



BLUE STORM: THE RISE AND FALL OF JASON KENNEY

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Labour in the Time of COVID

Lori Williams

Jason Kenney's approach to unions and professional associations reverberated through virtually every aspect of his government, shaping relations with doctors, nurses, frontline health care workers, teachers, prosecutors, professors, and public sector workers. He was motivated in part by a mistaken image of Alberta's essential character. He returned to Alberta on a mission to unite the right and restore conservatism to its perceived former status. As this chapter will trace, there has long been a dissonance between Alberta's conservative reputation and reality, and that gap widened in the years Kenney spent in Ottawa. Many Alberta governments have spoken the language of conservatism, casting a critical eye at socialist ideas and organized labour. However, the reality of Alberta's political culture is more nuanced and complex, presenting challenges for Kenney's vision that he did not anticipate, and that he ultimately failed to effectively manage.

Alberta's Reputation

Alberta's individualistic, self-reliant, innovative, entrepreneurial, and conservative brand is often referenced to suggest a less supportive climate for organized workers. Premiers from Ernest Manning to Peter Lougheed, Ralph Klein, Jason Kenney and even Rachel Notley have championed Albertans' resilience, initiative, and innovative spirit.¹ A 2019 New Democratic Party (NDP) government ad evoked these qualities: "When the going gets tough, Albertans don't back down. We roll up our sleeves and . . . do it ourselves."²

Prior to Notley's NDP government coming to power in 2015, this image was often invoked in support of conservative values. Anti-socialist rhetoric was common. In 1944, Ernest Manning campaigned against socialism, and as Alberta's prosperity grew following the 1947 Leduc oil discovery, he increasingly championed the innovation, risk-taking, self-reliance, and enterprise that Alberta has become known for.³ Peter Lougheed brought his Progressive Conservative (PC) party to power in 1971 with a fresh vision, evoking Alberta's entrepreneurial spirit: "We stand for free enterprise—not socialism. We stand for social reform and individual rights—not big government control."⁴ Ralph Klein, despite a history as a card-carrying Liberal, used accusations of socialism to dismiss policies and critics. He denounced the Canadian Wheat Board as "goofy, Liberal, (and) socialist,"⁵ and responded to criticism as "typical socialist claptrap."⁶ He popularized the mantra of the "Alberta Advantage," a combination of low taxes, an attractive business environment, and high-quality government services, using it to justify cuts to civil service jobs, health care, and education.

The boom-bust cycles of Alberta's economy, dominated by oil, gas, and mining, have had a significant impact on attitudes to organized workers, particularly those paid by the government. During economic downturns Alberta governments look for cost savings from those who are reliant on the public purse. Governments have repeatedly, and successfully, argued that public sector workers need to defer raises or accept pay reductions using rhetoric like "share the pain" or "do your part" to help during tough economic times.⁷ Public support for unions may be affected by unemployed or underemployed Albertans who have little sympathy for workers asking for pay increases, thinking that they should be grateful to have jobs or simply find better paying work.⁸ However, as this chapter traces, support for those earning government incomes surged as the crucial services they provided, especially during the pandemic, grew more visible.

Reality

Albertans' self-image may include values consistent with conservatism, e.g., independence, self-reliance, and innovation, however it is not particularly ideological. Over 86 per cent of Albertans self-identify as centre (26.7 per cent), centre-left (24.3 per cent), or centre-right (35.3 per cent).⁹ Polls consistently show that Albertans' opinions on a range of policy and

social issues do not significantly diverge from those of other Canadians. More than 80 per cent of Albertans support same-sex marriage, medical assistance in dying, and a woman's right to make decisions about abortion.¹⁰ Alberta's political culture is diverse, and while there are widely shared views, like suspicion of central Canada, it not a conservative monolith. The reality is more nuanced.

Many point to over eight decades of conservative governments (Social Credit, PC, and United Conservative Party [UCP])¹¹ as evidence of conservative dominance in Alberta politics. However, a review of the practices and policies of those governments reveals a more complex history. Alberta's innovative spirit has been expressed in conservative *and* progressive ways. Alberta's first governments, led by Liberals (1905–1921), and the United Farmers Association (UFA: 1921–1935), were centrist or populist. Albertans were the first in the British Empire to elect women to a legislature in 1917; Louise McKinney and Lieutenant Roberta McAdams. And in 1921 Irene Parlby (UFA) was the first female to be appointed a cabinet minister in Alberta, and the second in the British Empire.¹² The Cooperative Commonwealth Federation (CCF), precursor to today's NDP, held its founding convention in Calgary in 1932.¹³ Naheed Nenshi was the first Muslim elected mayor of a major city in North America in 2010. The NDP came to power under Rachel Notley in 2015, and continues to enjoy strong voter support as a credible government in waiting.¹⁴

And while several Alberta premiers have championed free markets, explicitly rejecting socialism, in practice their governments have been much more interventionist and less opposed to organized workers than their rhetoric suggests. While they campaigned from the right, in many ways they governed from the left.

Manning invested generously in education and social programs and issued resource dividend cheques to all Albertans.¹⁵ Lougheed established Alberta's first bill of rights, and invested in the oil industry, economic diversification, rural telephones, parks, universities, and the arts. He established the Alberta Energy Company and Syncrude to develop Alberta's oil sands, purchased Pacific Western Airlines, and dramatically raised energy royalties by almost 50 per cent, establishing the Heritage Savings Trust Fund with some of the resulting revenues. His government supported economic growth through agencies like Vencap, a venture capital fund to

launch Alberta's petrochemical industry and promote economic diversification, the Alberta Housing Corporation to help manage housing prices, and subsidized mortgages when interest rates peaked. He also established Alberta's first income support program for disabled people unable to work, now known as Assured Income for the Severely Handicapped (AISH).¹⁶ In developing the oil sands, Lougheed discerned that alliances with organized labour were critical to success and agreed to award Syncrude pipeline contracts to a unionized bidder in exchange for no strikes or lockouts.¹⁷ Lougheed established the right to binding arbitration for public sector workers in exchange for suspending the right to strike¹⁸ and established new legislation to protect workers, the Occupational Health and Safety Act.¹⁹

Klein's conservative rhetoric diverged considerably from reality. His aggressive public opposition to unions dissipated in the face of united opposition. Despite famously declaring he would not "blink" in response to organized worker protests, scarcely two years after embarking on his deficit slashing agenda, a growing wildcat strike by health care workers forced Klein to retreat, reversing planned cuts to health care spending.²⁰ He pronounced that the Alberta government was "no longer in the business of being in business," yet awarded the oil industry \$314 million in subsidies, tax, and royalty breaks, and issued \$4 billion to offset the cost of his deregulation of electricity.²¹ Fiscal conservatism gave way to record spending, ballooning by 60 per cent between 1997 and 2001, and rising to historic highs in the 2005 budget.²² Alberta's opposition to "big government" has not meant less government. Alberta's spending per capita has often ranked higher than other governments in Canada.²³ Natural resource riches have enabled generous social programs while maintaining low taxes.

Alberta's unionization rate is the lowest in Canada, but not by much. Statistics Canada figures from 1997 to 2020 show Alberta below other provinces, but only 1.4 per cent below Ontario in 2020, and at most 4 per cent below Ontario in 1997.²⁴ By contrast to provinces like British Columbia and Ontario, the dominant industries in Alberta are not unionized. Most unionized workers are in the public sector, and while the gender-earnings gap is larger in Alberta than in any other province, that gap is smaller for women belonging to unions.²⁵ Those working in lucrative oil industry jobs may see no need to organize, and its high levels of remuneration set

a competitive standard for other sectors. Six-figure salaries can be earned by workers who have not yet completed high school, forcing employers outside the oil patch to offer higher compensation. Farm and ranch operations are often family-run small businesses that employ temporary seasonal workers, many brought into Canada under a program which was considerably expanded under Kenney as a minister in Stephen Harper's cabinet—the Temporary Foreign Workers program.

Organized worker negotiations in Alberta have historically tended to fly under the radar, with most of the action taking place in private, through arbitration or in the courts. Governments and workers may resist public disclosure to avoid losing bargaining clout. Stalled negotiations tend to go to arbitration or lead to court action. One factor contributing to this pattern is that Alberta public sector workers had a legislated right to binding arbitration in place of the right to strike from 1977 until 2015, when the Supreme Court established a constitutionally recognized right to strike, or to binding arbitration for essential workers.²⁶

Nevertheless strikes, including wildcat strikes, have forced resolution of disputes more frequently than one might expect in Alberta.²⁷ Broad coalitions of organized labour and the general public have emerged in response to controversial initiatives of even popular Alberta governments. One of the issues that has generated coordinated opposition is health care. A wildcat strike launched on 14 November 1994 by sixty Canadian Union of Public Employees (CUPE) laundry workers ballooned over ten days to about 2,500 workers, with hundreds of additional health care workers joining work-to-rule and other job actions. The growing union and public opposition forced Ralph Klein's retreat from proposed health care cuts. Similarly, the united efforts of public supporters, health care workers, nurses, doctors, and Friends of Medicare have repeatedly resisted threats to public health care, notably attempts at privatization.²⁸ Jason Kenny underestimated this potential.

Orange Chinook to Blue Storm

RACHEL NOTLEY

When Rachel Notley ascended to the premiership of Alberta, she brought to the bargaining table significant credibility as a labour lawyer and

community advocate. While a student at Osgoode Hall Law School she studied in their poverty law program with Parkdale Community Legal Services. She articulated with an Edmonton labour lawyer, advocated for injured workers through the Alberta Union of Provincial Employees (AUPE),²⁹ and worked in the British Columbia attorney general's office, "earning a reputation as a persuasive advocate, able to find common ground between adversaries."³⁰

As premier, Notley partnered across a range of industries and interests, recognizing the importance of building trust, particularly among those who were tentative about her government. Rather than prioritizing business and industry she balanced them with other interests. Notley included a variety of stakeholders in review panels and committees to develop energy policy, including Indigenous Albertans, environmental groups, academic advisors, and citizens.³¹ Her first budget committed to avoid public sector layoffs and projected 20,000 "new infrastructure-based jobs" over two years.³² This set a tone of mutual respect and openness, which was reinforced by hiring a former AUPE staff negotiator as the government's "chief adviser on negotiations."³³ Facing budgetary challenges, she set an example by freezing the salaries of cabinet ministers, MLAs, political staff, and non-unionized workers at government agencies boards and commissions.³⁴ This helped her secure agreements to defer wage increases with a number of groups, including the Alberta Teachers' Association (ATA), United Nurses of Alberta (UNA), AUPE, and Health Sciences Association of Alberta (HSAA) in exchange for reopening negotiations and commitment to binding arbitration in year three of contracts.³⁵

Notley's government amended Alberta's Labour Code and Employment Standards Code, modernizing some laws that had not been changed since the 1970s. The changes protected parental leaves, overtime pay, and vacation time. It also made it easier to form unions, established first contract binding arbitration, provided remedies for unfair labour practices, and established automatic dues payments in unionized workplaces.³⁶ Despite initial concerns that an NDP government might institute dramatic revisions, the changes were seen as moderate. This was partly because the mandate letter sought ideological balance, including recommendations that had been made under previous conservative governments, and also

because the expert chosen to draft the legislative changes, Andrew Simms, was widely respected as balanced and fair.³⁷

The Notley government also extended to farm and ranch workers the protection of occupational health and safety and workers compensation coverage. Bill 6, the Enhanced Protection for Farm and Ranch Workers Act, sought to align Alberta with worker protections in the rest of the country, but was communicated poorly, triggering protests and petitions. Notley apologized for not being clear that the changes would only apply to paid farm and ranch workers, making amendments that were endorsed by farm leaders as an improvement over the private liability coverage they had previously relied on. Nevertheless, the rift between rural Alberta and the NDP government endured.³⁸

Notley's approach to legislation and negotiation was pragmatic. She was able to pivot in response to public critiques, moderating campaign commitments in order to balance the demands of business, workers, and others as seen in her phased approach to minimum wage increases, changes to labour laws, and modification of Bill 6. She built trust among government-paid workers in exchange for delayed increases backed by binding arbitration. Her personal popularity and support consistently exceeds that of her party. However, despite relatively stable support, economic challenges and the reunification of conservative supporters under Jason Kenney's UCP relegated her to Official Opposition in the 2019 election.

JASON KENNEY

Jason Kenney returned to Alberta on a mission to unite the right, defeat what he called an "accidental" NDP government, and restore conservatism to what he saw as its rightful place. His was an ambitious, and aggressive agenda detailed in a 114-page election platform. In a dramatic change of tone from the Notley government, he quickly embarked on what he called the summer of repeal. Citing the largest mandate in Alberta history, Kenney almost immediately depleted trust, breaking arbitration agreements in June 2019, and betraying election promises not to cut frontline health care jobs with plans to contract out nearly 11,000 health care positions. While it is true that his government won more votes than any in Alberta's history, it ranks far from the top in percentage of the popular vote or seats in the legislature. Kenney's personal popularity

never approached that of Lougheed or Klein, and even before the election tracked lower than his party's. Nevertheless, he persistently focused on his mandate and his plan, repeating a mantra of "promises made, promises kept," apparently unable to pivot in response to challenges, particularly the unprecedented ordeal of COVID-19 (as detailed in Lisa Young's chapter on COVID's impact).

Kenney's "War on Labour"

Several of Kenney's reforms centred on reducing spending on government services, health care, and education, including compensation of doctors, nurses, teachers, and public service workers. Beyond monetary restraint, several legislative changes affected things like the autonomy and protections of these same groups, described by critics as a "war on workers."³⁹

As argued above, Alberta has never been as ideologically conservative as Jason Kenney envisioned, and in many ways his agenda appeared tailored to a distorted image of the province he left in the 1990s. His record in Harper's cabinet foreshadowed his approach to workers, including the temporary foreign worker program criticized for perpetuating poor working conditions, low wages, and vulnerability to unscrupulous employers, and the Canada Job Grant ostensibly meant to provide training to unemployed workers, but which mostly subsidized employer training costs.

Decreasing Worker Power

Kenney's first two legislative initiatives limited protests (Bill 1)⁴⁰ and the power of workers (see Table 18.1). Billed as a law to "Make Alberta Open for Business," Bill 2 decreased overtime pay provisions, made it more difficult for workers to join unions, and reduced the minimum wage for students under eighteen. Two other laws transformed the Labour Relations Code, the Employment Standards Code, the Occupational Health and Safety Act and Workers Compensation Act. Despite recent Supreme Court of Canada decisions, Bill 32, Restoring Balance in Alberta's Workplaces Act, and Bill 47, Ensuring Safety and Cutting Red Tape Act, raised the bar for joining unions and collecting union dues, and restricted picketing, requiring labour relations board permission before engaging in secondary picketing. These laws imposed restrictions on what decisions could be made by arbitrators, and made it easier for the labour board to overturn those decisions. It became easier to lay off workers, giving employers

Table 18.1. New United Conservative Party Legislation Summary

Bill 1	Critical Infrastructure Defence Act June 2019	Limited protests in places deemed essential infrastructure
Bill 2	An Act to Make Alberta Open for Business June 2019	Reduced youth minimum wage, limited overtime pay, and made it harder for workers to join unions
Bill 9	Public Sector Wage Arbitration Deferral Act* June 2019	Revoked contractual commitments to binding arbitration
Bill 21	Ensuring Fiscal Sustainability Act* Introduced 28 October 2019	Empowered government to determine wage settlements and the length of contracts, reversed the ban on replacement workers for essential services, enabled gov't to tell docs where they could practice, and made changes to the master agreement with physicians
Bill 22	Reform of Agencies Boards and Commissions and Government Enterprises Act* November 2019	Transferred control of teachers' retirement fund to AIMCo
Bill 30	Health Statutes Amendment Act July 2020	Allowed government to publish physicians' compensation received from the province
Bill 32	Restoring Balance in Alberta's Workplaces Act July 2020	Amended Labour Relations Code and Employment Standards Code
Bill 47	Ensuring Safety and Cutting Red Tape Act Introduced November 2020	Changes to Occupational Health and Safety Act and Workers Compensation Act
*= court challenge		

greater power over them.⁴¹ The changes limited when workers could refuse to work in hazardous conditions and removed employers' obligation to reinstate injured workers. It became more difficult to claim workers' compensation coverage for psychological injuries.⁴²

Fight with Organized Workers

The Kenney government's argument for fiscal restraint included controlling labour costs. However, this stood in stark contrast to government spending on business, pledging to cut corporate taxes by \$4.5 billion over four years, and investing \$1.3 billion in the failed Keystone XL pipeline.

Within a month of being elected premier, Kenney introduced legislation (Bill 9) revoking a contractual commitment to arbitration for 65,000 AUPE workers employed by Alberta Health Services (AHS) or the provincial government. The law affected arbitration agreements with later deadlines for 160,000 additional workers and foreshadowed the eventual breach of the government's master agreement with doctors.

Bill 9 delayed arbitration hearings until the end of October, anticipating the release of the MacKinnon Report's recommendations on curtailing government spending. This report recommended reductions in public sector compensation, and if necessary, imposing back-to-work legislation and using the notwithstanding clause if the courts found such a law unconstitutional.

The NDP launched a filibuster against Bill 9 in the legislature, and Kenney allegedly handed out earplugs so his caucus would not have to listen to the concerns raised by the opposition. A rather hypocritical response from a premier who had promised greater respect and consultation with Albertans. The law was challenged by several groups in the courts and generated a series of pickets during lunch breaks and after work. When arbitration was permitted to proceed in October, the government escalated from demanding a wage freeze to a reduction of 2 to 5 per cent.⁴³

The UCP's first budget was delivered on 24 October 2019, followed by legislation signalling sweeping reductions to the power of government-paid workers. The Ensuring Fiscal Sustainability Act (Bill 21) empowered government to determine wage settlements and the length of contracts, removed a ban on replacement workers for essential services, and authorized the government to make changes to the master agreement with physicians and assign where they could practice.

Control over the ATA's pension, the Alberta Teacher's Retirement Fund (ATRF), was diminished in November 2019 under the Reform of Agencies Boards and Commissions and Government Enterprises Act (Bill 22). This law transferred management of the ATRF to Alberta Investment Management Corporation (AIMCo) to save on management fees but required negotiating an agreement to transfer the funds. When negotiations stalled in the fall of 2020, a ministerial order was issued to effect the transfer, allowing AIMCo to veto ATRF investment instructions and to act as arbiter in the event of any disagreements. This imposition, combined with

the controversy over AIMCo's \$2.1 billion loss in 2020 prompted a court challenge by the ATA.⁴⁴

The relationship with teachers was further soured when the government imposed curriculum changes (see Charles Webber's chapter on education). Failure to adequately consult on these changes generated widespread criticism from educational experts, Indigenous leaders, cultural groups, parents, school boards, and community members. The draft curriculum was slammed for its coverage of race, Indigenous history and colonialism, and ridiculed for including passages apparently plagiarized from, among other sources, Wikipedia. Despite these concerns, the government proceeded with a voluntary pilot of the curriculum, planning to implement it fully in September 2022. Fifty-seven of Alberta's sixty-one school boards, including three of the province's largest four boards, declined to pilot the curriculum.⁴⁵ Having campaigned on a "grass roots guarantee" to consult with Albertans, such decisions compounded questions about arrogance and competence that were ultimately catastrophic for Kenney's leadership.

Losing Battle

The government's negotiation strategy with unions and professional associations began to appear uncompromising and needlessly punitive, perhaps most dramatically characterized by the government's relationship with Alberta doctors (see also Gillian Steward's chapter on health care). Negotiations between Alberta's physicians and the health minister, Tyler Shandro, to balance the government's fiscal agenda with patient care stalled in February 2020. The government unilaterally ended the master agreement with physicians and imposed new fee rules to take effect in April 2020. The Alberta Medical Association (AMA) warned that the imposition would negatively impact patient care, increase hospitalizations, and be disastrous for some rural and family practices. Then head of the AMA, Dr. Christine Molnar, went public, noting the substantial financial concessions that had been offered by the AMA, explaining how they had been preparing to deliver another offer when the agreement was "torn up," and describing the government's move as "an attack on physicians."⁴⁶ The AMA also launched a court challenge. The government's tactics were seen as problematic even before COVID-19 swelled support for health

care workers. The government likely meant to strengthen its negotiating power; however, by breaking a contract before it expired, during ongoing negotiations, the government materially debilitated trust. This would have implications for future negotiations with doctors and other groups. The government's approach was described as "draconian" and unprecedented. Concerns were raised about aggravating shortages of rural physicians and undermining the quality of health care.⁴⁷ Don Braid warned that "doctors—and soon . . . nurses—will pay for this now. If service erodes, the government will pay later."⁴⁸ Health care policy experts questioned the antagonistic approach, warning that effective policy changes cannot be accomplished without the cooperation of those required to implement them. Strategists noted that physicians are usually the easiest group to negotiate with and that the precedent set would make negotiations with other health care groups more difficult.⁴⁹

The wisdom of the government's strategy became even more questionable when the COVID-19 pandemic hit. By the end of March, expressions of appreciation for health care workers proliferated. There were nightly demonstrations of gratitude for workers risking their lives to save those of others. Signs expressing support for health care workers emerged on lawns that had displayed UCP signs during the 2019 election. Amid this celebration of health care workers, Tyler Shandro made headlines for verbally attacking a physician in his neighbourhood who had questioned whether the health minister and his wife were in a conflict of interest. When another critic sent an email raising similar concerns, Shandro responded that any further emails would "be referred to protective services." This prompted the first in a series of demands for the resignation or removal of the health minister.⁵⁰

A number of physicians, many in rural communities, indicated that they planned to withdraw their services from hospitals, prompting a June 2020 government letter asking the College of Physicians and Surgeons for rules to prevent groups of doctors from quitting. In July the Health Statutes Amendment Act was introduced, allowing the government to publish how much doctors are paid. Physicians countered that the government figures were misleading, since they did not reflect the costs of running a practice with employees, medical equipment, etc. At the end of July, an AMA referendum signalled that 98 per cent of members "don't have confidence in

Health Minister Tyler Shandro.” Nevertheless, the premier continued to support Shandro, while expressing a willingness to meet with the AMA. This tone-deaf endorsement continued through the fourth wave of the pandemic, and by the time Shandro was finally replaced in September 2021, it was too little, too late.⁵¹

Things appeared to improve in February 2021 when a tentative agreement was reached between the AMA and the government. Strangely, Shandro claimed in a committee hearing that there had been no fight with the AMA, prompting journalists to recall the litany of disputes initiated by the government. In the year that had elapsed between scrapping the master agreement and the tentative deal, the government had attacked critics and attempted to undermine support for physicians, by accusing them of only being interested in money, by passing a law to publish their compensation, and by trying to “dilute the AMA’s power by setting specialties against each other.”⁵² So, few were surprised when the majority of doctors voted against the tentative agreement at the end of March. The most frequently cited reason for rejecting the agreement was that it allowed too much discretion for the health minister and lacked the protection of binding arbitration. The majority of doctors, despite their desire to have an agreement, did not trust a government that had failed to honour previous agreements. This came at a very bad time for the government, polling lower than health care workers or the NDP (39.1 per cent compared with 29.8 per cent for the UCP), and facing negotiations with radiologists, nurses, other health care workers, teachers, and public service workers.⁵³

The issue of trust reverberated among other health care workers as well. In October 2020 the UNA, representing over 30,000 nurses, rejected AHS’ proposal to postpone bargaining until 31 March 2021. Finance Minister Travis Toews claimed that they were demanding “indefinite job security (in) a shameful effort to take advantage of a health crisis.” The UNA publicly countered that Toews’ comments were misleading, and that they would have agreed to the postponement had the government been willing to extend the existing agreement not to impose layoffs until a new collective agreement had been reached. Their spokesperson added that he “needs to tone down the rhetoric and stop insulting the group of workers who are keeping the health-care system running through this crisis. . . . The belligerent tone of the minister’s statement is extremely unhelpful

under the circumstances when we should all be pulling together for the good of Albertans.” When Toews countered that the HSAA had agreed to postpone negotiations, the HSAA issued a statement exposing the government’s divisive tactics as “clearly meant to be inflammatory and to cause division and polarization amongst Albertans. . . . This is not what Albertans want.” The HSAA expressed hope that the government would “learn to become more respectful of the process as we move forward.”⁵⁴ Attempts to divide and conquer had now failed with doctors and two other health care unions.

Within days of this dust up with the UNA, the government announced plans to cut up to 11,000 frontline health care positions in order to save \$600 million. This, combined with revelations of the government’s refusal to protect 750 nursing jobs, violated Kenney’s campaign promise not to cut frontline health care workers. This further eroded trust. The government claimed the jobs would not be lost, but rather outsourced to private companies. The workers in question worked in laboratories and provided laundry and food services. These cuts targeted particularly vulnerable, marginalized workers, mostly women and newcomers.⁵⁵ The claim was criticized by the AMA, UNA, public sector unions, and medicare advocates. Health care policy expert Steven Lewis said the government’s “bellicose public behaviour toward doctors and unions will make it nearly impossible to successfully implement the changes, which require collaboration with staff. The irony is that the government is right about many of the problems in the system; it just has no clue about change management.”⁵⁶ Targeting health care workers in the middle of a pandemic seemed particularly tone-deaf. Similar cost-saving policies forcing low-paid, part-time workers to work at multiple long-term care facilities had worsened the spread of COVID-19. These cuts risked replicating this hazard in additional health care facilities.

Thirteen days later, on 26 October 2020, those workers launched a wildcat strike at twenty-seven locations across Alberta. The government called an emergency meeting of the Labour Relations Board which declared the strike illegal and Toews warned that the responsible parties would be “held accountable.”⁵⁷ AUPE said the strike was a grassroots reaction to protect Albertans against the impact of UCP policies during a pandemic, and that the union had not ordered the strike. Punishments

were imposed within three months. On 23 February 2021, AUPE reported that grievances had been filed by almost 800 workers who received letters of reprimand, and twenty-seven workers who had been suspended from work for up to five days. AHS also filed a labour relations board action against AUPE. These actions were unprecedented. The numbers for this single day of protest were equivalent to what would normally occur over two years. This was apparently meant to send a message to other workers. The scale of reaction surprised labour scholars, who noted that the volume of grievances could create an unanticipated burden on the government due to the time and expense involved in processing them. It also risked further deterioration in relations with these and other groups.⁵⁸

Increased attention was focused on the risks faced by essential workers in grocery stores, meat-packing plants, and those providing social supports to keep government and society functioning.⁵⁹ Government and businesses established temporary measures to compensate such workers. Some grocery stores increased wages for frontline workers, however this didn't last through later waves that saw case counts, and concomitant risks, soar. The Alberta government created the Critical Worker Benefit offering a one-time \$1,200 payment available to 380,000 frontline workers. This also covered frontline retail workers and food processing workers, such as those working in meat packing plants. Eligible workers included nurses, respiratory therapists, orderlies, and patient services providers, and some of the workers whose jobs were scheduled to be contracted out, including food service, housekeeping, and maintenance workers. Social services workers, included those providing services for disability, child development, family and youth counselling, crisis intervention home supports, and seniors' lodges were also included. In education, the eligible workers included teacher assistants, bus drivers, and cleaning and maintenance workers making \$25 an hour or less. "Critical retail workers" included those employed in grocery stores, pharmacies, and gas stations, and private health providers such as dental assistants and massage therapists.⁶⁰ However, temporary or one-time payments were insufficient to convey respect for workers facing workplace safety issues or job losses. Public statements of appreciation rang hollow for those whose work and careers had been negatively impacted by other laws and tactics.

Promise vs Practice

While Kenney began with a strong mandate, he squandered significant political capital by needlessly engaging in disrespectful, adversarial relations with stakeholder groups, often adding insult to injury. The contrast to his promises of improved consultation and respect left many feeling betrayed by his hypocrisy. The impact was magnified by the government's management of the COVID-19 pandemic, decimating government approval and intensifying support for the frontline workers it had targeted. Kenney's preoccupation with his 114-page plan seemed to impair his ability to pivot when other issues preoccupied Albertans. His propensity to list off accomplishments when facing criticism fell flat. As COVID-19 case numbers peaked to the highest in the country, Kenney faced plummeting polls and a caucus revolt, yet he repeatedly, and even after announcing his resignation, touted his accomplishments and fulfilled promises. A particularly illustrative incident occurred when photos were released of Kenney violating his own health regulations on the terrace of the infamous "Sky Palace." After a week of attacking critics and denying that any rules had been broken, he held a news conference on the equalization referendum, trying to shift the focus to "promises made, promises kept." Eventually reporters' challenges forced an acknowledgment of what he had been repudiating for a week, and a reluctant apology. This revealed three problems. Firstly, it showed a persistent pattern of attacking people raising legitimate issues. Secondly, none of the "promises kept" addressed his failures to respond to pressing concerns like the escalating health care crisis. Thirdly, this expanded the growing list of incidents where UCP MLAs or staffers flouted rules that other Albertans were expected to follow.

Misrepresentations of worker and professional groups by the premier, his staff and cabinet ministers detracted from real issues and undermined the government's credibility. The cumulative effect of the government's antagonistic, disrespectful relations with workers diminished trust, increased desperation, and promoted solidarity and support across worker groups and the general public. This was particularly true for those providing health care services, but extended to educators, critical public service providers, and even prosecutors.

Concerns about the education system began in December 2019 with Education Minister Adriana LaGrange's autocratic response to the Calgary Board of Education's claim that government cuts would cost 300 teaching jobs. She ordered an audit of its books and threatened to fire the entire board despite finding no evidence of "reckless" spending or fiscal mismanagement.⁶¹ Concerns resonated beyond teachers and school boards to parents and the public. Frustrations proliferated around controversial curriculum changes, changing policies for school openings, protections for students and teachers, predictability for working parents, and vaccinations for frontline education workers. By May 2021, exasperated teachers delivered a vote of non-confidence in the education minister and rejected the draft curriculum.⁶²

The government's response to such criticisms failed to address genuine concerns. In question period Jason Kenney dismissed the ATA non-confidence vote, saying that the "government is accountable to Albertans . . . not to a union that spent \$2 million trying to re-elect the NDP in the last election." ATA president Jason Schilling demanded a retraction, since the ATA did not and could not have done so without violating election laws, and advocated for education, not parties or candidates.⁶³ The premier's remark was neither accurate, nor effective at addressing widely shared concerns.

Similar concerns emerged in the Kenney government's approach to post-secondary education (PSE). The funding and independence of post-secondary institutions were dramatically altered (as detailed in Lisa Young's chapter on PSE) and this loss of independence extended to faculty associations and boards. Negotiations between boards and faculty associations were constrained by government directives mandating what boards could offer, raising questions about fairness and compliance with Charter protections of meaningful and productive collective bargaining.⁶⁴

The Kenney government's persistent attacks on critics as socialists, as supporters of unions or the NDP, or as enemies of Alberta did nothing to inspire confidence in the government or its policies. As criticism escalated around Kenney's leadership, he impugned the questioners, accusing them of "Alberta bashing," engaging in "drive-by smears" of Alberta, or of asking questions that sound more like an NDP speech.⁶⁵ Such responses suggested he did not see union members as true Albertans, or recognize that their leaders had also been democratically elected. When health leaders

and journalists raised questions about rising fourth wave case counts, Kenney and government officials accused them of fear mongering and not wanting the pandemic to end.⁶⁶ His retorts conflated questions about his record as attacks on Alberta.

Such tactics, combined with the premier's inability to recognize warning signs or respond to emerging issues, profoundly compromised confidence in his capacity as leader. This resulted in challenges on multiple fronts. Kenney's mismanagement of the health care system in the fourth wave of the pandemic precipitated slumping polls, projections that the NDP could win sixty of Alberta's eighty-seven legislative seats, and six consecutive quarters in which the NDP more than doubled the funds raised by the UCP.⁶⁷ Repeated calls for a leadership review or outright resignation came from within his own caucus, a UCP board member, constituency associations, former leadership rivals, and a litany of critics, many of whom had once been supporters.⁶⁸ As confidence in Kenney's leadership collapsed,⁶⁹ Albertans turned to health care experts and workers for reliable information and credible responses. Frontline health care workers reported overburdened hospitals and workers for weeks while Kenney vacationed in an undisclosed location in August 2021. AHS announced mandatory overtime and vacation cancellations for health care workers as hospital and ICU capacity was expanded to 169 per cent of their baseline.⁷⁰ Just before the 20 September federal election the UNA, HSAA, AUPE, and CUPE issued an open letter pressing Kenney to request military support for Alberta's overwhelmed hospitals.⁷¹ But Kenney waited until *after* the federal election to send a letter to Bill Blair, minister of public safety and emergency preparedness. On the same day Kenney replaced his beleaguered health minister. These delays added to concerns that politics was taking priority over health.

In the face of all this uncertainty, with COVID deaths exceeding the combined totals of Ontario, Quebec, and Saskatchewan,⁷² the embattled premier who had invoked Ralph Klein's promise not to "blink," reversed demands for AUPE concessions in October 2021. The government's original calls for a 4 per cent decrease in salary, reduced overtime, and benefits were dropped in a mediated settlement offering increases of 1.25 per cent and 1.5–2 per cent in January and September 2023. The finance minister struck a more respectful tone than in previous press releases, and AUPE

president Guy Smith reported that the government had made concessions in negotiations with other worker groups.⁷³ The government's choice to attack workers that were making sacrifices to help patients, students, and citizens reliant on their services backfired. If such demands were simply a negotiating tactic to strengthen the government's bargaining position, they proved counterproductive, stoking anger and shrivelling confidence in the premier and his government. And the unintended consequence was to strengthen support and appreciation for organized workers and professionals protecting health care, education, and government services.

The Long Goodbye

The more conciliatory approach to worker negotiations did not last. By December 2021, calls for a leadership review came to a head, forcing the UCP executive to move a planned leadership review from the autumn to an in-person vote on 9 April 2022, and then to a mail-in ballot with results to be announced 18 May 2022. Some wondered if the prospect of an early review might prompt Kenney to listen to some of his critics, adopt a shift in tone, and campaign to win back disgruntled voters. Government coffers overflowing with oil revenues enabled him to crisscross the province promising better economic fortunes, however, polls reflected sustained dissatisfaction with his leadership.⁷⁴ A comprehensive survey measuring public opinion spanning the mail-in ballot period (8 April to 4 May) revealed that almost 60 per cent of Albertans, and over 56 per cent of UCP identifiers, wanted Kenney removed as leader. Only 21 per cent thought he should continue.⁷⁵ The promise of prosperity was not enough to outweigh the anger against a persistent pattern of arrogant, insular leadership and imposition of top-down policies.

That pattern continued as the leadership review approached. In March, Crown prosecutors, whose repeated pleas for adequate funding had fallen on deaf ears, faced the prospect of over 3,000 criminal cases being dismissed for exceeding time limits. In desperation, they threatened to strike. The initial government response was to deny that any criminal cases were in jeopardy,⁷⁶ and the government repudiated the prosecutors' union-like strike threat. Then Tyler Shandro, now justice minister, backtracked, agreeing to negotiate. However, the prospect of serious criminals evading justice, particularly in rural Alberta, further undermined Kenney's

leadership, since many already-angry voters were also upset about failures to curtail crime.

Apparently confident of a win, Kenney reverted to confrontation, including against health care workers. The conciliatory negotiations of the previous autumn evaporated. In March, with COVID death counts reaching new highs and shortages of health care workers, the government offered an 8 to 11 per cent pay *cut* to HSAA workers, including respiratory specialists, hailed as life-savers throughout the pandemic.⁷⁷ With UCP voters about to mail in their leadership review ballots in early April, AHS CEO and president Dr. Verna Yiu was fired with a year remaining in her contract—widely seen as paving the way for privatization. In April and May, concerns about the health care system grew as a procession of health care crises made headlines. These included repeated transfers of surgical patients from Red Deer to other hospitals due to chronic shortages, and photographs of parents and their children in a line up extending outside a children's hospital emergency entrance. AHS announced an end to a program funding insulin pumps, and public backlash forced a pause. However, in a town hall "consultation," patients complained that they were not listened to. Kenney held a press conference announcing plans to open beds at Rockyview Hospital, however his pledge was undercut by revelations that two dozen surgeries at that same hospital had to be postponed due to staff shortages.⁷⁸

Kenney reaped 51.4 per cent support in the leadership review, and announced his plans to resign on 18 May. The result surprised Kenney and his inner circle, but few outside this insular group. The demise of Alberta's previous conservative dynasty was attributed to arrogance, hypocrisy, and entitlement—particular liabilities for conservative governments. These qualities can manifest in failure to respect or effectively respond to the voices, needs, and sacrifices of citizens. For a populist leader, such shortcomings are crippling. In his campaign to unite the right and become UCP leader, Kenney repeatedly decried the arrogance that defeated Alberta's PC dynasty. "We had leaders telling people what to think, rather than listening to them in humility. We must not repeat the mistake of that arrogance, we must have an approach of humility and servant leadership that empowers the grassroots members to decide the policy direction of this new party."⁷⁹ Haunting words for a leader who betrayed promises,

failed to recognize or respond to unanticipated problems, and increasingly was seen as fighting against, rather than for Albertans. His tenacious grip on power fed suspicions that Kenney prioritized his own political fortunes over the health and concerns of Albertans.⁸⁰

A more respectful, consultative, and inclusive approach could have helped Jason Kenney govern more effectively. Had he engaged questions and input from more Albertans, including workers and elected leaders of the unions and professional associations discussed, he might have consolidated support. He apparently misread Alberta, and support for the workers needed to facilitate its governance. Ultimately, he was unable to adapt to the new Alberta he encountered, or chart a course correction.

NOTES

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- 21 Barrie, *The Other Alberta*, 78.
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 - 30 Lori Williams, “A League of Their Own: Alberta’s Women Party Leaders,” in *Orange Chinook*, 332.
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- 68 UCP board member Joel Mullan called for Kenney's resignation after the federal election. Just prior to the UCP AGM in November 2021, twenty-two constituency associations signed a letter demanding an early leadership review. Brian Jean, who lost the UCP leadership to Kenney, announced he was running for the UCP nomination in

a by-election, openly calling for Kenney's resignation. UCP senior policy advisor/press secretary Blaise Boehmer quit and took to social media to decry Kenney's autocratic leadership style. Columnist Rick Bell who once supported Kenney had become one of his harshest critics.

- 69 Kenney dropped to 20 per cent support in October 2021 (<https://angusreid.org/provincial-spotlight-health-care-economy/> (accessed Oct 27/21)) and "twice as many Alberta voters were satisfied with the federal Liberals than with the UCP," see Fournier, "Will Jason Kenney sink the UCP experiment?:"
- 70 Charles Rusnell, "Alberta Health Services invokes emergency work rules for nurses as COVID hospitalizations rise," *CBC News*, 20 August 2021, <https://www.cbc.ca/news/canada/edmonton/alberta-nurses-emergency-work-rules-1.6148537> (accessed 19 November 2021). The expansion to 169 per cent was reached around 18 September (see Brittany Gervais below).
- 71 Brittany Gervais, "Alberta health care unions call on Kenney to request immediate military aid," *Calgary Herald*, 18 September 2021, <https://calgaryherald.com/news/local-news/alberta-healthcare-unions-call-on-kenney-to-request-immediate-military-aid> (accessed 19 September 2021). Together these unions represented over 100,000 health care workers. Kenney, as a former federal cabinet minister, knew Blair could have responded before the election, and Blair had offered help just before election day, but Kenney claimed the request could not be made earlier because the government was in caretaker mode.
- 72 Markusoff, "Jason Kenney is sinking."
- 73 Tricia Kindleman, "AUPE, provincial government reach tentative deal," *CBC News*, 13 October 2021, <https://www.cbc.ca/news/canada/edmonton/aupe-provincial-government-reach-tentative-deal-1.6209444> (accessed 16 October 2021).
- 74 Andrew Parkin, "Forget Ottawa—Albertans growing alienated from their own leaders, too," *CBC News*, 16 May 2022, <https://www.cbc.ca/news/canada/calgary/opinion-alberta-western-alienation-survey-1.6453154> (accessed 17 May 2022).
- 75 Wesley, "Albertans Want and Expect Kenney to Lose Leadership Review."
- 76 Meghan Grant, "Justice Minister Tyler Shandro says no criminal cases at risk over delay—but there are thousands," *CBC News*, 11 March 2022, <https://www.cbc.ca/news/canada/calgary/justice-minister-tyler-shandro-jordan-cases-alberta-1.6382170> (accessed 26 April 2022).
- 77 Ashley Joannou, "AHS proposing significant pay cuts for social workers as part of contract negotiations," *Edmonton Journal*, 14 March 2022, <https://edmontonjournal.com/news/local-news/ahs-proposing-pay-cuts-for-social-workers> (accessed 15 May 2022).
- 78 Jennifer Lee, "Staffing shortages worsen as patients transferred out of Red Deer for surgery," *CBC News*, 10 May 2022, <https://www.cbc.ca/news/canada/calgary/staffing-shortages-patients-transferred-red-deer-hospital-1.6447849>; Kylee Pederson, "Changes to insulin pump therapy program has some Albertans with diabetes worried," *CBC News*, 4 May 2022, <https://www.cbc.ca/news/canada/calgary/changes-alberta-insulin-pump-therapy-program-1.6440668>; Michelle Bellefontaine, "Insulin pump town hall only a first step in consultation, health minister says," *CBC News*, 26 May 2022, <https://www.cbc.ca/news/canada/edmonton/alberta-health-diabetic-insulin-pump-program-copping-1.6466074>; Jennifer Lee, "Concerns grow as ER wait times at Alberta's pediatric

- hospitals balloon,” *CBC News*, 6 May 2022, <https://www.cbc.ca/news/canada/calgary/er-wait-times-alberta-childrens-hospital-1.6443892>; Dylan Short, “Operations cancelled at Rockyview hospital due to staff illnesses and absences,” *Calgary Herald*, 14 May 2022, <https://calgaryherald.com/news/local-news/operations-cancelled-at-rockyview-hospital-due-to-staff-illnesses-and-absences> (all accessed 26 May 2022).
- 79 David Climenhaga, “Rest in Peace, ‘Grassroots Guarantee’—Jason Kenney’s Famous Promise is Gone With the Wind,” *Alberta Politics*, 15 November 2021, <https://albertapolitics.ca/2021/11/rest-in-peace-grassroots-guarantee-jason-kenneys-famous-promise-is-gone-with-the-wind/> (accessed 20 November 2021).
- 80 This perception was reflected in a 26 May 2022 ThinkHQ poll; two-thirds of Albertans thought Kenney would do almost anything to keep the leadership: Rick Bell, “Kenney soon out, UCP bouncing back without a new leader,” *Calgary Sun*, 26 May 2022, <https://calgarysun.com/opinion/columnists/bell-kenney-soon-out-ucp-bouncing-back-without-a-new-leader> (accessed 26 May 2022).