

Alberta's right-wing government adopts draconian anti-protest law

By Riksen Stewart and Roger Jordan
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In the name of “economic recovery,” Alberta’s right-wing populist United Conservative Party (UCP) government has launched a sweeping assault on the rights and conditions of working people. The deeply unpopular measures, which are contained in multiple pieces of legislation, include accelerated corporate tax cuts, cuts to overtime and holiday pay, further health care privatization, and sweeping restrictions on strikers’ right to picket. They have been brought forward as the government enacts a draconian anti-protest law aimed at criminalizing social opposition.

The Critical Infrastructure Defence Act (the former Bill 1) empowers the state to heavily fine and potentially imprison anyone unlawfully “interfering” with government and privately owned infrastructure, including pipelines, public highways, utilities, and oil and gas production facilities. The legislation’s stated aim is to “protect essential infrastructure from damage or interference caused by blockades, protests or similar activities.” Exactly what constitutes “essential infrastructure” is left entirely to the government’s discretion.

The wording in the legislation is so wide-ranging that it could be employed to criminalize virtually any protest. In Alberta, public highways are defined as “any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.” According to University of Calgary law professors Jennifer Koshan, Lisa Silver, and Jonnette Watson Hamilton, this would allow protesters to be prosecuted for gathering in a street near a square, demonstrating in a factory parking lot, or protesting on a sidewalk near a bridge.

The legislation, which came into force late last month, also makes it easier for police to intervene to break up protests. Government authorities or a private company will no longer have to obtain a court injunction designating a specific protest illegal before police action can be taken to end it. Instead, protests would be ipso facto illegal and participants subject to arrest and punitive sanctions the moment access to “critical infrastructure” is impeded or authorities deem it to have been impeded.

The Critical Infrastructure Defence Act stipulates fines of

C\$1,000 to C\$10,000 and/or a six-month jail term for a first offence. Each subsequent offence will be subject to fines of up to C\$25,000 and six months imprisonment.

The immediate trigger for the UCP government introducing Bill 1 was last February’s weeks-long railway blockades by supporters of the Wet’suwet’en hereditary chiefs, who were protesting against the construction of a pipeline through unceded native territory in British Columbia. However, this was merely the pretext. Already last year, a Kenney government task force, headed by former Saskatchewan New Democratic Party (NDP) Finance Minister Janice MacKinnon, explicitly advised the government to use authoritarian measures to ram through unpopular policies of budgetary and wage cuts (see: “Alberta’s MacKinnon report provides blueprint for austerity and repression”).

Anyone who takes action against the Kenney government’s right-wing agenda of austerity, tax cuts for big business, and cuts to wages and public services is to be criminalized. Workers and young people in Alberta who joined the global protests against police brutality following the May 26 murder of George Floyd in the United States warned that if the Critical Infrastructure Defence Act had then been in force, it could have been used to outlaw their demonstrations.

The passage of Bill 1 is part of a broader shift toward authoritarian forms of rule. In April, the Kenney government adopted legislation (Bill 10) that grants government ministers extraordinary powers to rewrite laws and impose penalties without consulting parliament. Presented as a necessary change to the Public Health Act to respond to the unprecedented conditions of the pandemic, Bill 10 was described even by the neoconservative *National Post*, otherwise a strong supporter of the UCP government, as an “affront to the rule of law.”

The arrogation of such sweeping powers is aimed above all at imposing the government’s reactionary pro-corporate agenda in the face of mounting working-class opposition.

The UCP government has already announced that it is accelerating implementation of its plan to cut corporate tax rates, action that will drive up the provincial deficit and will in turn be cited by Kenney as justification for further social spending cuts. Having originally intended to reduce corporate taxes by one quarter, from 12 to 8 percent, in stages over the

next three years, the reduction—which will give Alberta far and away the country’s lowest corporate tax rate—is now being carried out in one fell swoop retroactive to this July 1.

Earlier this year, the UCP also unveiled legislation aimed at gutting many of the limited protections for workers contained in the Employment Standards Code and provincial Labour Code. Bill 32 would make it illegal for striking workers to block entry into a facility during a work stoppage, making picketing all but meaningless. It would require workers to obtain the approval of the pro-employer Alberta Labour Relations Board before picketing secondary sites, make it more difficult to win union certification, and limit union expenditures on social and political campaigns or causes. Additionally, the bill would allow 13- and 14-year-olds to work without their parents’ permission.

Bill 32 would also make various pro-employer changes to the calculation of holiday pay, overtime pay, and the settling of payroll errors that will result in upwards of C\$100 million being cut annually from workers’ wages, according to Rachel Notley, the leader of the Alberta NDP and former provincial premier. Once Bill 32 is enacted, employers will, for example, be able to press for “hours of work averaging arrangements” based on time periods as long as a year. This means workers could be forced to routinely work 12-hour days for weeks or even months without receiving any overtime pay.

The legislation also loosens the regulation around group terminations by removing the need for employers to issue four weeks of notice to unions and workers when they wish to lay off more than 50 workers.

Under the Alberta Investment Attraction Act, which was tabled in parliament the same day as Bill 32, the Kenney government will invest C\$18 million annually to set up and run an agency, Invest Alberta Corporation, tasked with convincing global investors to exploit the province’s ultra-low corporate tax rates and deregulated labour market.

One area in which the government appears intent on wooing private investment is the health sector. In draft legislation presented to the Alberta legislature on July 6, Health Minister Tyler Shandro proposed a vast increase in the number of private health clinics performing surgical operations. While private clinics currently perform approximately 15 percent of the 300,000 surgeries performed in Alberta each year, Shandro intends to increase the number of surgeries by 80,000. This would bring the share of surgeries conducted by private hospitals above 40 percent. The UCP government will pay for these surgeries, but their contracting out will further undermine Medicare, as the private, for-profit operators will cherry-pick the easiest medical procedures. Another provision in the legislation allows the government to reduce doctors’ fees by paying them salaries instead.

The UCP’s ruthless anti-worker, austerity agenda, dressed up as an “economic recovery” program, is endorsed by the entire ruling elite. It is worth noting in this regard that Kenney is

being advised by an economic advisory council whose representation embodies the new corporatist alliance established between big business, government, and the trade union bureaucracy at the federal and provincial levels. The panel is chaired by right-wing economist Jack Mintz and includes former hard-right Conservative Prime Minister Stephen Harper and Bob Blakely, the ex-head of the Canadian Building Trades Union (CBTU).

As for the NDP and the rest of the trade unions, they have refused to organize any serious opposition to the Kenney government’s onslaught. A few short months ago, Alberta Federation of Labour President Gill McGowan was thundering about the prospect of a “general strike” in the wake of widespread public outrage over the UCP’s first budget, which enshrined a plan to cut public spending by more than 10 percent in real terms by 2023. Now, even such rhetorical flourishes have been abandoned in favour of a legal challenge by the unions to the Critical Infrastructure Defence Act in the capitalist courts, which, even were it to be successful years hence, will do nothing to stop the assault on workers.

For its part, the NDP is attempting to position itself as a more reliable enforcer of Canadian capitalist interests than Kenney and his UCP. Citing the rise of the Wexit Party, which advocates that Alberta secede from Canada, the NDP has emphasized its loyalty to the Canadian federal state, while accusing the UCP of encouraging Alberta separatism, including with its “Fair Deal” for Alberta commission. In a parliamentary motion earlier this month, the NDP’s Heather Sweet urged all MLAs to declare their support for a “strong, united Canada that is indivisible.”

While workers must emphatically oppose the reactionary calls of the right and far-right for more powers for the Alberta government and the province’s oil barons, they must do so without lending any support to the nationalist and pro-imperialist appeals for a “strong, united Canada.” Such a policy only strengthens the hand of the Canadian bourgeoisie, which ruthlessly exploits the working class across the country and pursues its predatory interests around the world in alliance with US imperialism. In the fight against capitalist austerity and in defence of their interests, workers in Alberta must oppose both reactionary bourgeois camps and unify their struggles with those being waged by their class brothers and sisters across Canada, in the United States, and internationally on the basis of a socialist internationalist program.

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