can do under contract a maximum of 144 hours in a four-week period. That would be a 7.2-hour work day, but this can be altered on mutual agreement. Police work two 12-hour days, two 12-hour nights and then four consecutive days off. That, I would think, would be flexible and different than an eight-hour day. Firefighters have two 12-hour days, two 12-hour nights, then four consecutive days off. They actually average 42 hours per week on that.

Here's an interesting one: BCTV employees. The standard workweek consists of five eight-hour days, but they have an optional workweek that consists of four ten-hour days. In the forest industrial relations they can schedule as long as the principle of the 40-hour week is maintained over an averaging period. Fording Coal Ltd. union, United Steelworkers of America, has four days on and four days off, a 12-hour shift schedule and a work cycle of eight or six weeks, with weekly hours averaging 42.

Now, those are collective agreements. I'll give you that. They're collective agreements. This would be the question you were going to ask me: what about people that aren't covered under collective agreements?

With the high-tech workers, it was known that there needed to be changes in the high-tech industry to build it here in British Columbia. They went to time and a half after 12 hours in a day or 80 hours in two weeks — flexibility. Silviculture workers have either up to nine days of work followed by two days off or ten days of work followed by ten days off. That was flexibility. Long-distance truck drivers have double time after 60 hours in a week. That would be different. Taxi drivers have double time after 120 hours in two weeks. Oil and gas field workers have time and a half after 40 hours a week, double time after 80 hours a week.

All of these that I've just listed, every single one of those, are examples that were under the former NDP administration. What in fact are we doing here? We're taking what's happening in the workplace and trying to allow and afford the flexibility within the workplace so that employees and employers can work together and make the arrangements which are best for them.

Here's a few variances you might be interested in, which were under the former administration. This particular application was for 14 consecutive days of work.

An Hon. Member: Fourteen?

Hon. G. Bruce: Fourteen, at 12 hours a day, followed by 14 days consecutive rest. That would be a flexibility agreement. That was a variance that was asked for under the former administration and was approved. Here's another one: 28 days of work at ten hours per day.

J. Kwan: The branch approved those.

Hon. G. Bruce: Absolutely.

J. Kwan: That's the point.

Hon. G. Bruce: No, it's not. You are absolutely right, hon. member. They were approved....

Interjection.

[1550]

Hon. G. Bruce: Hon. member, you are helping to support exactly what I'm coming to. When we talk about this one of 28 consecutive days of ten hours per day, that was approved. When we talk about this one here — four full-time employees being permitted to work a schedule of 13 hours per day for three days, followed by three days off, followed by 13 hours per day for three days, followed by five days off, and repeating every two weeks — that would be a flexibility agreement. I think the reason they did that is because they wanted to work things out between the employer and the employee. When was that done? It was done under the former administration.

Here's another one. Full-time employees may work up to 80 hours in a two-week period, Sunday to Saturday. The 80 hours in two-week period includes all hours worked in the field or office or combination thereof. That was flexibility.

Here's another one: three 12-hour shifts in the first week, followed by three 12-hour shifts and one eight-hour shift in the second week on a schedule which repeats itself every two weeks, averaging — guess what — 40 hours over two weeks.

The point being, before we put our hair on fire and all this sort of thing, this is exactly what was going on in the workplace. Rather than have big government, which is a total philosophical change — and I will give you that in spades; we do not wish to be big government, like the former administration was big government — we wish to give the employers and the employees the opportunity to work things out in a way which is best for them, without having to go through three and four and five weeks of bureaucratic process to get a sign-off of the very types of things we're talking about being able to do under the flexibility work weeks.

You know what? You know what, hon. member? Before you....

Interjection.

Hon. G. Bruce: I want you to hear all of this. It's extremely important.

J. Kwan: Maybe you should listen to your branch staff.

Hon. G. Bruce: In fact, I have listened to my branch staff. The point to be made....

Interjection.

Hon. G. Bruce: Listen, the point to be made of that is I have had.... This morning, during the initial period, there were two other industrial relations officers here

that have joined me at the floor because of the fact that they have been part of trying, with us, to build an employment standards act that makes sense for the twenty-first century. It's a new era in employment standards in the province of British Columbia, and I don't mean that in any cliché. I mean that in reality.

The point in all of what we're attempting to do here is to simply reflect what, in fact, your administration, the former administration, was putting into practice, only they believe that there be all sorts of bureaucratic government red tape to get it there, and we're saying it's up to the employers and the employees to get on with doing just that.

R. Masi: I seek leave from the House to make an introduction.

Leave granted.

Introductions by Members

R. Masi: On behalf of the member for Delta South, it's my very great pleasure today to introduce 30 grade 7 students from South Park Elementary School accompanied by their teacher, Mr. Brown. Would the House please make them welcome.

Debate Continued

J. Kwan: If the minister wants to visit history, let's visit history accurately and see what is before us. You know what? The minister, I know, likes to think: "Oh, it's just the opposition. They'll just say no to just about anything, and somehow they've got some strange philosophy attached to their brains, and therefore they can't depart from the issues at hand that the government is introducing."

Let me just put on the record here not the opposition's perspective with respect to this change and not the opposition's perspective of what the old act was but, in fact, someone who was part of the branch — an employee of the branch — who quit the branch because this individual could not stomach what this government is doing and their attacks on employees.

Let me just put this information here for the minister.

[1555]

"In the old act there were two ways workers could be required work hours beyond these without being paid overtime — that is the eight-hour-a-day, 40-hour-a-week time period.

"One was for the employer and the employees to jointly apply to the branch for a variance. These would be investigated by the branch to ensure that the proposal was genuinely supported by both parties and that it was consistent with the purposes of the act. Variances would usually be issued for a period of a year or two allowing for a built-in review should the parties want to carry on with their special schedule.

"The second method was through the adoption of a flexible work schedule. These were the most common special schedules, such as four ten-hour shifts per week

or three 12-hour shifts per week, and could be adopted within the workplace so long as there was some record of a democratic decision having been made by the employees affected.

"There are three things to note about the new averaging provisions. First, they allow a far greater range of schedules than the old rules did. In fact, many possible schedules permitted under these provisions would never have been granted had they been submitted under a variance application to the branch. Some examples: two hours per day, six days per week; six hours per day, six days per week; ten hours per day, 16 days in row; etc.

"Second, these agreements are designed to operate between an individual employee and the employer. These take away the one strength that the employees had under the old flexible work schedule provisions — that is, the requirement that there be some democratic process involving all of the employees before a schedule could be adopted. Individual employees will either agree with the employer's proposal or will be looking for work elsewhere.

"Third, the section is extremely long and complex. It will be difficult to comply with and will be difficult to enforce."

This is not made up by the opposition. It's someone who worked within the branch, with long years of experience. They know what "flexible schedule" means. They know the flexibility that is required in the workplace, and there was provision in the old act to allow for exactly that but with some protections for the employees. That is the operative difference here. Now those supports and rights are gone.

You know, the minister can say, "Well, gee, under the previous administration there were flex hours and so on and so forth," but you know what? That was reviewed by the branch. It was approved by the branch, and most importantly, it was recognized that there be a democratic decision-making process for the employees. That's what was in the act, but now all of that will be gone.

It's not the opposition who are saying: "Boy, we should be concerned about this." It's someone who's had a history of working with the branch, not just with the previous administration but the administration before that. It's a non-partisan point of view, looking out for the best interests of employees.

I'd like to know from the minister: during the consultation that he said he's engaged in, did any employees ask for this change to be made?

Hon. G. Bruce: Well, thank you. I'm glad you want to revisit the consultation process. During some of your second reading notes that you mentioned on the consultation process....

First of all, I want to be clear. There were 267 submissions that came in during that, but there were some that came in late. We took those particular submissions and dealt with them, even though some of them were a little bit late. One, the submission from the Canadian Bar Association, was received three months after the deadline, and it was considered.

What's interesting about this one is that the Leader of the Opposition read that into the record the other

night as if to say that all of what they were talking about was, in fact, in the legislation. But of the 16 points raised by the CBA, 11 of them were not listed in the legislation. We didn't bring about those changes. Changing the current law which prohibits employees from agreeing to provisions of work differing from the Employment Standards Act — in other words, opting out of the Employment Standards Act — we said no to; that wasn't on. That's what the Canadian Bar Association had written, and we agreed with them.

Changing the current law which sets minimum standards for work schedules and overtime to permit employees and employers to negotiate their own work schedules and overtime does not reduce the minimum standards, and we made sure of that.

In regard to these issues here, changing overtime premiums of one and a half and two times the regular wage rate, we just spent about 15 minutes canvassing that issue. In fact, as the truth is known, as it's written, we're in agreement with the Canadian Bar Association.

Changing the current time limits for filing complaints with the branch from six months from the date of employment termination to three.... It stays at six months, as the Canadian Bar Association had asked us to do. We did that.

[1600]

Changing the current law, which has no time limits for filing complaints within the branch, if an employee is still employed, to three months from the date of the alleged offence..." No change in respect to the filing time. That in fact, of course, was what we did, and that's what the Canadian Bar Association read.

Changing the current law governing employee termination provisions to permit employee termination as a result of economic changes and/or contractual requirements.... No change.

Changing the current law, which provides for payment for length of service on termination to be referred to as severance pay for clarity.... No change.

Changing the current law making severance pay payable after three months to being payable after six months.... No change.

Changing the current law requiring advance notice or payment of wages in lieu of notice, for groups of employees to eliminate these group termination provisions.... No change.

Changing the current law requiring employee termination for just cause to eliminate just-cause termination.... No change.

Changing the current common-law definition of just cause.... and I could go on. No change.

My point is that you spent the other evening reading that into record as though all of those changes were being brought about, and in fact, they're not in the legislation.

The consultation process. We had, as I mentioned, some 265 or more submissions that canvassed a fair extent of employment standards. We're bringing through those changes which we think were appropriate to once again bring employment standards and

build an employment standards act that is more reflective of the twenty-first century.

J. MacPhail: The minister is using this opportunity to revisit second reading debate. What the minister fails to point out is that there's no question that many of the Canadian Bar Association's complaints against initiatives — the balloons the minister flew — were not in the legislation, but there was a heck of a lot of stuff in the legislation that no one possibly thought was going to come in.

[J. Weisbeck in the chair.]

Perhaps we could actually continue on the debate at committee stage. In order to assist the minister in focusing on committee stage debate, I'm going to propose an amendment to this section. Mr. Chair?

[Section 17 is amended by adding the text highlighted by underline and deleting the text highlighted by strikethrough:

37(1) Despite sections 35, 36(1) and 40 but subject to this section, an employer and employee, who has been employed for a minimum of 30 calendar days, may agree to average the employee's hours of work over a period of 1, 2, 3 or 4 weeks for the purpose of determining the employee's entitlement, if any, to overtime wages under subsections (4) and (6) of this section and wages payable under subsection (8) or (9)(b).]

This section of the legislation will be used as a hammer, not a tool, by many, many employers. This section about using work agreements, making hours of work agreements on an individual basis, will, I predict, in a substantial number of situations be used as a hammer.

There was nothing wrong with the old system. There was nothing wrong if the minister wanted to streamline it administratively. Instead what the minister did was eradicate all of the protections of understanding that hours of work have to be done by all of the people at the place of employment. Now the government could pick off one employee against the other.

I don't know whether my colleague has addressed the issue of the new worker who has to work 500 hours at minimum before she can get the salary increase, the minimum-wage increase, from \$6 to \$8 a hour. It may very well be a condition of employment for those 500 hours that a worker sign an agreement for hours of work that would be against what would be in her best interests.

All this amendment does, Mr. Chair, is say this. Again, we're in this complex situation of amendments to the amendment. This amends section 37(1) of the old act that says now: "Despite sections 35, 36(1) and 40 but subject to this section, an employer and employee" who has been employed for a minimum of 30 calendar days "may agree to average the employee's hours of work over a period 1, 2, 3 or 4 weeks."

[1605]

Why this? Why are we adding those words? Who has been employed for a minimum of 30 calendar

days? Here's why. We don't want to make the agreement a condition of employment, a condition of getting the job in the first place. All this says is: "Yes, yes. The employer has a right. We acknowledge that the government goes in a direction that's far different than the current legislation in saying that the employer and the employee can make individual agreements on hours of work now. But an hours-of-work agreement should not be a condition of employment, because that's too much pressure. It's unfair. It's too much pressure on whether it's a right qualification for getting the job — an individual hours-of-work agreement. It's absolutely too much. I'm sure the minister was, well....

This is about....

Interjection.

J. MacPhail: I understand that.

This is about not taking the opportunity to coerce an employee into accepting an averaging agreement. This amendment minimizes the ability of employers to coerce employees to accept these agreements. Therefore, these agreements cannot be negotiated until after the worker has been employed for 30 days.

There is much that could be used as coercion in the ability of the employer to make these individual agreements. I could foresee — and I'm almost leery to put this on the record for fear that it would actually be used — an employer saying: "You're a new worker. You're getting the six bucks an hour. You've got to get 500 hours in. I'll guarantee you the 500 hours as long as you agree to do those 500 hours working 80 hours and then taking another 80 hours off." I can see that. I can see that happening.

What's a person to do? What's a person to do who's in Port Hardy right now, where the unemployment rate is skyrocketing because of the softwood lumber dispute? What would prevent a young worker who has to earn more for her tuition now from being coerced into doing that? All this amendment does is say that the individual arrangements for hours of work can come into full force and effect once the worker has been on the job for 30 days.

Hon. G. Bruce: I appreciate the spirit in which this amendment has been presented. I don't agree with it. That wouldn't surprise the member opposite. I understand that.

What we're attempting to do.... We are attempting, very much so — and I make no bones about that — to improve the flexibility within the workplace for both the employer and the employee to be able to work out arrangements which are best for them. If the operation, as you're coming to work there, has been moving into four ten-hour shifts — and I alluded to this in my days as a bartender.... When I worked as a bartender, I worked four tens. Now, when I actually went to work at that bar, there was a collective agreement. That was the order of doing business there. I went there, and they worked ten-hour shifts. That was part of the col-

lective agreement, and I worked that. I didn't go there looking to work eight-hour days or six-hour days; I went there looking to work ten-hour days. I looked to work there on a shift of four tens. That's what happens on the aspect of a collective agreement.

If you went to work now with a flexibility agreement.... If you went to work for an operation which is not covered under a collective agreement, but you were going to be working four tens and that's how that operation was going to be, I believe we have a better way of protecting the interests of those employees. It shouldn't be how long one works there.

What we've said in the legislation — and it's an important part of the legislation — is that we've changed the statutory holiday provisions back to a qualification period if you're on a regular eight-hour-a-day shift. That now means — and this is what it was prior to 1995 — that you have to work 15 of the previous 30 days to get the statutory holiday, except if you work a flexibility agreement — which means outside of the five eights formula — and you sign a flexibility agreement. Then you get statutory holiday pay for all of the stat holidays. So if I was going to go to work and was only going to work one 12-hour shift a week, I would get all stat holidays paid at that 12-hour basis.

[1610]

I understand exactly where the Leader of the Opposition is coming from, what she's attempting to do, and I appreciate that, in an effort for balance. I believe that with the direction we've taken with this legislation, there is in fact a balancing caveat there. If an employer is going to look closely in regards to having employees sign flexibility agreements and making sure it is good for all parties — because that employer is going to be paying all statutory holidays — that is very much a balancing aspect relative to the flexibility agreements, which I think supersedes the proposed amendment to this bill.

Amendment negated on division.

The Chair: Shall section 17 pass?

J. MacPhail: By division.

The Chair: By division, and the division will be deferred.

Section 18 approved.

On section 19.

J. MacPhail: Section 19 deals with overtime wages. This change, Mr. Chair, changes — reduces — when overtime is available. Daily double time is now after 12 hours instead of 11; weekly double time — I'm talking about when a worker works overtime — which used to kick in after 48 hours, is eliminated entirely. Someone could now work 84 hours per week and not receive any

double time. They would get time and a half for hours over 40 hours. Who asked for this?

Hon. G. Bruce: In our cross-comparisons of how British Columbia stacked up in regards to other jurisdictions, we were the only jurisdiction in that respect, after the 48 hours, that paid the double time. Quite frankly, to the hon. member, we are very cognizant of the world market and of competing jurisdictions both to the east of us and to the south of us. Now, when I say the south, I'm just simply meaning across the 49th parallel.

In that respect, first of all, the impact of that is not extensive, but there is an impact — absolutely. From the standpoint of our view of trying to make sure that our workplace and all of those aspects together — labour relations; Labour Code changes; WCB, changes we've made there; and now in employment standards — reflect also what is going on in the rest of the jurisdictions in Canada and to the south of us in the United States, particularly in the state of Washington.

J. MacPhail: My last comment is that once again people earning minimum wage or people without the protection of a collective agreement will have less money in their pockets, working the same as they may have.... They'll have less money in their pockets after this legislation is passed than they did before. Somehow, when you implement flexibility or competitiveness, for this government it always means less money in the pocket of working people.

Section 19 approved on division.

Sections 20 to 22 inclusive approved.

On section 23.

J. MacPhail: This amends statutory holiday pay, and I remember quite clearly that there were administrative problems with the application of the provisions under the act that's now being amended. However, as always, this government takes a sledgehammer to a flea. A little bit of a problem with administering how to pay a person on a statutory holiday — fair enough; that could have been corrected. But what does this government do? It takes a big sledgehammer and goes back to, I guess it was, the model in the 1980s.

[1615]

What the original act said was that all employees are entitled to statutory pay, and statutory pay for full-time workers who worked regular hours was a full day's pay. That means that if your assignment was to work on statutory holidays, you got full-time pay for working that day.

What does this bill do? Let's see how it improves it for working people. The amendment makes it more difficult for employees to qualify to receive statutory holiday pay. An employee must work at least 15 of the 30 calendar days preceding the stat. In effect, this

means no statutory pay for anyone working less than four days per week. That's what this means.

I know that the minister had a previous stint in this Legislature. He may yearn for those glory days, and he's got them back, Mr. Chair. This is exactly what it was like in the 1980s — this legislation.

There were improvements made upon that, with the concept in mind that working people have just as many commitments that are made more difficult when they have to work on a statutory holiday as do others. Getting to work is more difficult. Why? The public transit system operates on different hours. Getting child care on a statutory holiday is more difficult. What the legislation said before was that if you work a statutory holiday, it's recognized as a special day. Society operates differently on that day; therefore, you get recognition for that. Now you have got to be almost a full-time worker in order to get statutory holiday pay.

It's interesting that there are many workers that have to depend on transportation to get to work, such as the ferry system. There could be all sorts of different requirements there. There are different rules, and the quality of life is different on a statutory holiday. That's why we have legislated statutory holidays. Those that work were just meant to get that recognized.

I pity the poor workers in the riding of Nelson-Creston if they have to go to work on a statutory holiday. Their transportation on the inland ferries is cut, and they've still got to get to work. There's no acknowledgment whatsoever that there's going to be any premium compensation for having to cope with that.

Hon. G. Bruce: I think it's important to note again the aspect that with the stat holiday pay, anybody that signs a flexibility agreement, employer and employee together, automatically gets all the stat holidays. The hon. member's totally correct in respect to the employment standards as it currently exists. You would have to work 15 of the previous 30 days to get stat holiday pay, but if you do sign a flexibility agreement — and there's a quid pro quo there — then you would get the aspect of all stat holidays.

How does that compare, in a cross-comparison, in Canada? In Alberta you would work 30 days in 12 months, and you'd have regular review of schedules for up to a year to get stat holiday pay, but you'd be disqualified if absent without the employer's consent on the regular work days before and after the holidays. So you actually have to work before and after to get the holiday. It's a nightmare of administration. In Ontario it's a little bit different — regular scheduled day before and after. You had to work the day before and the day after to get the stat. In Washington State they actually have statutory holidays, but they don't pay anything for them. In Oregon they have statutory holidays, but they don't pay anything for them either.

[1620]

On balance, when you look at what we've done here and where we're at relative to the competitive side with Alberta, Ontario, Washington and Oregon, we're middle of the road. Our flexibility arrangements,

though, I think, are more progressive and in fact in this instance provide the employee with some protection by virtue of the balance of everybody getting the statutory holiday pay if they sign a flexibility agreement. That, I think, helps to balance the whole aspect up.

J. MacPhail: Averaging hours of work to determine stat pay penalizes workers who take time off because of illness, injury, medical appointments and a variety of other important reasons. Why has the minister decided that these individuals are not entitled to receive stat pay?

Hon. G. Bruce: It just comes back to the average formula that we have here, that you have to have worked 15 of the previous 30 days.

J. MacPhail: Well, you know, it's like we've got something to our heads. I wanted to say.... Well, I won't use a violent analogy, but we've got just moments left to discuss these matters.

My question was about exactly why the minister has chosen that particular avenue. I'm telling him that that penalizes people from being able to be ill, injured, have the necessity to go to a medical appointment. Now, if those people exercised literally those rights to be able to stay away from work when they're ill, they lose their stat holiday pay as well.

I also note, once again, that this Liberal government has chosen to modify employment standards to the lowest common denominator in the country.

Here's another premise that I want to ask the minister about. It is absolutely to many employers' advantage to have part-time workers. Many employers take full advantage of having a part-time workforce over a full-time workforce for flexibility. Now, by virtue of the fact that an employer may organize his or her workforce in that fashion, the worker bears the brunt of not having access to statutory holiday pay. It completely erodes the principle that exists across this country of recognizing that working on a statutory holiday is different than working at any other time.

Once again, there's no quid pro quo. There's not a quid pro quo where it says: "Okay, employers in this new modern era are organizing to have greater part-time workers, but we're not going to take away the hard-fought benefits of statutory holiday pay." That quid pro quo doesn't exist anymore. The employer gets his or her flexibility of a part-time workforce, upon which most families can't support themselves, but the worker loses out any hard-fought benefit for statutory holiday pay.

Hon. G. Bruce: I think, in fact, just the opposite will happen. Of course, therein, the future will be the determining truth of that. I think that by virtue of allowing for flexibility agreements, you'll actually find employers and employees working out arrangements which are better for them all, which will actually help in greater full-time for employees.

In respect to the stat holiday, I think there's kind of a reversal in this as well. By the changes there, I believe we'll encourage employers to schedule more part-time workers on the stat holidays, which will give more full-time workers that stat holiday off and give more hours to the part-time worker, which I think will actually add up to more than what they're getting.

[1625]

I appreciate you don't subscribe to that. I happen to believe that those types of changes will work. Again, the hon. member has stated numerous times today and prior to today that one must look at all of these pieces together. She is absolutely correct.

Just looking at this section here, one must look at all these pieces together, as well as the change we're making in employment standards, to see the direction we're taking and whether in fact it's going to be better for employees. Quite frankly, I believe that with the changes we're making here, it will strengthen and improve the economy in itself. It will create more jobs and, I think, strengthen the position for employees.

The Chair: Shall section 23 pass?

J. MacPhail: By division.

The Chair: Division is deferred.

Sections 24 and 25 approved.

On section 26.

J. MacPhail: This is an amendment to the current Employment Standards Act that changes pregnancy leave rules. The change under these amendments, I say, takes away pregnancy leave. The original act allowed a woman to take maternity leave according to a schedule that met her needs. Amendment 26 fails to consider that pregnant women have important reasons for dividing their maternity leave. This amendment demonstrates that, really, it was probably drafted by a bunch of boys. I don't know whether that's true. I wonder whether it was....

An Hon. Member: Or girls.

J. MacPhail: Sorry — drafted by a bunch of men.

The amendment doesn't in any way take into account the flexibility that different pregnant women need in the management of their children. I'm just wondering. If flexibility is so important in other parts of the legislation, why is it that the legislation has now been amended to take away the flexibility of pregnant women to determine what maternity leave schedule suits their family needs?

Hon. G. Bruce: I would like to assure the hon. member that it was not a male that drafted this section. In fact, it was a female.

I'd also like to point out that where this actually occurred was in 1999 in the amendments to the legisla-

tion. The word "consecutive" was inadvertently left off. Prior to that, in 1995, under the former administration, the word was in there. The exact word in that legislation was in there.

In 1995 it was in there. In 1999, under some amendments that were made by employment standards — and God bless them both, but it was both a female drafter and a female policy adviser — they inadvertently mistakenly, not intentionally, left the word off. We put "consecutive" back in, and again I will refer to the fact that it's a female drafter that has made sure the word is back in there. It's simply restating and clarifying the position as it was meant to be and had been and will continue to be in the act.

J. MacPhail: Yes, I'll well aware of that history, and you might know that it wasn't changed under the previous government. What's the application of that now?

Hon. G. Bruce: Now, I'm going to be clear on this. I don't want to be testy, but in fact, the word "consecutive" was in there in 1995. The word fell out in 1999.

J. MacPhail: I know that. I know that. I said I'm well aware of the history.

Hon. G. Bruce: Okay, okay.

J. MacPhail: And it wasn't put in by the government after 1995.

Hon. G. Bruce: That's right, and it was inadvertently not put in. That was not this administration; that was a former administration. It was just a slight error. Nothing untoward was meant by it. Now you want to ask how it is implemented.

[1630]

There is no loss of flexibility in this. The word "consecutive" has been included, and they've been advising all employers and employees since 1999 that the weeks must be taken consecutively. It has been applied that way since then, even though inadvertently the word was left off.

J. MacPhail: There's been no challenges to that?

Hon. G. Bruce: No.

Sections 26 to 38 inclusive approved.

On section 39.

J. MacPhail: This amends the original legislation around investigations. This is the part where the branch previously, under the original act, had to investigate all complaints. Was the change here...? Let me just describe what the change is. Under this legislation, the branch doesn't have to investigate complaints. The branch simply has to accept and review complaints. The branch has no obligation to accept or review a complaint if "the employee has not taken the requisite

steps specified by the director in order to facilitate resolution or investigation of the complaint." Therefore, employees who are not aware of the details of the act may be denied assistance by the branch.

Are these changes fiscally driven because the staff have been cut at the employment standards branch?

Hon. G. Bruce: The mandate of the director is to ensure that employers comply with all requirements of the act. Section 76 provides the director with the ability, where the director sees it appropriate, to do just that: to require employees to ask their employer for payment of what they believe is owed to them before engaging the services and resources of the branch. That's not new; that was always there. For years the branch has encouraged employees to take their dispute to their employer before filing a complaint under the act. There's a fact sheet, in fact, that was put out some time ago, explaining just that.

The difference between that and now is that we are going to give them, actually the employee, the proper education, tools and assistance in the form of a self-help kit with a very simple form that they can take and follow through with. They can do it in an orderly way and know — in fact, just as the member is asking — what their rights are and what they're supposed to be doing.

Under my direction, the director is currently formulating policy to ensure that employees who need the protections of the act will not be denied access to the act for reasons beyond their control. Perhaps they just simply have a real jerk of an employer, and they need a little bit of extra help. The branch will be there to assist in bringing about that help and resolving the issue.

J. MacPhail: Is the minister trying to say this isn't a substantial change? What did he say was under the previous act that is here?

Hon. G. Bruce: I'm not trying to categorize that there aren't changes.

Interjection.

Hon. G. Bruce: Yeah, okay. I'm just trying to explain the way it is and where it is. I'm trying to explain what was intended in the past and what wasn't done in the past. We are making changes. I'm not trying to pretend we aren't making changes. I've made that really clear. There is a philosophical difference in how it was done and how it's going to be done. We happen to believe these are the right steps necessary to move ahead in the twenty-first century and to build healthy and good relationships between employers and employees.

Actually, as it was under the Employment Standards Act and regulation, employees and employers — this is the fact sheet, so this is similar — were encouraged to resolve any disputes which may arise. If there were problems which could not be worked out, the employment standards branch would resolve them through the complaint process under the act. We've

taken that, and we've said: "Okay, that's your first step. Here's how we're going to go about doing that." That was in a fact sheet of July 1999.

What we're doing is providing for the employees, where there is a complaint, the information that they will require to put it together so it's done properly. That will be brought back. If you had that, you would go into the employment standards branch. Or as more people are becoming computer-literate — and many, many more are; certainly, the younger set are far more computer-literate than I am — they'll go on the website, and they'll pull that sheet right off. There it is. There's the information they need. There are the steps they need to take. It won't be complicated or cumbersome. They'll go back to the employer.

[1635]

Now, I can understand the concern you may have. The employer says: "Well, pound sand. We're not going to bother with that." This is part of what I was talking about, the educational side that we have to and very aggressively will undertake in regards to employers — that non-participation doesn't work. What's going to happen is that employee is going to come back to the employment standards branch with this form, unable to have gotten the information from the employer. A branch official will be on the phone with that individual right there and then, to the employer, explaining to them that we need verification of this information and also making them aware of the fact that determinations that are written now attract with them a mandatory \$500 fine, so non-payment of wages, or non participation in the process, is not the way in which you will build a happy and proper work relationship.

There is a change in that respect, but where this all leads from was in fact.... Part of this was already in practice.

J. MacPhail: Okay. That's the Liberal world. That's the Liberal world where everything's rosy because they say it's going to be rosy. Frankly, there is nothing in this legislation that obligates the employment standards branch to investigate anything — nothing. The director must accept and review a complaint. The director may conduct an investigation. The director may refuse to accept, and then there's a whole list on which he or she can refuse. Of course, this has to be coupled with the settlement agreements.

Also, the government is going on and on and got quite a bit of credit for saying that they've got the highest fines ever. But frankly, if there's no investigation or if the employee stops at the self-help kit, opens up the self-help kit and says, "My God, I don't have any idea how to do this," or "I'm terrified to bring it to my employer," there's no complaint filed. And if there is a complaint filed, there's no obligation on the part of the employment standards branch to investigate it. And you know what? If that doesn't happen, there's not even an iota of a chance that any penalty, any fine, will be put in place.

That was the minister's rosy picture. Let me create mine. The colour is red in mine too, but it ain't rosy.

Here's what I see happening: first option, self-help by employees. I predict that many employees will just walk away because they don't want to challenge their employer. It's a very, very intimidating experience. Others will pursue those issues of which they're aware — because, of course, there's no responsibility anymore to post in the workplace any information that would help a person know any of her rights — and then employers can respond or not. There's no obligation on the employer to respond to the employee's self-help kit — none whatsoever.

Then the minister will stand up and say that the second option is self-enforcement by employer associations. The government's going to work with all these great associations, and we know the employment standards branch is already setting up cooperative arrangements with, for instance, the Restaurant Association. Restaurant employees will have to bring their employment standards complaints to the association of their employers for resolution. This is the great Restaurant Association that's been lobbying for a reduction in employment standards for years. I think they're also thrilled about the new smoking changes as well — absolutely thrilled. There's an association that lives and dies by doing good by its workers.

Then if that doesn't work, the third option is intervention by the employment standards branch itself. But the focus will be on mediated resolutions, as the minister has just outlined, rather than on enforcement. Whereas before there were two options — mediated resolutions and then enforcement — the branch has suffered huge cuts and has no staff, so you can bet your boots enforcement ain't going to be at the top of the list. And how do we know that? Because over half of the employment standards branch offices are closing, if they haven't already closed. Mediation may be done over the phone.

[1640]

Perhaps the minister will stand up. I'm just trying to give the minister's speech with a little bit of my own flavour, because I know this is what he's going to say, but there is a completely different interpretation about it. Then the government will talk about targeting — the minister already has — problem industries and coming down hard on those employers who repeatedly violate the act. Come down hard? What does that mean with this government? What does that mean?

I think that in the past, while I have great respect for the employment standards branch, there has never been an inclination to proactively come down hard on a particular industry — never — not in the seventies, the eighties, the nineties. The strength of the branch was not to proactively take on industrial sectors. That was because the branch put their energy into enforcement of individual claims, and they did an excellent job. The exception is agriculture, and we see what's happened. The branch used to proactively take on the agriculture industry, and we see now what's happened under this government. Any ability for the branch to proactively take on a sector is gone under this legislation.

With the greatest respect to the rosy sprinkling of fairy dust here that the world will be better, I fully expect that my scenario will be the more realistic one.

Hon. G. Bruce: With all due respect, you're absolutely marvellous. You can weave into your answers.... This is a compliment to the Leader of the Opposition. You can canvass more things in three or four or five minutes. We got a whole pile of things all added in there. It's a testament to your experience, and I mean that with the greatest respect. I thoroughly enjoy listening and wondering how you're going to get that all there, and you get it all in there. It's good.

Let's be clear in respect of this issue. There's a couple of points I really want to canvass, because they are close to me. First of all, in respect to the enforcement, I want to be clear. Relative to what happens now if a complaint comes in and a person comes to the employment standards branch.... They're then told to go talk to their employer. They're told to go out and talk to their employer, try and work it through, and they're given no tools to be able to do that. We intend, through this process, to make sure they have the very tools necessary that in fact were not there for them so that they can try and work that through.

The director of employment standards has the obligation as a director to make sure that the workplace lives up to the minimum standards of the employment standards branch. It's not an option not to or a maybe or whatever. The director is responsible for the enforcement of that.

In respect to the issue of agriculture, again, that you were talking about.... Just before I get to agriculture, on the aspect of how this will apply with penalty, let's understand that the penalty in place today where somebody contravenes employment standards and they are written a determination is zero.

The member made a good point in that the branch has hardly ever brought down any determinations where there have been fines — some but only some. That first fine is zero. That's hardly a fine. The second is \$150, the third is \$250, and I believe the fourth is \$500. They're only discretionary. The member brings a very good point to the House — that because they're discretionary, they aren't applied. "You work it out, eh?" And: "Okay. Well, you made a mistake again for the second time."

As I've said to you in this House, this administration and this particular minister have no latitude in their minds for the fact that you hired somebody and now you're not going to pay them the wages that are owed. The first penalty is not zero. It's not going to be a cost of doing business. We're talking about the jerk employers. There are a few. We're talking about where we're going to focus.

[1645]

The hon. member is completely correct. We are going to focus. Where there's non-payment of wages, you'll be instructed to pay the wages and you'll be fined \$500. You're not going to be able to work that through as a cost of doing business. You're going to get

explained then, at the point that you've been involved with the employment standards branch — this being the employer — the facts of life as they apply to employment standards. "We don't ever want to see you down here again. If you come down again, you're going to be faced with a second determination, if it is that you are not being fair in the workplace, and that'll be a \$2,500 fine. If it's done a third time, it'll be a \$10,000 fine." It's not discretionary; it's mandatory.

If the branch, in their determinations here, is under the suspicion or concern that other employees are not being treated correctly, the branch can order an audit. That audit will be at the expense of the employer. It may be that there is only.... Maybe it's a little operation of five or six people. Maybe there's only one employee that's got the courage to go through this, and the others don't even bother going to the employment standards branch and wouldn't today either. That one person goes in there, and if through an investigation, because of the information that person brings the employment standards branch, the industrial relations officer feels there is more here, that audit can be ordered. If that audit's ordered and that employer is found to be in contravention in more than one instance, all of those individuals will be cleaned up.

Also in respect to this issue is the fact that we intend to publish bad employers. If you're in business, you don't want to be known as a bad employer. You don't. It's not a healthy thing to be done. We're not going to let that employer live in obscurity over there and just carry on abusing people in the workplace and allowing that to be costed in as a cost of doing business because: "Look, the first fine is zero. Nobody will ever know. Who cares?" No, that's not on. We're making it really clear that that's not on.

There is a strong philosophical, fundamental shift in how employment standards will be handled and applied in the province of British Columbia. One is on an educational, cooperation standpoint of flexibility and encouraging good relationships between the employers and the employees in British Columbia, but where an employer is a jerk employer, where that employer is abusing their employees, there won't be any discretion in fines. There will be fines. They won't be zero. They start at \$500. They'll be mandatory. Those other aspects will be there as tools that the branch can employ if they're necessary.

J. MacPhail: Will the minister be publishing regularly the fines collected?

Hon. G. Bruce: My intention is to do so. We'll be doing this through regulation, building this. My intention is really, really clear. I just can't say it strongly enough. I believe, as good employers would believe.... They don't want bad employers in their association or as part of the economic climate of British Columbia. You want good employers. We are prepared and have stated that we intend to publish those bad employers.

The Chair: Shall section 39 pass?

J. MacPhail: Nay. By division.

The Chair: By division. Division is deferred on section 39.

Sections 40 and 41 approved.

On section 42.

J. MacPhail: This amendment reduces the number of months of salary that an employer will have to pay if a determination is made against an employer. Can the minister explain the intent behind this amendment?

Hon. G. Bruce: What this section does is change from 24 months to six months of where an employee can go back to collect for liability. Where we're coming from is that we want these issues resolved and fixed quickly, not left to be going on and on and on. What we're saying in this particular instance is that if you have a problem with your employer, you need to deal with it, and you need to deal with it in respect to the six months of when that particular issue has arisen.

[1650]

J. MacPhail: So let's just be clear. Employees now, under the current act before these changes are made, have the ability to go back and collect up to two years of salary — make a claim — and, if successful, could collect two years. Now that's reduced to six months. Once again, a big chunk of money out of the pockets of workers, and employers benefit.

Mr. Chair, frankly, with the reduction by a third of employment standards officers, with the closing of employment standards offices, with the self-help approach — let's be clear — complaints aren't going to be dealt with more expeditiously. Complaints will fall off the table, if indeed they ever get on the table now with these changes.

Let's just say any person who reaches a situation where her complaint is heard and succeeds, the maximum she can get now in retroactivity is six months. Frankly, retroactivity has nothing to do with how quickly the complaint is addressed — absolutely nothing. There will be times when certain working conditions that are in violation of this act will come to the attention of a worker, and if she's brave enough to tackle it, that condition could have existed as a violation for a long period of time — a time in which her working conditions were held in violation by the employer, but now she gets a maximum of six months.

There is absolutely no way of spinning this except to say it's a cut to the standards, to the protection for working people.

Hon. G. Bruce: Quite the contrary. We're looking to build healthy working relationships. If you're working in a place and you're not getting paid for the hours that you're there, this is not a healthy working relationship. What we'll be doing....

J. MacPhail: Quit.

Hon. G. Bruce: Well, perhaps you'll quit and go down to employment standards and take action.

J. MacPhail: But they're not open; they're closed.

Hon. G. Bruce: No. Well, of course, as the member fully knows, there are offices open, and there will continue to be offices open. We believe that through the focus arrangements we're talking about, people will be better served, more timely.

You know, I don't think you can sell short the whole aspect of penalties and enforcement and the whole aspect of being published as a bad employer as a way of considerably reducing complaints that would come to the employment standards branch.

We're looking to improve the health of the workplace, not for deterioration. We believe that is done in a different manner than what has been done to date. So six months allows that employee time to react to a situation, or whatever may be occurring in the workplace, but they must react to it to get it cleaned up. There will be, through the employment standards branch or on the website, the know-how, the 1-2-3s, available to them, just as currently it is required of them to do. But we're not at this point giving them any tools to do that. We intend to give them the tools to do that.

Really, we're taking a whole pile of things and strengthening the employment standards branch, the act in itself and, in respect to the bigger picture, the economy. We think by virtue of a stronger economy — jobs and investment happening — it balances up in a tremendous way the leverage for employees in the workplace.

The Chair: Shall section 42 pass?

J. MacPhail: By division.

The Chair: By division. Division will be deferred.

On section 43.

J. Kwan: Section 43 changes the act by deleting the requirement that the branch provide reasons for its determinations. The section does not allow a person named in a determination to request written reasons for the determination.

Could the minister please advise: what does he anticipate the effect to be as a result of this change?

[1655]

Hon. G. Bruce: There's a determination, and then there are the reasons for the determination. If an employee wants the written reasons for the determination, they can ask for them, and we'll get them. But mostly people want to get paid for what they're owed and are just as happy to have the determination and, now with

the fact that the fine will be there, get their wages and get on with their life.

J. Kwan: If a person is not able to get the reasons for his determination, unless they request one, wouldn't you say that would actually add an extra step for the person making that request? It doesn't seem to me that it would actually expedite the person ultimately getting to the money. Rather, what it tells me is that it supports the notion of non-investigation, non-enforcement, and maybe it has something to do with the fact that the ministry has eliminated significantly the staffing levels within the branch.

Hon. G. Bruce: Just so you know on this, it's primarily the employer that wants the reasons. The reason for that is because the employer wishes to appeal. This really isn't an employee-driven issue.

What we're saying is that for the most part, employees just want to get the money that's owed to them. They don't need the reasons to get that. The determination is given; it's done; pay their wages. If the employee wishes to get those reasons for that, they can ask for them, and we'll do so.

Primarily, the request or the need for the reasons is made by the employer because of an appeal process. They can request. At that request, we'll send out the reasons to the employer. We'll send them out to the employee, too, if they want.

Section 43 approved.

Sections 44 and 45 approved.

On section 46.

J. Kwan: Section 46 deals with allowing for the employers to no longer be required to pay a day off in lieu of the statutory holiday for an employee who's worked on the stat holiday. Once again, we see in this section where the beneficiary of this change actually goes to the employer but not to the employee. Could the minister please explain why he would include this section in the bill? Again, it takes away the benefits to which employees are entitled.

Hon. G. Bruce: Mr. Chairman, I think I need some clarity here. I'm in section 46 of the act, and I appreciate there's a lot going on here, but I'm in section 46 of the amendment act, of the bill, and I think you are in section 46 of the act itself. Take a minute there.

J. Kwan: I'm sorry. Maybe I got my numbers confused. I thought 46 dealt with the statutory holiday and a day off in lieu. Could the minister, then, please advise what section that will be in?

The Chair: Minister, is this section 88 we're dealing with in section 46?

Hon. G. Bruce: Yeah, we already passed that. We're in 46, which is section 88.

Sections 46 to 53 inclusive approved.

On section 54.

J. MacPhail: This is a very interesting section. Here's what the legislation is doing. Under the original act officers and directors of an insolvent company are personally liable for wages owed to employees. What does Bill 48 do? It says that if a company's in receivership or bankruptcy, there is no personal liability for wages.

I know there may be some who say: "Oh, it was very difficult to collect any benefit from this particular clause, which said to companies, 'You can't go into bankruptcy just to avoid paying workers their wages' — that workers had the right to have their wages paid — and 'Directors, if you're thinking about doing that, you're going to be held personally liable for that.'"

[1700]

At one point, I think even publicly, the minister said that last year only half a million dollars was collected for employees by means of this provision. Well, half a million dollars is half a million dollars. We saw this government collapse an audio books program for the blind for less than half a million dollars. We've seen this government take concerted action on the basis of half a million dollars, but when it comes to putting half a million dollars into workers' pockets, it's not worth it.

The fact of the matter is: with this section in place, it had a huge deterring effect on employers. It was a deterrent to corporations who would use insolvency as a means for solving their financial difficulties or escaping their financial responsibilities. Since wages was the only thing for which directors and officers could be held personally liable, it had a huge deterring effect.

We will be monitoring this very closely, because here's what I predict. I predict that this will result in an increase in insolvencies and that the resultant increase will mean employees will go without their wages.

Hon. G. Bruce: I'm going to have to get you to explain that to me. Are you suggesting that businesses will now start to increase their bankruptcy simply by virtue of this change? Is that what you're suggesting? Are you suggesting that somebody in business would say: "Aha, this is great. Now that that change has been made to the act, I'm going to go put my business in bankruptcy"? Honestly, I know that's not what you meant. I must have it wrong.

Quite frankly, what happens in a situation of bankruptcy.... Again, let's think about who we're talking about here. For the main, we're talking about small business. What a person in small business goes through when they're starting to face the ravages of bankruptcy is they're trying to hang on by their fingernails.

Interjection.

Hon. G. Bruce: I've got to tell you, that's exactly what they do. People in small business are not sitting there saying: "Oh boy. Let's run this business through,

and then let's throw it into bankruptcy." I don't know where that notion comes from. It comes from perhaps a misunderstanding of what one puts into their business and what they're attempting to achieve.

At any rate, you know full well that businesses aren't going to run out there, by virtue of the change in this act, and start saying: "Well, this is great. Now I can go into bankruptcy."

What actually happens in many instances is that when a company starts to get into trouble, directors of companies.... If it's an incorporated company, it can just be a small, little company. We're not sitting in a boardroom on the thirty-fifth floor. We're talking about those 350,000 small businesses that are trying to eke out a living in this province and have been for the last while. They're trying to stay alive, and they find themselves in difficulty. They don't live on the thirty-fifth floor. I'll tell you what happens. A whole pile of those directors — maybe it's a husband and a wife or a son or a brother....

Interjection.

Hon. G. Bruce: Well, what are you talking about? Just look at the facts. There are 360,000 businesses, and 350,000 of them are small businesses. That's who you're talking to in this instance.

J. MacPhail: They're not ma-and-pa small businesses.

Hon. G. Bruce: They still may be a husband and wife. It might not be ma and pa. It might be a small family operation; it might be a little bit bigger. What will happen in that instance is that the directors resign. The very time you need people to be at the table to help run the company, they resign. One's left, and guess what's happening with that particular individual. Guess what's happening 99 percent of the time. When you look at the amount of money that was on the table and how much was collected, the reason the rest wasn't collected was that there were no assets. They'd personally gone bankrupt. That meant the house was gone and the car was gone. Everything was gone. There was nothing left to get from those people. That's why you only collected the \$500,000 of the \$10 million or \$8.5 million that was on the table over two years. That's what happens. There's nothing there. They didn't funnel it off somewhere. They were gone. They lost everything. They lost what they owned, because they'd put everything into it. That's what happens.

[1705]

To be clear — and I just want to make sure the record's correct, because it was said the other night.... It was indicated that I had given inaccurate information and had misrepresented the current act by downplaying the way in which the branch uses the existing act to hold bankrupt directors responsible for employee wages. This is false.

What I said the other night.... The 1996 B.C. Court of Appeal case — this is Westar — confirmed that corporate directors and officers cannot be held personally liable for wages owing subsequent to their resignation.

The branch does not have a practice of disregarding the resignation of those directors and officers. They have no legal authority to do so.

J. MacPhail: You know, somehow this minister thinks we're all rubes — that his painting of the cosy, wonderful, rosy world of business is that business can do no wrong, nor would they ever intend to do any wrong. Well, that is just completely silly. There are all sorts of techniques that businesses use to abdicate their responsibilities, and bankruptcy and insolvency is one of those business techniques that companies use.

The minister stands up and tries to say we're talking about ma-and-pa operations. The minister should check the record of the complaints made against employers in his own branch, the employment standards branch. The big guys cheat and defraud and try to get out of their responsibilities at a record that would shock many people in this province.

Secondly, insolvency, bankruptcy, is used as a business technique to avoid responsibility.

Hon. G. Bruce: Let's be clear on something. I'm not looking at anything through rose-coloured glasses. I'm actually bringing in the strongest mandatory penalties in respect to employment standards of any jurisdiction in Canada. I do completely understand that there are the.... No, not rubes. There are those that are poor employers and will try and take advantage of people. I don't happen to believe, though, that that is the majority. I actually happen to believe that the majority of employers — I would go as high as 95 percent of the employers in the province of British Columbia — are good employers and want to build their businesses, want to build this province, want to provide jobs and places for people to work, and want to have happy and healthy working relationships.

But let us be clear. Where it is that employers determine or decide to take advantage of employees, no longer will the first determination be a discretionary zero penalty. It will be a mandatory \$500 first penalty, a mandatory \$2,500 second penalty, a mandatory \$10,000 third penalty. You will be audited if you were taking advantage of people, and that is determined by the branch as they're working through on that, and you will be published.

When we come back to aspect of the stats you want to provide in regard to this whole issue of bankruptcy, the reason more money isn't collected is because there isn't any more money to collect. It's gone. You can't squeeze blood out of a stone.

We will focus. It is different than what was done in the past. We will focus on improving those standards in the workplace and the relationships in the workplace. That's what all three of these bills that we've been talking about are attempting to do. It's so that we can inspire the economy, inspire the investment, encourage small business to expand and, with that, provide a great many more jobs in the province of British Columbia for people that live here in this province so that they, in fact, have jobs.

The Chair: Shall section 54 pass?

NAYS — 2

J. MacPhail: Nay.

MacPhail

Kwan

The Chair: Deferred division on section 54.

Title approved.

Sections 55 to 66 inclusive approved.

Hon. G. Bruce: I move that the committee rise and report the bill complete with amendments.

The Chair: We have a number of divisions that we will deal with now. The first one is the minister's amendment to section 17. Shall the amendment to section 17 pass? Division is called?

Motion approved.

The committee rose at 5:16 p.m.

Interjection.

The House resumed; Mr. Speaker in the chair.

The Chair: Member, we have to deal with the amendment before we go through and deal with the other sections.

Division is called on section 17.

[1710]

Amendment to section 17 approved on the following division:

YEAS — 24

Coell	Hawkins	Bruce
van Dongen	Nettleton	Masi
Thorpe	Hagen	Plant
Collins	de Jong	Neufeld
Chong	Penner	Jarvis
Bell	Mayencourt	Trumper
Christensen	Bray	MacKay
K. Stewart	Hamilton	Sahota

NAYS — 2

MacPhail	Kwan
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[1715]

The Chair: We are now dealing with a number of sections that were deferred.

Sections 4, 10, 14, 17 as amended, 23, 39, 42 and 54 approved on the following division:

YEAS — 24

Coell	Hawkins	Bruce
van Dongen	Nettleton	Masi
Thorpe	Hagen	Plant
Collins	de Jong	Neufeld
Chong	Penner	Jarvis
Bell	Mayencourt	Trumper
Christensen	Bray	MacKay
K. Stewart	Hamilton	Sahota

Reporting of Bills

Bill 48, Employment Standards Amendment Act, 2002, reported complete with amendments.

Third Reading of Bills

Mr. Speaker: When shall the bill be considered as read?

Hon. G. Bruce: With leave, now, Mr. Speaker.

Leave granted.

Motions on Notice

THIRD READING OF EMPLOYMENT STANDARDS AMENDMENT ACT, 2002

J. MacPhail: Mr. Speaker, I move Motion 33 standing in my name:

[That the motion for third reading of Bill (No. 48), intituled the Employment Standards Amendment Act, 2002, be amended by striking out the words after "that" and inserting, "Bill (No. 48), intituled the Employment Standards Amendment Act, 2002, be recommitted to the Committee of the Whole and further that the committee be empowered to invite witnesses to appear before it to assist in its deliberations."]

Mr. Speaker: Thank you. Please proceed.

On the amendment.

J. MacPhail: There are dozens and dozens of individuals — hundreds, I would say — in British Columbia who had no idea that these changes to the Employment Standards Act were going to be brought in. There was no indication, even given the consultation that the minister did, that the changes would be this deep, this radical and have such consequences for working people in British Columbia. Let's be clear that this legislation affects two million people in British Columbia. In fact, it affects almost every working person in British Columbia, because it radically alters col-

lective agreements as well. There are dozens of people who would wish to speak to this legislation.

In the chamber today, present in the gallery, there are people who have said that they would like to present as witnesses, and that's the purpose of this motion — none other than that. Andrew Mears and Jenn Sebastian are here wanting to present. Sal Ruffolo is here, for the president of the CAW. Bill Harper; Sasha Kvakic, Kristen Kvakic, students at Camosun College; Will Alvarez, student at Camosun College; Jude Coates, University of Victoria student; Ryan Barry, University of Victoria student; Scott Payne, University of Victoria student; Robert Oluka, University of Victoria student; Erin Mallory, Troy Sebastian, students at the University of Victoria; Jacquie Ackerly, who is a well-known anti-poverty activist in Victoria. They are here today to witness this debate and would prefer that they be able to speak in their own words, Mr. Speaker, and that's all that this motion says.

[1720]

You know, finally, the attention has turned to what's going on in this Legislature, and question after question is being raised about democracy — this government ramming through legislation virtually undebated. As I said last night, my colleague and I are almost complicit in the ramming through of this radical, extreme legislation because we've actually given the government credibility by debating this matter. I don't think one single Liberal government member rose to debate the Employment Standards Amendment Act, 2002 — not one. Yet it affects each and every one of their constituents.

There was huge change for working people. Every single aspect of the change took money out of the pockets of working people and reduced their rights. Not one person, except for my colleague from Vancouver-Mount Pleasant and I, rose up to ask a question. In a way, with this outrageously undemocratic government, with its arrogant majority of 76 to two, this legislation is going through, and we have been a sad part of it.

There were hundreds of questions that went unasked because of that clock — for no other reason. This legislation was introduced just weeks ago after no consultation on the contents — none. All people are saying is: "Let me have a say."

Ordinary British Columbians, people who wanted to have a say who couldn't be here, continue to want to bring witness to this: Jim Smith, Deirdre Whalen, Marnee Klintworth and Larry Larson, Linda Jaccard, Marilyn Marshall, Jim Parker, Jennifer Auten, John McBride, Anne Davis, Lynne Taylor, Dan Hingley, Joyce Alcorn, Margaret Martin, Valerie Paetz, Jaime Matten, Richard Tones, Jonas Giford.

It's a mix of working people, students, paralegals, people representing workers. Those are the people who have written in and said: "We couldn't be here today, but we want to have our say." Yet I expect that there will be not one Liberal MLA who will rise up and say: "Yes, maybe we should hear from the people." The Lib-

eral MLAs didn't have the courage themselves to get up and ask a single question.

You know what? These people aren't from the riding of Vancouver-Hastings or the riding of Vancouver-Mount Pleasant. They're the constituents of Liberal MLAs who are asking that their voices be heard. Would it be because they don't hear their concerns reflected through their MLAs? Would it be because they're concerned about the ramming through of legislation in an unprecedented way?

Here are others that are very concerned, who have put their names forward to protest what's happening here: Lisa Wood, Ann Foss, Karen Walker. These people are opposed to what's happening here today in terms of process and content: Susan Crayston from Nanaimo; Mia Amir from Vancouver; Frank Mitchell, Esquimalt; Bev Pausche, Maple Ridge; Penny Ruvinsky, Nelson; Greta Hurst; Deborah Yaffe; Penny Christensen from Campbell River; Debi Rexin from Campbell River; Michelle MacDonald from Kamloops; David Scott; Dale Bass; Ellen Rainwalker from Courtenay — I'm sorry, Mr. Speaker; the ones that I don't give their community, I don't have that information — Cliff Boldt, Union Bay; Maureen Lyons, Kootenays; Patricia Fernquist; Terri Swan and Walter Bauer of Port Alberni; Eileen Pederson and Betty Ann Lawson from Trail; Pam Vollrath from Kitimat; Charlie Richmond; Catherine Welsh; Calvin Frost; Heather Wilkinson.

[1725]

I continue to read the list of those opposed to the use of closure, ramming this legislation through. Karie Hay; Chief Judith Sayer; Lorraine Russell and Alec Dixon; Michael Kuruliak, president of the Alberni-Qualicum Constituency Association.

An Hon. Member: For which party?

J. MacPhail: The NDP constituency association. Does that make him less of an individual?

Interjection.

J. MacPhail: The rest of the people, I might say, have no partisan identification whatsoever.

Never does that government leader miss an opportunity to undermine or denigrate those who protest. Never does he miss an opportunity.

I guess it's all right to hire the president of the B.C. Liberal Party to a \$200,000 deputy job, but having a person actually wanting to have a say is inappropriate. Never does he miss an opportunity to show just what he stands for.

Steve Kerstetter, former director of the National Council of Welfare — I think a constituent in Vancouver-Burrard; Helen Hughes; Deyna Gillis; Azima Buell; Kevin Harding; Barbara Elliott from Lantzville; David Desautels from Penticton; Dr. Mary Stockdale from Victoria; Micki Smith from Kelowna; Paula McRae from Kamloops; Uta Reid; Rob Brownridge from Vancouver; Ariadna Fernandez, a student at UBC; Cheryl Oickle from Port Alberni; Ann Krauseneck from Prince

George; David Piasta, Vancouver; Janet Scotland, Courtenay; Jim Richards, Courtenay; Anne-Marie DeLorey, Victoria; Colleen Fitzpatrick; Jackie Allen, Fort Nelson; Alison Hirst, Prince George.

These are all people who protest the use of closure and ramming these bills through.

Holly Page; Deirdre Laforest from Errington; Sherry Lister, Courtenay; Carol Riviere from Vancouver; Adrienne Scott; Diane Meyer; Judy Cowan; Cathy Sawchuck; Tammie Shuh; Jack Jules; Al Thomsen; Paul Collett; Rae Kornberger; Karen Kraneveldt; Doris Legault; Michelle McCartney; Val Gaiga; Tom Davies; Sheldon Colton; Mia Frederiksson — all opposed.

[1730]

Rose Henry, the Capital Region Race Relations Association from here in Victoria; Carol Salmela; Elizabeth Byrne; Marlena Morgan from Vancouver; Shannon McCann; Kelly Quinn from Vancouver; Caroline Bonesky from New Westminster; Jackie and Stacey Hendrix; Roy Dagneau from Salmon Arm; Gary Forsyth; George Heyman, president of the B.C. Government and Service Employees Union; Sheila Wallace; Debbie Saari, a child and youth mental health therapist; Linda Kelly from Salmo; Heather Clarry from Child Rescue; Kathy Rae from Campbell River; Barbara Ward-Burkitt from Prince George; Margaret Pearson from Sechelt; Marion Dunn; John, Rosemary, Jennifer and Diane Baxter from Saltspring; Marlen Toth; Barb Massey and Bruce Leggett from Salmon Arm; Richard Reece; Sandy Bauer from Squamish; Chloe Burgess; Alayne Keough from Vancouver; Darlene Jonas; Ken Holmes; Warran Standerwick, North Vancouver; Christine Hutchinson from Vancouver, a mental health advocate; Karen Frost, Terrace; J. Gail Heigl from Surrey; Lorna Waghorn-Kidd from Prince George; Erin Graham; Dave Ferguson from Courtenay; Donna and Gary Crossman from Kamloops; Linda Szasz from Castlegar; Barbara Anello from the Disabled Women's Network; Ray Morris, Salmon Arm; Amanda Offers, Sechelt; Sheila Nelson; Ralph Nelson; Fran Hitchman; Richard Hitchman; Nancy Czigany; Barbara Jakubowsky; Eleanor Bratt; Sharon Wurmman; Erich Wurmman from Vernon; Jennifer and Ida Bradd from Burnaby; Bev Onischak from the West Kootenays; Ray and Ann Frost from West Vancouver; Rita Wong; Jean Macintyre and Judge John L. Macintyre object to the use of closure, specifically; Jack McLeman; Mike Kuruliak; Andy Vallee, Tony Price, Leslie Walerius, Lynda McFarlane, Norm Parker, Gay Allen, Mike Lang — all from Port Alberni; Debby Offerman from Nelson; Ron Goodine from Vancouver; Diana Leeming, Victoria; Bevin and Dustin Lukow from Kamloops; Pat Lyne from Quesnel; Kristina Vandervoort; Lawrence Jones from the SFU Student Society; Diane Jolly; Darcie MacFronton; Marlene Castilloux; Cindy Carson from Vancouver; Laura Neil from Victoria; Sandra Freer; Nancy Hamilton; Jan Higgins from Nanaimo; Bev Melslo; Paul Hudson; Sue Stoud from Brentwood Bay; Zdeno Rusnak; Joyce McMann from Campbell River; David Black; Iris Fabiola Naguib; Margaret Saulnier from Terrace. The people that we have introduced....

Also, I want to add the name of Christina Hutchinson, the mental health advocate.

Mr. Chair, those are a few of the people, since this legislation has been rammed through, that would object to these bills being rammed through, through closure.

Let me read three letters:

"I am writing in response to the proposed changes to the employment standards code by the Liberal government. I don't understand how they can attack such a traditionally exploited group of people. It may be hard for them to understand, but every day young people are taken advantage of in the workplace. Thousands of them are injured or killed each year because they are bullied and threatened into doing jobs they are not trained for. Perhaps it would become more evident if the children of cabinet were hustled off to work in the fast-food industry rather than to their car dealerships. Perhaps the horror stories of exploitation and injustice will be enough, or maybe it will take some more deaths and injuries in the workplace."

That was from Jonas Gifford.

"I am saddened to learn of the provincial Liberals' mean-spirited and ill-conceived plan to decimate the provincial Employment Standards Act. It was only a year ago when the people of this province were told by Gordon Campbell and his government that they were going to bring accountability to the people of B.C. It is now clear that nothing could be farther from the truth. The Liberal government is not only pushing through dramatic and hurtful legislation with little or no consultation with the ministry officials who enforce it, but it is creating a system of employment where employers are no longer accountable to their employees or the people of this province.

"I am sure the thousands of young people the Liberal government has forced into servitude are appreciative of these changes. No longer will they have to face such challenges as fairness, respect and equality in the workplace. Please voice my concerns to the Legislature.

"Richard Tones, student at the University of Victoria."

And here's one. It may get written off because it's from the West Kootenay Labour Council, but let me read it anyway:

"On behalf of the 5,425 members of the West Kootenay Labour Council, I would like to voice my displeasure at the proposed changes in the following legislation: Employment Standards Amendment Act, Employment and Assistance Act, Environmental Assessment Act, Workers Compensation Amendment Act, Employment and Assistance for Persons with Disabilities Act.

"These changes will take the lives of British Columbians back to the nineteenth century. Government is about moving forward, not backward."

Here we are. It's a simple motion. It's a motion that makes sense, and it's a motion that's the right thing to do for the three million people in this province who will be governed by this legislation. It's sensible in its simplicity. It deserves the support of every single person in this Legislature.

[1735]

J. Kwan: The motion that my colleague the member for Vancouver-Hastings puts forward simply asks for

the government to delay passage of the bill and to refer this bill, the Employment Standards Amendment Act, to the public, to a committee whereby witnesses would be invited to come forward to comment.

This government talks about openness and consultation. They talk about transparency. I would suggest that there is no other greater opportunity to illustrate transparency, consultation and openness than by opening up the doors of the Legislature and inviting the public to make comments for the government's consideration.

The bill we are talking about has huge ramifications, as my colleague from Vancouver-Hastings had mentioned. On May 14, 2002, the Liberal government introduced changes to the Employment Standards Act, some of which are very significant. The changes are identified as a flexibility package, with more changes, of course, expected in the fall or possibly next spring.

In general, these changes will create some additional flexibility in the workplaces — that is, employers will have more freedom to schedule their workers as they choose. However, the much more significant flexibility changes are in how employment standards will now be enforced or not. There will no longer be any requirement that the employment standards branch investigate complaints. Employees themselves will be required to do the work of the branch, and the settlement agreements will take the place of investigated determination of wages owing.

The changes constitute a significant erosion of workers' rights and protections in this province. They're an attack on the level-playing-field conception of employment standards. Some of the changes, penalties, the director's or the officers' liability, the benefits — that's big business vis-à-vis the small business sector. These are just some of the issues, and we've just gone through third reading debate, but there needs to be an opportunity for the public to voice their opinions. That's what this chamber is for. That's what this chamber ought to be for, and there is an opportunity to do that. The motion before us allows for that to take place.

The government members, I predict, will not vote in support of a democratic process that will allow British Columbians to come forward and state their points of view in their own words — not through the words of the minister but in their own words — and for them to be heard in the halls of the Legislature.

I urge the members to rethink their action. I urge the members to rethink what democracy means. I urge the members to rethink the opportunities that are before them to really make a difference in redefining democracy as this government has so far been defining democracy.

Mr. Speaker: On the amendment to Bill 48, the Minister of Skills Development and Labour.

Hon. G. Bruce: I would just like to say to my colleagues across the way that I think you've done an admirable job in bringing to the floor the concerns and questions that people may have, as this House was meant to be.

In this respect, there have been significant historic changes in the operation of the House. With the bringing of the government caucus committees, many of our members have actually canvassed and been a part of the detailed development of these three bills, particularly employment standards. Of course, the other most significant fact is in how this House operates — a historic first — in that this House has free votes on very significant bills.

The leadership of the Premier of this province is such that he had said that he would....

J. MacPhail: They're not free votes. They're voting against the government, and very few risk it.

[1740]

Hon. G. Bruce: No, he said that, in fact, he would bring free votes to the House. In fact, there have been a number of members on different bills that have risen on important bills and have spoken and voted against the government, so they're historic firsts.

I'd like to commend the members for what they've done, but I'd also like to point out that there were over 267 submissions relative to the employment standards. There was clearly, through the *New Era* document, a direction determined as to where we were going to go as a result of that election just a year ago. This government is fulfilling those commitments and the promises that it said it would do relative to that campaign. This House is now proceeding in passing these bills so that we can once again restore economic viability in the province of British Columbia.

Motion negatived on the following division:

YEAS — 2

MacPhail		Kwan
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NAYS — 15

Coell	Hawkins	van Dongen
Nettleton	Masi	Hagen
Collins	Penner	Jarvis
Bell	Christensen	Bray
MacKay	K. Stewart	Hamilton

Third reading of Bill 48 approved on the following division:

YEAS — 15

Coell	Hawkins	van Dongen
Nettleton	Masi	Hagen
Collins	Penner	Jarvis
Bell	Christensen	Bray
MacKay	K. Stewart	Hamilton

NAYS — 2

MacPhail

Kwan

Bill 48, Employment Standards Amendment Act, 2002, read a third time and passed.

Mr. Speaker: Hon. members, we will take a short recess at this moment in anticipation of the arrival of the Lieutenant-Governor.

The House recessed from 5:45 p.m. to 5:47 p.m.

[Mr. Speaker in the chair.]

Mr. Speaker: Hon. members, the Lieutenant-Governor is in the precinct and asks that all members remain in their seats. Thank you.

Royal Assent to Bills

Her Honour the Lieutenant-Governor entered the chamber and took her place in the chair.

[1750]

Clerk of the House:

Agricultural Land Commission Act
 Employment and Assistance Act
 Employment and Assistance for Persons with Disabilities Act
 Employee Investment Amendment Act, 2002
 School Amendment Act, 2002
 Environmental Assessment Act
 Protected Areas Forests Compensation Act
 Forests Statutes Amendment Act, 2002
 Forest (First Nations Development) Amendment Act, 2002
 Labour Relations Code Amendment Act, 2002
 Office for Children and Youth Act
 Health Care (Consent) and Care Facility (Admission) Amendment Act, 2002
 Attorney General Statutes Amendment Act, 2002
 Employment Standards Amendment Act, 2002
 Workers Compensation Amendment Act, 2002
 Advanced Education Statutes Amendment Act, 2002
 Public Safety and Solicitor General Statutes Amendment Act, 2002
 Motor Vehicle Amendment Act, 2002
 Miscellaneous Statutes Amendment Act (No. 2) 2002
 Carrier Lumber Ltd. Forest Licence Compensation Act

Spring Enterprises Inc. (Corporate Restoration) Act, 2002

Sea to Sky University Act

In Her Majesty's name, Her Honour the Lieutenant-Governor doth assent to these acts.

Hon. I. Campagnolo (Lieutenant-Governor): Now I wish all members a very good summer, a restorative time for you all. I'd like to remind you that the grounds are open at Government House during the summer for summer concerts, and any of you and your families who are here would be most welcome. The dates are on the website.

I did want to especially tell members that on the third of August this year, B.C. Day, there will be a major celebration at Government House in celebration of this great province of which you are the legislators.

I do remind you of Her Majesty's forthcoming royal visit to Victoria in the first week of October. Following that, of course, I will look forward to seeing you all back in this chamber immediately after Thanksgiving, so have a good summer.

Her Honour the Lieutenant-Governor retired from the chamber.

[Mr. Speaker in the chair.]

Hon. G. Collins: I move that the House at its rising do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the government, that the public interest requires that the House shall meet or until the Speaker may be advised by the government that it is desired to prorogue the third session of the thirty-seventh parliament of the province of British Columbia. The Speaker may give notice that he is so satisfied or has been so advised, and thereupon the House shall meet at the time stated in such notice and, as the case may be, may transact its business as if it had been duly adjourned to that time and date. In the event of the Speaker being unable to act owing to illness or other cause, the Deputy Speaker shall act in his stead for the purpose of this order.

Hon. G. Collins moved adjournment of the House.

Motion approved.

Mr. Speaker: Hon. members, I wish you all a very pleasant summer. We'll see you sooner or later. The House is now adjourned.

The House adjourned at 5:54 p.m.