

November 13, 2019

Alberta Government Steps Up Brutal Anti-Social Offensive **Kenney Government's Wrecking Ball**

- Peggy Morton -



Rally at Calgary city hall, November 6, 2019 against cuts contained in provincial budget.

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Alberta Government Steps Up Brutal Anti-Social Offensive

Kenney Government's Wrecking Ball

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The Kenney government introduced its budget on October 24, the first since taking office in April 2019, followed by two omnibus bills and outrageous announcements all intended to overwhelm the workers' and peoples' movement in defence of rights.

The budget documents and speech were designed to hide the extent of the wrecking of public services, especially health care and education, which when inflation and population growth are factored in amounts to an 18-30 per cent cut over four years. The budget was rapidly followed by the introduction of Bills 20 and 21 on October 28, omnibus bills containing 35 different regressive legislative measures. These bills include amendments to existing legislation as well as new

legislation in the form of a bill within a bill.

The next day, October 29, the labour minister publicly announced that he had changed his position of no wage increases for public sector workers. He said that the government would now seek wage rollbacks of two to five per cent in upcoming arbitrations which affect some 180,000 public sector workers. He threatened that if arbitrators awarded wage increases, this would likely lead to more layoffs in the public sector.

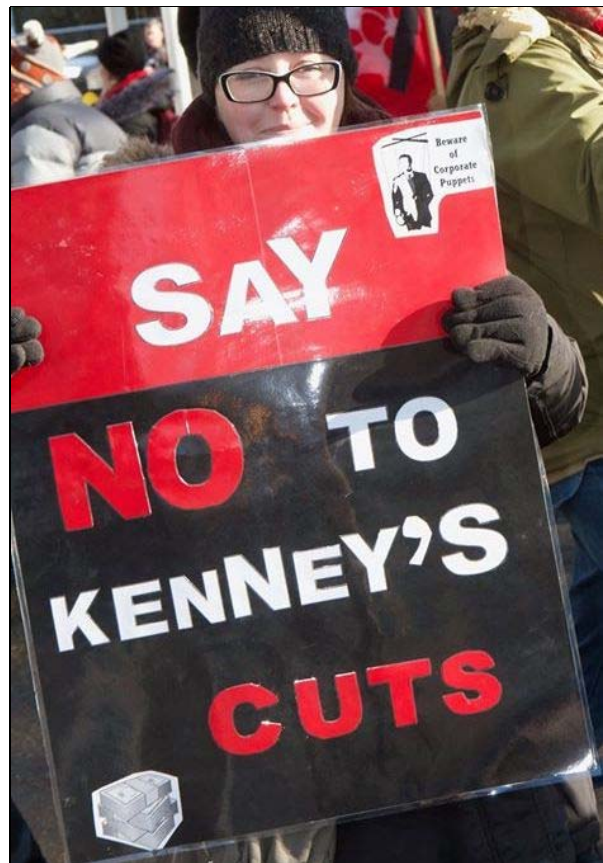
While these massive bills are before the legislature, the government has continued to make one announcement after another that another program has been axed, or that the government has torn up another contract. The government is using the U.S. imperialist style "shock and awe" tactics in which one assault after another is launched in rapid succession in an effort to keep everyone off balance and unable to catch their breath. And there is no dearth of appeasers either.

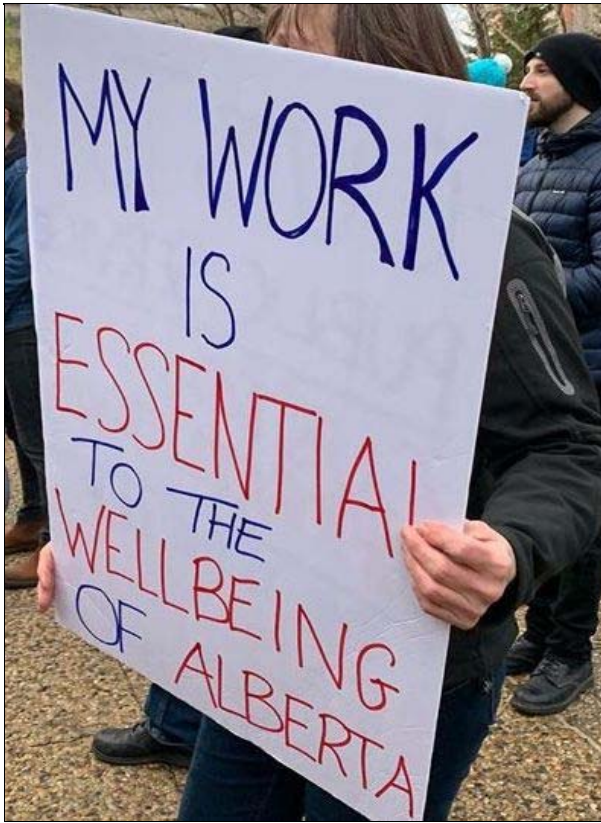
The use of shock and awe tactics in the U.S. invasion of Iraq was based on the narcissistic view that the people would come out in droves to hail their "liberators." Of course, it did not happen, which is why the revanchist spirit of the U.S. imperialists was so prominent there. Likewise in Alberta, the ruling class is engaged in presenting the measures as if they have a legitimate aim which the people should welcome. However, the attempts to present the vicious anti-social offensive as anything but self-serving have failed, and this is the final nail in the coffin of the Kenney government's claims to legitimacy for its anti-social wrecking.

Writing in the *Edmonton Journal*, journalist Keith Gerein comments, "Since the tabling of the budget back on October 24, important fiscal changes that initially went undiscovered or undisclosed, have been revealed at such a fast and furious rate that it's been near impossible to keep focused. Just as you begin to get your head around the crunch delivered to one program, two more bombshells have already hit the news cycle. To some degree, this is by necessity.

"As it's turning out, the volume of reforms, rethinks and petty reductions in this budget is so substantial that it would have been unfair -- not to mention logistically insane -- for the government to dump it all out on budget day. However, there is also a strong odour of political design to this. Colleagues who covered Ralph Klein's cuts in the mid-1990s recall being inundated with information, and suggest Premier Jason Kenney's crew has adopted much the same playbook.

"The strategy allows the government to claim it's being transparent, even though the effect is largely the opposite, since keeping the media, opposition and public dizzy with announcements undermines any ability to achieve a clear picture of all the bad news."





All of this is yet another indication that the state is being restructured to eliminate any vestiges of a public authority of any kind. The dog-fight within the ruling elite is so sharp that it brooks no compromise. Nothing can be sorted out through discussion, negotiation or compromise because there are no politics, just the dictate of the interests of the financial oligarchy to get its pound of flesh. What are called the "democratic institutions" have become anachronistic. The use of negotiations to sort out the competing interests in society is replaced with force and dictate. The workers are to be deprived of any peaceful method to defend their rights and the rights of all. And not only the workers, as dictate extends to every sector, whether it is municipalities, school boards, doctors, or other organizations or individuals who have contractual economic relations with the state of one sort or another. Government contracts and agreements are torn up without warning or consultation of any kind. Meanwhile the role of the legislature to take decisions has been usurped holus-bolus.

The argument that the government has a mandate to carry out such anti-social acts and to act with impunity in the name of rule of law is absurd. The process itself shows that this is fraud from beginning to end.

Workers who provide public services and care have shown that they care deeply about the work they do and its importance to society. They have shown they will fight to defend their own rights and the rights of all and in doing so defend these public services. Submitting to these attacks or appeasing them are not a choice. The human toll of these anti-social measures will also contribute to exacerbating the crisis. Only by fighting can the truth be revealed and the situation be turned around to favour the working people.

(Photos: CUPE, AUPE)



Mounting Popular Resistance in Alberta to Anti-Social Measures

- Peggy Askin -

After a summer of militant actions across Alberta to say *No!* to Bill 9 and the government's use of dictate, the response from the working people to Kenney's budget and daily announcements of new attacks on public services and the workers who deliver them has been swift. The spirit to "Build the Resistance" is strong. Working people, youth, women and seniors across Alberta have responded with fierce determination to the escalating anti-social offensive and all-out assault on the working people and society being carried out by the Kenney government. Rallies, pickets, and meetings are

taking place. Unions are organizing together to strengthen their united resistance. Seniors organizations, women and youth and students are organizing actions and working out how to be effective.



"Join the Resistance" townhall in Calgary, November 5, 2019.

Workers from many unions were out in force at the Alberta Federation of Labour's "Join the Resistance" town hall in Calgary on November 5 which was attended by close to 150 people. The spirit of the meeting was one of determination to do whatever it takes to oppose the anti-worker, anti-social offensive as well as the agenda for attacks on the right of unions to organize. Many University of Calgary students also came to take a stand to oppose the drastic hikes to tuition, crippling cuts to the universities and rising interest payments on student debt.



In Edmonton, Indigenous youth took the initiative to organize a spirited march and rally to the Legislature on November 2, with several hundred people, mainly youth taking part. There was not a silent moment from Beaver Hills House Park to the Legislature, as one person after another took up leading chants expressing their resistance.

A militant noon-hour information picket was held at South Health Campus of the University of Calgary on November 5. Organized by the Alberta Union of Provincial Employees, noon-hour pickets are becoming a tradition across the province, especially at hospitals and continuing care centres. Workers join the information pickets during their lunch hour and are joined by those on later shifts or a day off as well as workers from other sectors.

The following day, CUPE Local 709, the Calgary Civil Foreman's Union, hosted a lively information picket and rally at City Hall. About 250 people joined in, including public sector workers, retail workers, building trades, steel and others as well as concerned Calgarians. They

stood together to say they are standing up and fighting back against the attacks by Jason Kenney's "United Corporate Puppets" on public services.



Discussions and planning on how to go forward are taking place in every sector. Town halls, information pickets, meetings, rallies and marches are taking place and many more are planned across the province.

This reality is in sharp contrast with the almost nightly news carried nationally about an "Alberta separatist movement" which the monopoly media has conjured up and is desperately trying to promote. It shows the extent to which the ruling circles and their monopoly media will go when they engage in such bold-faced distortions.

The resistance of the working people, women, youth and seniors is exposing the reality of Kenney's claims of jobs and prosperity and his groveling service to the energy oligarchs who are also very busy slashing jobs and "cost-cutting" in order to fatten the dividends paid to the mainly foreign investors. Through the resistance, by organizing their collectives and speaking in their own name, the working people are bringing the question of political power to the fore. Workers' experience is that the political process blocks them from participating directly to set the direction of the economy. The new democratic personality will emerge through resistance to the anti-social offensive which is based on the independent thinking, organization and action of working people.

It Can Be Done! It Must Be Done!

(Photos: AFL, CUPE, AUPE)



For Your Information

Omnibus Bill 21 -- A Broad Assault on the People of Alberta

Bill 21 is one of the two omnibus bills introduced by the Kenney government in Alberta on October 28. It contains amendments to 17 different legislative Acts, and contains within it the new *Public Sector Employers Act*. The legislation contains a broad number of attacks on the right of citizens,

including freezing assistance to seniors and the most vulnerable people in society, making education more unaffordable for a growing number of young people, and eliminating the cap on electricity rates. Bill 21 also makes significant changes to labour legislation, and launches an unprecedented assault on physicians.



To try and justify what cannot be justified, the Kenney government claims that starving social programs of funding and the staff needed to deliver care and services, is needed in order to preserve public services. It paints a picture of a crisis of titanic proportions, with the current debt only the tip of the iceberg. But experience shows that the danger to public services comes from the neo-liberal anti-social offensive pursued by governments of all stripes which serve narrow private supranational interests. Wrecking and privatization of public services and the politicization of narrow private interests all exacerbate the problems. They do not provide solutions.

The intent of the changes to labour legislation in Bill 21 is to deprive the workers of the ability to deploy the strength of their numbers and organizations. It is their striving to see justice done and their resolve to defend the rights of all which will open a path forward in this situation. By seeking to deprive public sector workers of any meaningful participation in their terms of employment, the aim is to deprive all working people of their rights.

When all avenues of good faith negotiations are blocked, the state is resorting to state force and violence to impose terms of employment on the working people. This is extremism against the working class, and the working people say *No! It Must Not Pass!*



Alberta's omnibus legislation, Bill 21 amends the following legislation:

Alberta Health Care Insurance Act
Alberta Housing Act
Alberta Utilities Commission Act
An Act to Cap Regulated Electricity Rates
Employment Standards Code
Financial Administration Act

Fiscal Planning and Transparency Act
Income and Employment Supports Act
Labour Relations Code
Police Act
Post-Secondary Learning Act
Provincial Offences Procedures Act
Public Sector Employer Act (new legislation)
Public Service Act
Public Service Employees Relations Act
Seniors Benefits Act
Student Financial Assistance Act

(Photos: AFL, Support Our Students, AUPE)



Some of the Measures Taken in Bill 21

The *Public Sector Employers Act* Extends to Any Entity that Receives Public Funding and/or Provides a Public Service



Rally at Calgary city hall, November 6, 2019.

The reach of the new legislation called the *Public Sector Employers Act* is broad. The Act applies to health authorities, school boards, post-secondary institutions, crown corporations, and at the Minister's discretion can be applied to "any entity which receives public funding from the Crown to provide a public service." Employers of entities which do not receive public funding are also included, such as the Workers' Compensation Board, and the Crown Corporation ATB Financial.

Every agency, public or community-organized, which receives any public funding to provide public services can be required to submit to government dictate over negotiations with its employees. In theory this could encompass privately-owned and operated entities as well, although the government has provided an escape clause to allow them to be exempted.

Bill 21 authorizes the Minister to issue confidential directives that an employer must follow when "engaging in collective bargaining or a related process." These directives are secret. The employer cannot disclose the directive to any third party without prior consent of the Minister, including to the union with which it is supposedly engaged in "good faith bargaining." Secret directives may set out the length of a collective agreement, and "fiscal limits."

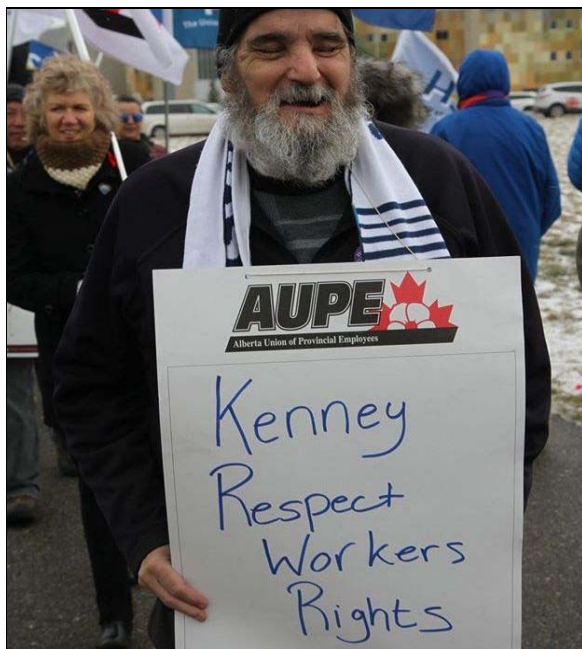
The government can also issue directives requiring an employer to provide the government with any and all "information which the Minister considers necessary respecting collective bargaining, or a related process" including information for the purpose of monitoring compliance with directives. The Minister can determine the form, manner, and time in which the directive is to be complied with. In other words the employer who is at the table is not actually conducting the negotiations, and effectively cannot breathe without the approval of the Minister. This means that the union has no one with whom to negotiate. The decision-maker is not at the table, and their directives are secret. Even if a contract is reached under these conditions, the government has made it clear that the employer's signature means nothing and the government might declare that it needs to tear up the collective agreement anyway. Not a shred remains of the conception of "good faith bargaining."



In case of a conflict with existing labour law, the Act, or the regulations under the Act, will apply. This provision is also quite extraordinary, in that it specifies that existing labour law can be overturned by writing regulations attached to the *Public Sector Employers Act*.

Finally, having usurped the authority of the employer, the Act then declares that the Crown is not the employer of a person of whom the Crown is not otherwise an employer. What this means is that the Crown is the employer only for provincial government employees. How such a declaration will help the government get off the hook in a challenge to the constitutionality of the legislation is difficult to imagine. Is it that the government is well aware that its legislation will not stand up to the scrutiny of the courts, but it does not care, because the damage will already be done by the time the matter wends its way to the Supreme Court? It seems so

Changes to the *Employment Standards Code*



The Alberta government is amending the definition of an employee in the *Employment Standards Code* to permit exclusion of a class of workers from the regulations. At present there is a long list of sectors where certain provisions, e.g. overtime and hours of work, do not apply or are amended. This change allows the government to exempt workers in an entire industry from the *Employment Standards Code*, for example farm workers or domestic workers.

Workers who belong to a union can no longer make Employment Standards complaints. Reports indicate this has been the general practice, but is now enshrined in law. The impact of this change is profound given the rise of situations where workers are "represented" by an organization widely known to be a company union and the worker has no

recourse through Employment Standards.

Labour Relations Code Removes the Ban on Replacement Workers

The Alberta NDP government introduced essential services legislation in 2016, replacing legislation criminalizing strike action for all employees of the provincial government, hospitals, health authorities, ambulance service providers, municipal firefighting services, and municipal police forces, as well as most staff at public colleges and universities. This outright ban had been rendered unconstitutional by the Supreme Court of Canada decision on *Saskatchewan Federation of Labour v. Saskatchewan*, January 30, 2015.

Employees of privately owned continuing care facilities who had previously had a legal right to strike were included in the legislation. The use of scab replacement workers was banned where essential services legislation applied.

The legislation as amended continues to impose the requirement for essential services agreements on the collectives of the workers, but not the employers. Employers can choose instead to try and break the union using replacement workers. The employer can start negotiating an essential services agreement, and then decide that it will hire scab replacement workers instead.

Tearing Up Agreements with Alberta's Physicians

Alberta's Bill 21 also contains an unprecedented assault on the province's physicians. It states that the government can cancel any agreement regarding physician remuneration made with the Alberta Medical Association (AMA) or any other entity or person at any time.

AMA President Dr. Christine Molnar points out: "This is not only for the existing AMA Agreement, the bill also clearly identifies that government is not required to live up to terms of future contracts. Government is cynically asking us to work toward agreements when it appears we are the only party to be bound by them."

Dr. Molnar also points out that decision-making has been moved behind closed doors to Cabinet, apparently in the name of the public good. "What is the value of an agreement when it can be revoked at any time with no public discussion?" she asks.

In short order, the government cut the payment to physicians on call (mainly rural physicians) by 37 per cent.

Bill 21 also enables the Minister of Health to restrict the number of physicians practicing, and where in the province they can practice, as of April 2022. Physicians who already have billing numbers as of April 2022 will be grandfathered.

Other changes have been made to the legislation concerning "opting in" and "opting out" of the Alberta health insurance plan. People are asking what else the government has up its sleeve. They suspect that by restricting the number of physicians who can bill under the provincial plan, the Kenney government has not given up on the plan to impose two-tier medicine on the people of Alberta. Such plans have met with determined opposition to the point where the government has always been forced to abandon them.

(Photos: CUPE, AUPE)

