

1983 BILL 44

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First Session, 20th Legislature, 32 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 44

LABOUR STATUTES AMENDMENT ACT, 1983

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THE MINISTER OF LABOUR

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 44*

## **BILL 44**

1983

### **LABOUR STATUTES AMENDMENT ACT, 1983**

*(Assented to , 1983)*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

#### **Firefighters and Policemen Labour Relations Act**

*1(1) The Firefighters and Policemen Labour Relations Act is amended by this section.*

*(2) The title is amended by striking out “POLICEMEN” and substituting “POLICE OFFICERS”.*

*(3) Section 1(b)(ii) and (iii), (c)(ii) and (iii) and (h) are amended by striking out “policemen” wherever it occurs and substituting “police officers”.*

## **Explanatory Notes**

### **Firefighters and Policemen Labour Relations Act**

1(1) This section will amend chapter F-11 of the Revised Statutes of Alberta 1980.

(2) The title presently reads:

### **FIREFIGHTERS AND POLICEMEN LABOUR RELATIONS ACT**

(3) Section 1(b), (c) and (h) presently read:

*1 In this Act,*

*(b) "bargaining agent" means*

*(i) with respect to a bargaining unit of firefighters, a trade union,*

*(ii) with respect to a bargaining unit of policemen who hold the rank of inspector or higher (excluding the chief constable and deputy chief constables), representatives of those policemen,*

*(iii) with respect to a bargaining unit of policemen who hold ranks lower than that of inspector, a police association,*

*that represents a majority of the persons in the bargaining unit;*

*(c) "bargaining unit" means*

*(i) the firefighters of the fire department of a municipality, excluding the chief and the deputy chiefs,*

*(ii) the policemen of a municipal police force who hold the rank of inspector or higher, excluding the chief constable and deputy chief constables, or*

*(iii) the policemen of a municipal force who hold ranks lower than that of inspector;*

*(h) "police association" means an association of policemen limited to members of one municipal police force and having among its ob-*

(4) *The following is added after section 1:*

**PART 1**

**FIREFIGHTERS AND POLICE OFFICERS**

(5) *The following is added after section 4:*

**4.1** The *Labour Relations Act* applies to the extent shown in that Act with respect to firefighters and police officers who hold ranks lower than inspector and to the municipalities that bargain collectively with those firefighters and police officers.

**PART 2**

**POLICE OFFICERS HOLDING THE RANK OF  
INSPECTOR OR HIGHER**

**4.2** This Part applies only with respect to the police officers of municipal police forces who hold the rank of inspector or higher and to the municipalities that bargain collectively with them.

(6) *Sections 17, 18, 19 and 21 are repealed and the following is added after section 22:*

**PART 3**

**GENERAL**

**23(1)** Notwithstanding anything in this Act or the *Labour Relations Act*, either party to a collective agreement under this Act or the *Labour Relations Act* may refer by notice of motion any question as to the

- (a) interpretation,
- (b) application, or
- (c) alleged violation

of the agreement in respect of personal discipline of a police officer to a judge of the Court of Queen's Bench.

(2) The procedure in a reference shall be as determined by the judge.

(3) The judge on hearing the reference may

- (a) make any finding that in his opinion ought to have been made,
- (b) quash, vary or confirm any action taken by either party, or
- (c) refer the matter back to the parties for further consideration.

*jects the improvement of conditions of service or remuneration of the members of that police force;*

(4) Title to Part 1.

(5) Part 2 applies only to police officers holding the rank of inspector or higher.

(6) Sections 17, 18 and 21 of the Firefighters and Policemen Labour Relations Act are moved to Part 3. Section 19 is repealed. Section 19 presently reads:

*19 The Labour Relations Act does not apply to firefighters.*

(4) The judge by his decision shall not alter, amend or change the terms of the collective agreement.

(5) The decision of the judge is binding on both parties and on all persons affected.

(6) The decision of the judge shall make no award as to costs of the reference.

**24** If a conflict arises between this Act and

(a) any other Act, or

(b) any by-law or regulation of a municipality,

this Act applies.

**25** Any person, municipality, trade union or association that contravenes

(a) this Act, or

(b) the regulations

is guilty of an offence and liable to a fine of not more than \$1000.

### **Labour Relations Act**

*2(1) The Labour Relations Act is amended by this section.*

*(2) The following provisions are amended by adding “or trade union organization” after “agent” wherever it occurs:*

section 1(1)(f);  
section 73(1) and (4);  
section 75(2), (5) and (7);  
section 150(3).

*(3) Section 1(1) is amended*

*(a) in clause (k) by adding “or entitled to” after “receipt of”;*

*(b) in clause (p) by striking out “83” and substituting “84”;*

*(c) by adding the following after clause (w):*

(w.1) “trade union organization” means an organization, other than a trade union, that has the authority to represent local trade unions of a provincial, national or international organization in collective bargaining;

### **Labour Relations Act**

**2(1)** This section will amend chapter L-1.1 of the Revised Statutes of Alberta 1980.

**(2)** Adds reference to trade union organization to various provisions.

**(3)** Section 1(1)(k) and (p) presently read:

*1(1) In this Act,*

*(k) "employee" means a person employed to do work who is in receipt of wages, but does not include*

*(i) a person who, in the opinion of the Board, exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations, or*

*(ii) a person who is a member of the medical, dental, architectural, engineering or legal profession qualified to practise under the laws of Alberta and employed in his professional capacity;*

*(p) "mediator" means a person appointed as a mediator under section 83;*

*(4) Section 2 is amended*

*(a) in subsection (2)(d) by striking out “policemen of a municipal police force” and substituting “police officers of a municipal police force who hold the rank of inspector or higher,”;*

*(b) by adding the following after subsection (2):*

**(3) Subject to the *Firefighters and Police Officers Labour Relations Act*, this Act except for the provisions referred to in subsection (4) applies to**

**(a) firefighters who have the right to bargain collectively under the *Firefighters and Police Officers Labour Relations Act* and municipalities to the extent that they bargain collectively with those firefighters, and**

**(b) police officers of municipal police forces who hold ranks lower than that of inspector who have the right to bargain collectively under the *Firefighters and Police Officers Labour Relations Act* and municipalities to the extent that they bargain collectively with those police officers.**

**(4) The following provisions do not apply with respect to the firefighters, police officers and municipalities referred to in subsection (3):**

sections 23 and 24;  
sections 28 to 72;  
sections 75 and 76;  
sections 87 to 92;  
sections 105 to 111;  
sections 114 to 117;  
sections 132 and 133;  
section 136(1) and (1.1);  
section 137(3)(a)(vi), (c)(i) and (g);  
section 138(k)(ii);  
sections 144 to 147.

**(5) A police association for the police officers of a municipal police force who hold ranks lower than inspector shall be deemed to be a trade union for the purposes of this Act.**

**(6) A municipality as defined in the *Firefighters and Police Officers Labour Relations Act* shall be deemed to be an employer for the purposes of this Act with respect to the police officers of a municipal police force who hold ranks lower than inspector.**

**(7) With respect to the firefighters, police officers and municipalities referred to in subsection (3), the definitions contained in section 1 apply except that terms defined in section 1 of the *Firefighters and Police Officers Labour Relations Act* have the meaning given to them by that Act.**

(4) Section 2(2)(d) presently reads:

*(2) This Act does not apply to*

*(d) employees who are policemen of a municipal police force appointed pursuant to the Police Act;*

*(5) Sections 5(1) and 6(1) are amended by adding “or a vice-chairman” after “Chairman”.*

*(6) Section 8 is amended*

*(a) in subsection (1) by adding “for the purposes of this Act” after “may”;*

*(b) by adding the following after subsection (2)(c):*

*(c.1) an organization is a trade union organization;*

*(7) Section 13(1) is amended by repealing clauses (a) and (b) and substituting the following:*

*(a) the attendance of a person is required or the attendance of a person to produce a document or other thing is required, or*

*(b) the production of a document or other thing is required so that the document or other thing may be examined by a party to a proceeding under this Act,*

*(8) Section 14(1) is amended*

*(a) by striking out “it may be served” and substituting “it shall be deemed to be properly served if it is served”;*

*(b) by repealing clause (c) and substituting the following:*

*(c) in the case of a trade union, trade union organization or employers’ organization,*

*(i) personally on the president, secretary or an officer of the trade union, trade union organization or employers’ organization or by leaving it for him at his address, or at the office of the trade union, trade union organization or employers’ organization, with some person who is apparently at least 18 years old, or*

*(ii) by sending it by registered or certified mail to the address of the president, secretary or an officer of the trade union, trade union organization or employers’ organization.*

(5) Sections 5(1) and 6(1) presently read:

*5(1) The members of the Board shall meet at the times and places specified by the Chairman.*

*6(1) The members of the Board shall, at the direction of the Chairman, meet as*

- (a) the Board,*
- (b) a division of the Board, or*
- (c) 2 or more divisions of the Board.*

(6) Section 8(1)(a) and (2)(c) presently read:

*8(1) The Board may*

*(a) make or issue any orders, decisions, notices, directives, declarations or certificates it considers necessary;*

*(2) The Board may decide for the purposes of this Act whether:*

*(c) an organization or association is an employers' organization;*

(7) Section 13(1) presently reads:

*13(1) When, in the opinion of the Board, Chairman or a vice-chairman of the Board*

- (a) the attendance of a person is required, or*
- (b) the attendance of a person to produce a document or other thing is necessary,*

*the Board, Chairman or vice-chairman may cause to be served on the person concerned a notice to attend or a notice to attend and produce a document or other thing, as the case may be, signed by the Chairman, vice-chairman, secretary or registrar of the Board.*

(8) Section 14 presently reads in part:

*14(1) Except when this Act otherwise provides, if anything is required or permitted to be served under this Act it may be served*

- (a) in the case of an individual,*
  - (i) personally or by leaving it for him at his last or most usual place of abode with some person who is apparently at least 16 years old, or*
  - (ii) by mailing it to him by registered mail or certified mail at his last known post office address;*
- (b) in the case of a corporation,*
  - (i) personally on a director, manager or officer of the corporation, or*
  - (ii) by leaving it at or by sending it by registered or certified mail to the registered office of a corporation or to the office of the attorney of an extra-provincial corporation;*

*(9) Section 19(1) is amended by adding “, trade union organization” after “union” wherever it occurs.*

*(10) Section 20(a) is amended by adding “or trade union organization” after “union”.*

*(11) Section 21 is amended*

*(a) by repealing subsection (1) and substituting the following:*

**21(1)** When a difference exists concerning the application or operation of this Act, any party to the difference may refer the difference to the Board.

*(b) in subsection (2) by striking out “complaint” and substituting “difference”.*

*(12) Section 34(1) is amended by striking out “A” and substituting “Subject to section 49(2) and (3), a”.*

*(13) Section 38(2) is amended by adding “, or that unit as altered or amended or with the inclusion or exclusion of employees under section 37(2),” after “applying for certification”.*

- (c) *in the case of a trade union or registered employers' organization,*
  - (i) *personally on the president, secretary or an officer of the trade union or registered employers' organization, or*
  - (ii) *by sending it by registered or certified mail to the address of the president, secretary or an officer of the trade union or registered employers' organization.*

(9) Section 19(1) presently reads:

*19(1) If the Board is satisfied in any proceedings under this Act that a bona fide mistake has been made in naming or not naming a person, trade union, employer or employers' organization, the Board may direct that the name of the person, trade union, employer or employers' organization be substituted, added or deleted as a party to the proceedings.*

(10) Section 20 presently reads:

*20 The Board*

- (a) *may on the request of an employer, employers' organization or a trade union or on receipt of a petition signed by not less than 50% of the employees in a unit, or*
- (b) *shall on the direction of the Minister,*

*require a vote to be taken under its supervision on any question involving the relations between an employer and his employees in a unit or between an employers' organization and the employers in the employers' organization where it is desirable to have an expression of opinion of the majority of the employees or employers, as the case may be.*

(11) Section 21(1) and (2) presently read:

*21(1) When a difference exists between an employer or an employers' organization and a trade union concerning the application or operation of this Act, any of the parties to the difference may refer the difference to the Board.*

*(2) When a difference is referred to the Board pursuant to subsection (1), the Board or a person designated by the Board may appoint an officer to inquire into the complaint and endeavour to effect a settlement.*

(12) Section 34(1) presently reads:

*34(1) A trade union that claims to have been selected by a majority of employees in a unit that the trade union considers appropriate for collective bargaining may apply to the Board to be certified as the bargaining agent of the employees in the unit.*

(13) Section 38(2)(a) presently reads:

*(2) When the Board is satisfied that the unit on behalf of which the trade union is applying for certification is an appropriate unit for collective bargaining,*

- (a) *it shall further satisfy itself that a majority of the employees in the unit by*
  - (i) *membership in good standing in the trade union, or*

*(14) Section 42(3) is amended by adding “or former employer” after “employer” wherever it occurs.*

*(15) Section 48 is amended by striking out “and the collective agreement contains provision for” and substituting “and the parties have agreed to”.*

*(16) Section 49 is amended*

*(a) by renumbering it as section 49(1) and*

*(i) by adding “or withdrawn by the applicant” after “by the Board”;*

*(ii) by adding “withdrawal or” after “date of the”;*

*(b) by adding the following after subsection (1):*

**(2) When the certification of a bargaining agent is revoked, that bargaining agent shall not negotiate or enter into a collective agreement or apply for certification for the same or substantially the same unit with the employer named in the revoked certificate for a period of 6 months from the date of the revocation of the certificate.**

**(3) When the Board declares under section 46 that a bargaining agent is no longer entitled to bargain on behalf of employees in a unit, that bargaining agent shall not negotiate or enter into a collective agreement or apply for certification for the same or substantially the same unit with the employer**

*(ii) having applied for membership in the trade union and having paid on their own behalf a sum of not less than \$2 not longer than 90 days before the date the application for certification was made,*

*or both, have selected the trade union to be a bargaining agent on their behalf, or*

(14) Section 42(3) presently reads:

*(3) An employer may apply to the Board to revoke the certification of a bargaining agent but only if the employer and the certified bargaining agent have not bargained collectively for a period of at least 3 years*

*(a) after the date the trade union became the certified bargaining agent, if no collective agreement has been entered into affecting the employer and the certified bargaining agent, or*

*(b) after the first fixed date for the termination of the collective agreement, if a collective agreement has been entered into affecting the employer and the certified bargaining agent.*

(15) Section 48 presently reads:

*48 When notice to commence collective bargaining has been served by either party to a collective agreement and the collective agreement contains provision for the continuation of the agreement beyond a date fixed for the termination of the agreement, a continuation is not a bar to an application for*

*(a) certification as a bargaining agent,*

*(b) revocation of the certification of the bargaining agent, or*

*(c) a declaration that the bargaining agent is no longer entitled to bargain collectively.*

(16) Section 49 presently reads:

*49 Notwithstanding anything in this Act, if an application for*

*(a) certification as a bargaining agent,*

*(b) revocation of the certification of a bargaining agent,*

*(c) a declaration that a bargaining agent is no longer entitled to bargain collectively,*

*(d) registration of an employers' organization, or*

*(e) cancellation of registration of an employers' organization,*

*has been refused by the Board, the applicant shall not, without the consent of the Board, make the same or substantially the same application until after the expiration of 90 days from the date of the refusal.*

who was a party to the collective agreement for a period of 6 months from the date of the declaration of the Board.

*(17) Section 52(1)(c) and (2) are amended by striking out “described in the application”.*

*(18) Section 58(1) is amended by adding “, to the extent that it infringes on the territory and the trade jurisdiction set out in the registration,” after “into is”.*

*(19) Section 74 is repealed and the following is substituted:*

**74(1)** On the service of a notice to commence collective bargaining by or on an employer, employers' organization, trade union or trade union organization, the employer, employers' organization, trade union or trade union organization shall appoint a person resident in Alberta with authority

- (a) to bargain collectively,
- (b) to conclude a collective agreement, and
- (c) to sign a collective agreement

on its behalf.

(2) On the request of a party to the collective bargaining or a mediator, the employer, employers' organization, trade union or trade union organization shall provide the party or mediator with the name and address of the person referred to in subsection (1).

*(20) The following is added after section 75:*

**75.1(1)** When a trade union organization serves notice to commence collective bargaining, the notice must contain or be accompanied by

- (a) a list of the names and addresses of the trade unions on whose behalf the trade union organization is authorized to bargain collectively,

(17) Section 52(1)(c) and (2) presently read:

*52(1) On receipt of an application for registration by an employers' organization, the Board shall inquire into*

*(c) whether the employers' organization has as members the majority of the employers in the territory and trade jurisdiction described in the application with whom the trade union has established the right of collective bargaining;*

*(2) For the purpose of determining whether a majority of employers engaged in the territory and trade jurisdiction described in the application in the construction industry in respect of whom a trade union has established the right of collective bargaining are members of the employers' organization applying for registration, the Board may fix a period of time during which any employer so engaged shall be deemed to be an employer for the purposes of the application.*

(18) Section 58(1) presently reads:

*58(1) Subject to sections 108 and 109, no employer on whose behalf a registered employers' organization has exclusive authority to bargain collectively and no trade union affected by the registration shall negotiate or enter into individual collective agreements with employers in the territory and trade jurisdiction set out in the registration and any agreement entered into is void and of no effect.*

(19) Section 74 presently reads:

*74 On the service of a notice to commence collective bargaining by or on an employer, the employer shall appoint a person resident in Alberta with authority*

*(a) to bargain collectively,*

*(b) to conclude a collective agreement, and*

*(c) to sign a collective agreement*

*on behalf of the employer, and thereupon shall notify the bargaining agent.*

(20) Collective bargaining by trade union organizations and service during collective bargaining.

(b) a copy of the authorizations given by or binding on the trade unions, and

(c) a list of the names and addresses of the chairman and other members of its bargaining committee.

(2) When a trade union organization receives a notice to commence collective bargaining, it shall, within 10 days after the day on which it receives the notice, serve on the employer or employers' organization, as the case may be, the lists and authorizations referred to in subsection (1).

(3) A copy of the lists and authorizations served under subsection (1) or (2) must be filed with the Director.

(4) Upon service of the lists and authorizations in accordance with subsection (1) or (2), as the case may be, the trade union organization shall be deemed to be bargaining collectively for all the trade unions that are named in the list and that gave their authorization.

(5) A trade union may be added to the list of trade unions on whose behalf the trade union organization is deemed to be bargaining collectively if

(a) the employer or employers' organization and the trade union organization agree to add the trade union to the list, and

(b) an authorization of the trade union is served under subsection (1) or (2), as the case may be.

(6) An authorization under this section may be given by the president or other official of the trade union and thereupon that authorization shall be deemed to be the authorization of the trade union.

(7) When a trade union has authorized a trade union organization to bargain collectively on its behalf, the authorization may not be revoked until

(a) a collective agreement has been entered into between the trade union organization and the employer or employers' organization, or

(b) a strike or lockout commences in accordance with this Act,

whichever first occurs.

**75.2(1)** Anything that is required or permitted to be served by the Director, the Board, a disputes inquiry board, a compulsory arbitration board or the Minister during the course of collective bargaining may be served in the case of a trade union organization or an employers' organization

(a) personally on the chairman or any member of the bargaining committee of the trade union organization or em-



ployers' organization or by leaving it for him at his address with a person who is apparently at least 18 years old, or

(b) by sending it by registered or certified mail to the address of the chairman or any member of the bargaining committee of the trade union organization or the employers' organization.

(2) Service on the chairman or a member of the bargaining committee of a trade union organization in accordance with subsection (1) is also good service on all the trade unions and employees represented by the bargaining committee.

(3) Service on the chairman or a member of the bargaining committee of an employers' organization in accordance with subsection (1) is also good service on the employers represented by the bargaining committee.

*(21) Section 77 is repealed.*

*(22) Section 87 is amended by renumbering it as section 87(1) and by adding the following after subsection (1):*

(2) Only one strike or lockout vote may take place with respect to a dispute.

*(23) The following is added after section 102:*

**102.1** When the Minister receives the recommendations of a disputes inquiry board on the matters in dispute pursuant to section 102, he shall serve the parties to the dispute with a copy of the recommendations and may publish the recommendations received by him in any manner he thinks fit.

**102.2(1)** If the parties to a dispute accept the recommendations of a disputes inquiry board the recommendations are binding on the parties and shall be included in the terms of a collective agreement.

(2) Unless a party to the dispute notifies the Board of its acceptance of the recommendations of the disputes inquiry board within 10 days after receiving a copy of the recommendations from the Minister, the Board shall supervise a vote on the acceptance or rejection of the recommendations by the employees or employers affected by the dispute who are represented by that party.

(21) Section 77 presently reads:

*77(1) When an employers' organization is established by statute and is given authority by one or more of its members to represent them, the employers' organization may, with the consent of the bargaining agent, bargain collectively on a joint basis for those members.*

*(2) When collective bargaining is commenced under subsection (1), it shall be deemed for the purposes of this Act that the collective bargaining has been carried on by each member that gave its authorization.*

(22) Section 87 presently reads:

*87 During the open period*

*(a) a bargaining agent may apply to the Board to supervise a strike vote, or*

*(b) an employers' organization may apply to the Board to supervise a lockout vote.*

(23) Section 102 presently reads:

*102(1) If a disputes inquiry board is unable to effect a settlement of a dispute within*

*(a) 20 days of the date it is established, or*

*(b) any longer time that may be agreed by the parties to the dispute or fixed by the Minister,*

*the disputes inquiry board shall make recommendations with respect to each matter in dispute and send them to the Minister, who shall forthwith notify each party to the dispute of the recommendations.*

*(2) A disputes inquiry board may report what, in its opinion, ought to be done by each of the parties to the dispute.*

*(3) If more than one member is appointed to a disputes inquiry board the recommendations of a majority of the members of the disputes inquiry board are the recommendations of the board and shall be signed by those members of the disputes inquiry board that concur with the recommen-*

(3) When the Board supervises a vote under subsection (2), it shall do so as soon as practicable and shall notify the parties to the dispute of the results of the vote upon its conclusion.

(4) If a majority of those employees or employers who vote under this section and the other party to the dispute are in favour of the recommendations of the disputes inquiry board, the recommendations are binding on the parties and shall be included in the terms of a collective agreement.

(5) If either party to the dispute neglects or refuses to participate in the preparation of a collective agreement in accordance with subsection (1) or (4), the other party may prepare an agreement giving effect to

(a) the recommendations of the disputes inquiry board, and

(b) any other matters that are agreed on by the parties,

and shall submit the agreement to the disputes inquiry board for certification that the agreement accurately incorporates its recommendations.

(6) When a disputes inquiry board receives a collective agreement pursuant to subsection (5) and is satisfied that it gives effect to its recommendations, the disputes inquiry board shall certify the collective agreement as accurately incorporating the recommendations.

(7) A collective agreement referred to in subsection (1), (4) or (6) is binding on

(a) the bargaining agent and every employee in the unit on whose behalf it was bargaining collectively;

(b) the employer, where the employer acted on his own behalf;

(c) the employers' organization and each employer on whose behalf it was bargaining collectively, where an employers' organization acted on behalf of employers.

(24) *Section 105(1) is amended*

(a) *by striking out "or person acting on behalf of the bargaining agent shall strike or cause a strike" and substituting ", trade union organization or person acting on behalf of the bargaining agent or trade union organization shall strike or cause a strike or threaten to strike or cause a strike";*

(b) *by repealing clause (b) and substituting the following:*

(b) if a disputes inquiry board is established before a strike commences,

(i) until 10 days after the Minister serves a copy of the recommendations of the disputes inquiry board on the parties, or

*datations, but if there is no majority, the recommendations of the chairman shall be deemed to be the recommendations of the board.*

(24) Section 105 presently reads in part:

*105(1) No employee, bargaining agent or person acting on behalf of the bargaining agent shall strike or cause a strike*

*(b) if a disputes inquiry board is established before a strike commences, until 10 days after the Minister notifies the parties of the recommendations of the disputes inquiry board,*

(ii) if the Board supervises a vote under section 102.2, until 72 hours after the Board notifies the parties of the results of that vote,

*(25) Section 106(1) is amended*

*(a) by adding “or threaten to lock out” after “shall lock out”;*

*(b) by repealing clause (b) and substituting the following:*

(b) if a disputes inquiry board is established before a lockout commences,

(i) until 10 days after the Minister serves a copy of the recommendations of the disputes inquiry board on the parties, or

(ii) if the Board supervises a vote under section 102.2, until 72 hours after the Board notifies the parties of the results of that vote,

*(26) Section 107(1) is amended*

*(a) by adding “or threaten to cause a lockout” after “cause a lockout”;*

*(b) by repealing clause (b) and substituting the following:*

(b) if a disputes inquiry board is established before a lockout commences,

(i) until 10 days after the Minister serves a copy of the recommendations of the disputes inquiry board on the parties, or

(ii) if the Board supervises a vote under section 102.2, until 72 hours after the Board notifies the parties of the results of that vote,

*(27) Section 113 is repealed.*

(25) Section 106 presently reads in part:

*106(1) No employer shall lock out*

*(b) if a disputes inquiry board is established before a lockout commences, until 10 days after the Minister notifies the parties of the recommendations of the disputes inquiry board,*

(26) Section 107 presently reads in part:

*107(1) No employers' organization shall cause a lockout*

*(b) if a disputes inquiry board is established before a lockout commences, until 10 days after the Minister notifies the parties of the recommendations of the disputes inquiry board,*

(27) Section 113 presently reads:

*113(1) When a strike or lockout occurs and either of the parties alleges that it is not permitted under this Act, the matter may be referred to the Board.*

*(2) The Board shall on receipt of a reference under subsection (1) make any inquiry that it considers necessary.*

*(3) If the Board decides that the strike or lockout is not permitted under this Act, the Board shall issue a declaration to that effect and in the declaration may require a person, employee, employer, employers' organization, trade union and their officers and representatives to cease and desist from doing anything to continue the strike or lockout.*

*(4) If, after service of the declaration under subsection (3), the declaration or any requirement of it is not complied with, the Board may file a copy of the declaration with the clerk of the Court in the judicial district in which the strike or lockout occurs and thereupon the declaration is enforceable as an order of the Court.*

(28) *Section 115 is amended by renumbering it as section 115(1) and by adding the following after subsection (1):*

(2) Notwithstanding subsection (1), this Division does not apply to an employment to which Division 1.1 applies.

(29) *The following is added after section 117:*

#### **Division 1.1**

##### **Compulsory Arbitration**

**117.1(1)** This Division applies to the following:

(a) firefighters who have the right to bargain collectively under the *Firefighters and Police Officers Labour Relations Act* and municipalities to the extent that they bargain collectively with those firefighters;

(b) police officers of municipal police forces who hold ranks lower than that of inspector who have the right to bargain collectively under the *Firefighters and Police Officers Labour Relations Act* and municipalities to the extent that they bargain collectively with those police officers;

(c) employers who operate approved hospitals as defined in the *Hospitals Act*, and all the employees of those employers.

(2) No employee to whom this Division applies shall strike.

(3) No employer shall lock out employees to whom this Division applies.

(4) This Division operates notwithstanding any other provision of this Act.

**117.2(1)** If a dispute affecting an employment to which this Division applies cannot be resolved, either or both parties to the dispute may request the Board to recommend that the Minister establish a compulsory arbitration board.

(2) On receipt of a request by either party under subsection (1), the Board shall as soon as possible send a copy of the request by ordinary mail to the other party or serve the other party with a copy of the request in accordance with this Act.

**117.3** When a request for the establishment of a compulsory arbitration board is made, the Board

(a) if it is satisfied that the parties to the dispute have failed to make reasonable efforts to conclude a collective agreement, may direct the parties to continue collective bargaining and may prescribe the procedure or conditions under which collective bargaining is to take place;

*(5) Nothing in this section or in section 18 excludes the jurisdiction of the Court with respect to the matters referred to in this section.*

(28) Section 115 presently reads:

*115 The parties to a dispute may agree in writing to request the Minister to refer the matters in dispute to a collective bargaining arbitration board whose decision will be binding.*

(29) Compulsory arbitration.

(b) if it is satisfied that the dispute is appropriate to refer to a compulsory arbitration board, may recommend to the Minister that he establish a compulsory arbitration board in accordance with this Division.

**117.4(1)** If the Minister agrees to establish a compulsory arbitration board, he shall notify the parties to the dispute in writing accordingly and require each of them within 10 days to appoint a person to act as a member of the arbitration board.

(2) The 2 persons appointed under subsection (1) to act as members of a compulsory arbitration board shall appoint a 3rd person to act as a member and chairman of the arbitration board within 10 days of the date the 2nd person is appointed.

**117.5(1)** If a party to the dispute fails to appoint a person as a member of a compulsory arbitration board, the Minister may appoint a person to act as a member.

(2) If the 2 persons appointed as members of a compulsory arbitration board fail to appoint a person to act as a member and chairman, the Minister may appoint a person to act as a member and chairman.

(3) The expenses of the persons appointed under subsections (1) or (2) or section 117.4 shall be paid

(a) in the case of a person appointed by a party to a dispute, by that party, and

(b) in the case of the chairman or a person appointed by the Minister, by the Government.

(4) If a vacancy occurs in the membership of a compulsory arbitration board, it shall be filled in the same manner as provided for the appointment of the member or chairman, as the case may be.

(5) The members of a compulsory arbitration board have the powers of a commissioner under the *Public Inquiries Act*.

(6) A judge of the Court of Appeal or of the Court of Queen's Bench may be appointed as a member of a compulsory arbitration board.

**117.6** When 3 persons are appointed to act as members of a compulsory arbitration board, the Minister, by notice in writing to the chairman, shall

(a) establish the members as a compulsory arbitration board, and

(b) list the items in dispute to be resolved by the compulsory arbitration board.

**117.7(1)** On receipt of a notice under section 117.6, the compulsory arbitration board shall inquire into the items in dispute and endeavour to effect a settlement.



(2) If the compulsory arbitration board is unable to effect a settlement, it shall consider the position of the parties on each item in dispute and determine what method or combination of methods of arbitration it shall implement to resolve the items in dispute.

(3) Without restricting the generality of subsection (2), the method or combination of methods of arbitration determined under that subsection may include the method of arbitration known as "final offer selection".

**117.8** To ensure that wages and benefits are fair and reasonable to the employees and employer and are in the best interest of the public, the compulsory arbitration board

(a) shall consider, for the period with respect to which the award will apply, the following:

(i) wages and benefits in private and public and unionized and non-unionized employment;

(ii) the continuity and stability of private and public employment, including

(A) employment levels and incidence of layoffs,

(B) incidence of employment at less than normal working hours, and

(C) opportunity for employment;

(iii) fiscal policies of the Government;

and

(b) may consider, for the period with respect to which the award will apply, the following:

(i) the terms and conditions of employment in similar occupations outside the employer's employment taking into account any geographic, industrial or other variations that the board considers relevant;

(ii) the need to maintain appropriate relationships in terms and conditions of employment between different classification levels within an occupation and between occupations in the employer's employment;

(iii) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered;

(iv) any other factor that it considers relevant to the matter in dispute.



**117.9(1)** As soon as possible after a dispute is referred to it, the compulsory arbitration board shall make an award and in its award shall deal with each item in dispute.

(2) An award of a majority of the members of a compulsory arbitration board is an award of the compulsory arbitration board, but if there is no majority, the award of the chairman is the award of the compulsory arbitration board.

(3) The *Arbitration Act* does not apply to arbitration under this Division.

**117.91(1)** On making an award the compulsory arbitration board shall prepare a document in the form of a collective agreement setting out

(a) the terms and conditions that were agreed to by the parties, and

(b) the terms and conditions that were the subject of an award under section 117.9

and shall file a copy of it with the Minister and serve a copy of it on the employer or employers' organization and the bargaining agent or trade union organization.

(2) The Minister may publish an award in any manner he considers fit.

**117.92** A document prepared under section 117.91(1) constitutes a collective agreement and is binding on

(a) the bargaining agent and every employee in the unit on whose behalf it was bargaining collectively;

(b) the employer, where the employer acted on his own behalf;

(c) the employers' organization and each employer on whose behalf it was bargaining collectively, where an employers' organization acted on behalf of employers.

**117.93(1)** If a question arises concerning an award under section 117.9, the Minister may direct the chairman of the compulsory arbitration board to reconvene the compulsory arbitration board for the purpose of deciding the question.

(2) When the compulsory arbitration board makes its decision under subsection (1), it shall forward a copy of the decision to the Minister and the parties to the dispute and the decision is binding on the persons and organizations referred to in section 117.92.

(3) If the decision has the effect of amending the collective agreement constituted under section 117.91(1), the agreement shall be deemed to be amended accordingly.

**117.94(1)** If a strike of employees to which this Division applies commences, the employer, notwithstanding any collective



agreement or any other provision of this Act, may suspend the deduction and remittance of union dues, assessments and other fees payable by an employee to the bargaining agent with respect to a bargaining unit or part of a bargaining unit, and shall forthwith notify the bargaining agent of the suspension.

(2) A bargaining agent affected by the suspension under subsection (1) may apply to the Board for a determination as to whether or not a strike has occurred.

(3) Unless sooner revoked by the employer, the suspension under subsection (1) shall continue

(a) if the Board determines that no strike has occurred, until the time of that determination, or

(b) if the Board determines that a strike has occurred, until the end of the period referred to in subsection (5).

(4) If the Board is satisfied that no strike has occurred, it shall order the employer to resume deduction and remittance of union dues, assessments and other fees payable to the bargaining agent and to deduct and remit such amounts as the Board considers necessary to make up for the deductions suspended before the Board's determination.

(5) If the Board is satisfied that a strike has occurred, it shall confirm the suspension under subsection (1) and order that the suspension continue for a period of not less than 1 month and not more than 6 months from the date the suspension first took place.

(6) Notwithstanding any collective agreement or any other provision of this Act, an employee does not become ineligible for employment with an employer only because he fails to pay union dues, assessments or other fees the deduction and remittance of which have been suspended under this section.

(7) On the expiration of the suspension period the employer shall resume the deduction and remittance of union dues, assessments and other fees in accordance with the collective agreement.

(8) No provision may be made in a collective agreement in substitution for the suspension of the deduction and remittance of union dues, assessments and other fees under this section.

(30) *Section 120(a) is repealed and the following is substituted:*

*(a) If a difference arises between the parties to or persons bound by this collective agreement as to the interpretation, application, operation or contravention or alleged contravention of this agreement or as to whether such a difference can be the subject of arbitration, the parties agree to meet and endeavour to resolve the difference.*

(30) Section 120(a) presently reads:

*120 If a collective agreement does not contain the provisions required under section 118, the collective agreement shall be deemed to contain those of the following provisions in respect of which it is silent:*

*(a) If a difference arises as to the interpretation, application, operation or contravention or alleged contravention of this agreement or as to whether that difference can be the subject of arbitration, the parties agree to meet and endeavour to resolve the difference.*

*(31) Section 132 is repealed and the following is substituted:*

**132(1)** When a business or undertaking or part of it is sold, leased, transferred or otherwise disposed of so that control, management or supervision of it passes to a purchaser, lessee, transferee or person acquiring it, the Board may, on the application of any person, employer or trade union affected or on its own motion,

(a) if a trade union or trade unions are certified in respect of the business, undertaking or part of it, amend or cancel any certificate and declare that one or more certificates or certificates as amended are in effect or remain in effect and apply or will apply to the purchaser, lessee, transferee or person acquiring the business or undertaking or part of it,

(b) declare which trade union or trade unions shall be the bargaining agent for a unit or units of employees of the purchaser, lessee, transferee or person acquiring the business, undertaking or part of it,

(c) if one or more collective agreements are in force with respect to the business, undertaking or part of it, amend or cancel any or all of the collective agreements and declare that one or more collective agreements or collective agreements as amended are in effect or remain in effect and bind or will continue to bind the purchaser, lessee, transferee or person acquiring the business, undertaking or part of it.

**(2)** When a business or undertaking or part of it is sold, leased, transferred or merged with another business, undertaking or part of that business or undertaking or is otherwise disposed of and the employees affected by a certification of a bargaining agent or by a collective agreement are intermingled with other employees, the Board may, on the application of any person, employer or trade union affected or on its own motion,

(a) if a trade union or trade unions are certified with respect to the business, undertaking or part of it, amend or cancel any certificate and declare that one or more certificates or certificates as amended are in effect or remain in effect and apply or will apply to the purchaser, lessee, transferee or person acquiring the business or undertaking or part of it;

(b) declare which trade union or trade unions shall be the bargaining agent for a unit or units of employees of the purchaser, lessee, transferee or person acquiring the business, undertaking or part of it;

(c) if one or more collective agreements are in force with respect to the business, undertaking or part of it, amend or cancel any collective agreements and declare that one or more collective agreements or collective agreements as amended are in effect or remain in effect and bind or will continue to bind the purchaser, lessee, transferee or person acquiring the business or undertaking or part of it.

(31) Section 132 presently reads:

*132(1) When a business, undertaking or any other activity or part of it is sold, leased, transferred or otherwise disposed of, so that control, management or supervision of it passes to a purchaser, lessee, transferee or person acquiring it, then*

*(a) the purchaser, lessee or transferee or person acquiring the business, undertaking or any other activity or part of it is bound by all proceedings, where there have been proceedings under this Act, as if he had been a party to the proceedings,*

*(b) if a trade union is certified, the certification remains in effect and applies to the purchaser, lessee or transferee or person acquiring the business, undertaking or any other activity or part of it, and*

*(c) if a collective agreement is in force, the collective agreement continues to bind the purchaser, lessee or transferee or person acquiring the business, undertaking or other activity or part of it to the same extent as if the collective agreement had been signed by him and no changes shall be made in the collective agreement during its term without approval of the Board,*

*and the Board may, on application of any employer or trade union affected, and after any inquiry that the Board considers adequate, make a determination of all questions arising under this section.*

*(2) When a business, undertaking or other activity or part of it is sold, leased, transferred or merged with another business, undertaking or other activity or otherwise disposed of and the employees affected by a certification of a bargaining agent or by a collective agreement are intermingled with other employees, the Board may, on the application of any person or trade union affected*

*(a) determine whether the employees concerned constitute one or more appropriate units for collective bargaining,*

*(b) declare which trade union or trade unions, if any, shall be the bargaining agent or agents on behalf of the employees,*

*(c) amend, to the extent the Board considers necessary, any certificate issued to any trade union or any bargaining unit defined in any collective agreement, and*

*(d) declare which collective agreement, if any, shall continue in force and to what extent it shall continue in force and which collective agreement, if any, shall terminate,*

*and before disposing of the application, the Board may make any inquiry, require the production of any evidence and the doing of any thing or hold any vote that it considers appropriate.*

(3) In a proceeding under subsection (1) or (2) the Board may make any inquiries, require the production of any evidence or hold any votes that it considers necessary and may determine any questions arising under this section.

*(32) Section 137(3) is amended*

*(a) in clause (a) by striking out “or” at the end of subclause (v), by repealing subclause (vi) and by substituting the following:*

*(vi) has participated in any strike that is permitted by this Act, or*

*(vii) has exercised any right under this Act;*

*(b) in clause (d) by adding “, dismissal” after “intimidation”.*

*(33) Section 138 is amended by striking out “and no person acting on behalf of a trade union” and substituting “or trade union organization and no person acting on behalf of a trade union or trade union organization”.*

*(34) Section 139 is amended by striking out “or bargaining agent” and substituting “, bargaining agent or trade union organization”.*

*(35) Section 141(1) is repealed and the following is substituted:*

**141(1)** Subject to subsections (2) and (3), any employer, employers’ organization, employee, trade union, trade union organization or other person may make a complaint in writing to the Board that there has been or is a failure to comply with any provision of the Act that is specified in the complaint.

*(36) Section 142 is amended*

*(a) in subsection (5)*

*(i) by striking out “or other person has failed to comply with section 71, 136, 137, 138 or 140 or any provision of those sections, the Board may” and substituting “, trade union or*

(32) Section 137(3)(a)(vi) and (d) presently read:

*(3) No employer or employers' organization and no person acting on behalf of an employer or employers' organization shall*

*(a) refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because the person*

*(vi) has participated in a strike that is permitted by this Act or exercised any right under this Act;*

*(d) seek by intimidation, threat of dismissal or any other kind of threat, by the imposition of a pecuniary or other penalty or by any other means, to compel a person to refrain from becoming or to cease to be a member, officer or representative of a trade union;*

(33) Section 138(a) presently reads:

*138 No trade union and no person acting on behalf of a trade union shall*

*(a) seek to compel an employer or employers' organization to bargain collectively with the trade union if the trade union is not the bargaining agent for a unit of employees that includes employees of the employer;*

(34) Section 139 presently reads:

*139 No employer, employers' organization or bargaining agent and no authorized representative acting on behalf of any of them, after having served or having been served with a notice to commence collective bargaining pursuant to section 73 or the provisions of a collective agreement, shall refuse*

*(a) to meet and commence to bargain collectively in good faith, or*

*(b) to make every reasonable effort to enter into a collective agreement.*

(35) Section 141(1) presently reads:

*141(1) Subject to subsections (2) and (3), any employer, employers' organization, employee, trade union or other person may make a complaint in writing to the Board that there has been or is a failure to comply with section 71 or sections 136 to 140 or any provisions of those sections.*

(36) Section 142(5) presently reads:

*(5) When the Board is satisfied after an inquiry that an employer, employers' organization, employee, trade union or other person has failed to comply with section 71, 136, 137, 138 or 140 or any provision of those sections, the Board may rectify the act in respect of which the complaint is made and without restricting the generality of the foregoing*

ganization or any other person has failed to comply with any provision of this Act that is specified in a complaint, the Board may issue a directive to”;

(ii) *by repealing clause (a) and substituting the following:*

(a) may issue a directive to the employer, employers’ organization, employee, trade union, trade union organization or other person concerned to cease doing the act in respect of which the complaint was made;

(iii) *in clause (b)*

(A) *by striking out* “in the same or a subsequent directive require the employer, employers’ organization, employee, trade union” *and substituting* “issue a directive to require the employer, employers’ organization, employee, trade union, trade union organization”;

(B) *in subclause (i), (ii), (iv) and (v) by striking out* “those sections” *and substituting* “this Act”;

(b) *in subsection (6) by adding* “, trade union organization” *after* “agent” *wherever it occurs*;

(c) *by adding the following after subsection (7):*

(7.1) A directive under subsection (5)(a) to cease a strike or lockout that is not permitted under this Act is binding on the employer, employers’ organization, employee, trade union, trade union organization or other person to whom it is directed with respect to the strike or lockout referred to in the directive and any future strike or lockout that occurs for the same or substantially similar reason.

(7.2) Nothing in this section or in section 18 excludes the jurisdiction of the Court with respect to strikes or lockouts that are not permitted by this Act.

(37) *Section 152 is amended by adding the following after clause (b):*

(b.1) compulsory arbitration board;

*(a) shall issue a directive to the employer, employers' organization, employee, trade union or other person concerned to cease doing the act in respect of which the complaint was made;*

*(b) may in the same or a subsequent directive require the employer, employers' organization, employee, trade union or other person*

*(i) to reinstate any employee suspended or discharged contrary to those sections;*

*(ii) to pay to any employee or former employee suspended or discharged contrary to those sections compensation not exceeding a sum that, in the opinion of the Board, would have been paid by the employer to the employee, together with a sum not exceeding the amount of interest paid by the employee on money borrowed to support himself and his family during the time he was so suspended or discharged;*

*(iii) to reinstate or admit a person as a member of a trade union;*

*(iv) to rescind any disciplinary action or pecuniary or other penalty taken or imposed contrary to those sections;*

*(v) to pay to a person compensation not exceeding a sum that, in the opinion of the Board, is equivalent to the pecuniary or other penalty imposed on a person contrary to those sections;*

*(vi) to pay to an employee in respect of a failure to comply with section 137 compensation not exceeding a sum that, in the opinion of the Board, is equivalent to the remuneration that would have been paid to the employee by the employer if the employer had complied with that section;*

*(c) may, notwithstanding anything in this Act,*

*(i) certify or refuse to certify a trade union as bargaining agent for a unit of employees;*

*(ii) revoke or refuse to revoke the certification of a bargaining agent;*

*(iii) revoke or refuse to revoke the rights of a bargaining agent voluntarily recognized;*

*(iv) register or refuse to register an employers' organization as an agent for collective bargaining on behalf of employers in a trade jurisdiction and territory in the construction industry;*

*(v) cancel or refuse to cancel the registration certificate of a registered employers' organization.*

**(37) Section 152 presently reads:**

*152 The Minister may prescribe the remuneration and expenses to be paid to mediators, persons referred to in section 148(6) and members of a*

*(a) disputes inquiry board;*

*(b) collective bargaining arbitration board;*

*(c) Public Emergency Tribunal.*

### **Liquor Control Act**

*3(1) The Liquor Control Act is amended by this section.*

*(2) Sections 10(3) and 58(2)(b) are repealed.*

### **Public Service Act**

*4(1) The Public Service Act is amended by this section.*

*(2) Section 12(1) is amended by striking out “, so that the total compensation for each class in the plan may remain comparable with that offered by private and public employees having regard to the relative levels of the classes”.*

### **Public Service Employee Relations Act**

*5(1) The Public Service Employee Relations Act is amended by this section.*

*(2) The following is added after section 11:*

**11.1** Except when this Act otherwise provides, if anything is required or permitted to be served under this Act it shall be deemed to be properly served if it is served

(a) in the case of an individual,

(i) personally or by leaving it for him at his last or most usual place of abode with some person who is apparently at least 18 years old, or

(ii) by mailing it to him by registered mail or certified mail at his last known post office address;

(b) in the case of a trade union,

(i) personally on the president, secretary or an officer of the trade union or by leaving it for him at his address or at the office of the trade union with some person who is apparently at least 18 years old, or

#### **Liquor Control Act**

**3(1)** This section will amend chapter L-17 of the Revised Statutes of Alberta 1980.

(2) Sections 10(3) and 58(2)(b) presently read:

*(3) Except as otherwise provided in the regulations, the Public Service Employee Relations Act applies to any person employed by the Board pursuant to subsection (1)(a).*

*(2) The Lieutenant Governor in Council may make regulations*

*(b) providing for the exemption of employees or classes of employees of the Board from the application of the Public Service Employee Relations Act;*

#### **Public Service Act**

**4(1)** This section will amend chapter P-31 of the Revised Statutes of Alberta 1980.

(2) Section 12(1) presently reads:

*12(1) The Minister, with the approval of the Lieutenant Governor in Council, shall establish an Official Pay Plan for each classification plan established under section 9 showing in each case a salary range for each class in the classification plan, so that the total compensation for each class in the plan may remain comparable with that offered by private and public employees having regard to the relative levels of the classes.*

#### **Public Service Employee Relations Act**

**5(1)** This section will amend chapter P-33 of the Revised Statutes of Alberta 1980.

(2) Service of documents.

(ii) by sending it by registered or certified mail to the address of the president, secretary or an officer of the trade union.

**11.2** Except where this Act otherwise provides, if it is necessary to prove service of anything for the purposes of this Act,

(a) if service is effected personally, the actual date on which it is served is the date of service;

(b) if service is effected by registered mail or certified mail, it shall be deemed to have been served 5 days after the date of mailing;

(c) if service is effected by leaving it with a person apparently at least 18 years old, it shall be deemed to have been served on the date it was so left.

(3) *Section 21 is amended*

(a) *in subsection (1)*

(i) *by repealing clause (a) and substituting the following:*

(a) who has or exercises managerial duties and responsibilities in relation to one or more persons or in relation to the formulation, development or administration of policies or programs,

(ii) *in clause (b) by adding “including, without limiting the generality of the foregoing, payroll, health and safety or training programs” after “programs”;*

(iii) *by repealing clause (c) and substituting the following:*

(c) in the Personnel Administration Office established under the *Public Service Act* or in a personnel office of an employer other than the Crown in right of Alberta or in any capacity requiring him to deal on behalf of an employer with any matter related to collective bargaining under this Act,

(iv) *by repealing clause (g) and substituting the following:*

(g) in a position classified under the *Public Service Act* as

(i) a budget officer,

(ii) a systems analyst,

(iii) an auditor,

(iv) a disbursement control officer, or

(v) a hearing officer who hears matters under the *Summary Convictions Act*,

(3) Section 21 presently reads:

*21(1) A person employed by an employer*

*(a) who has or exercises managerial duties and responsibilities in relation to the formulation, development and administration of policies or programs,*

*(b) who is primarily engaged in the administration of personnel policies or personnel programs,*

*(c) in the Employee Relations Division of the Personnel Administration Office established under the Public Service Act or in any capacity requiring him to deal on behalf of an employer with any matter related to collective bargaining under this Act,*

*(d) pursuant to section 78,*

*(e) who is required by reason of his duties and responsibilities to represent the employer in a procedure established pursuant to a collective agreement for the resolution of differences,*

*(f) as an officer under the Labour Relations Act dealing with any matter related to collective bargaining under that Act,*

*(g) in a position established under the Public Service Act that is classified as*

*(i) a budget officer,*

*(ii) a systems analyst, or*

*(iii) an auditor,*

*(h) in an investigative or research capacity in the office of the Ombudsman,*

*(i) as an officer of the Legislative Assembly or in a position on the staff of the Legislative Assembly requiring him to be involved in matters of a confidential nature, whether or not those matters relate to the regulation of relations between an employer and his employees,*

or performing for an employer substantially similar duties to a person employed in any of those positions,

(v) *by repealing clauses (h) and (i) and substituting the following:*

(h) in the office of

(i) the Ombudsman,

(ii) the Auditor General, or

(iii) the Chief Electoral Officer,

(i) as an officer or member of the staff of the Legislative Assembly,

(i.1) in the Legislative Counsel Office of the Department of the Attorney General,

(b) *by repealing subsection (2) and substituting the following:*

(2) If a question arises over whether a person is or is not included under subsection (1) and the matter cannot be settled by the employer and the bargaining agent, the question may be referred to the Board and its decision is final and binding.

(4) *The following is added after section 52:*

**52.1** The expenses of the persons appointed under section 51 or 52 shall be paid

(a) in the case of a person appointed by an employer or a bargaining agent, by that employer or bargaining agent, and

(b) in the case of the chairman or a person appointed by the Board, by the Government.

(5) *Section 55 is repealed and the following is substituted:*

**55** To ensure that wages and benefits are fair and reasonable to the employees and employer and are in the best interest of the public, the arbitration board

(a) shall consider, for the period with respect to which the award will apply, the following:

(i) wages and benefits in private and public and unionized and non-unionized employment;

(ii) the continuity and stability of private and public employment, including

(A) employment levels and incidence of layoffs,

(B) incidence of employment at less than normal working hours, and

*(j) in the office of*

*(i) the Lieutenant Governor,*

*(ii) a member of the Executive Council, or*

*(iii) the Executive Council,*

*(k) on the personal staff of*

*(i) a deputy Minister or assistant deputy Minister or a person who has comparable duties and responsibilities, or*

*(ii) a person referred to in clause (b), (c) or (f),*

*or*

*(l) who in the opinion of the Board should not be included in a bargaining unit or any other unit for collective bargaining by reason of the duties and responsibilities he has to his employer,*

*shall not be included in a bargaining unit or any other unit for collective bargaining.*

*(2) If a question arises under subsection (1) as to whether a person is or is not to be included in a bargaining unit or any other unit for collective bargaining which cannot be settled by the persons concerned, the question shall be referred to the Board and its decision is final and binding.*

**(4) Payment of members of arbitration board.**

**(5) Section 55 presently reads:**

*55 In the conduct of proceedings before it an arbitration board shall consider*

*(a) the interests of the public;*

*(b) the terms and conditions of employment in similar occupations outside the employer's employment including any geographic, industrial or other variations that the arbitration board considers relevant;*

*(c) the need to maintain appropriate relationships in the terms and conditions of employment as between different classification levels within an occupation and as between occupations in the employer's employment;*

*(d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered;*

(C) opportunity for employment;

(iii) fiscal policies of the Government;

and

(b) may consider, for the period with respect to which the award will apply, the following:

(i) the terms and conditions of employment in similar occupations outside the employer's employment taking into account any geographic, industrial or other variations that the board considers relevant;

(ii) the need to maintain appropriate relationships in terms and conditions of employment between different classification levels within an occupation and between occupations in the employer's employment;

(iii) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered;

(iv) any other factor that it considers relevant to the matter in dispute.

(6) *The following is added after section 92:*

**92.1(1)** Notwithstanding anything in this Act, the *Judicature Act* or any other Act, when an action occurs that either party considers to be a strike or lockout, no injunction before trial shall be granted ex parte to

(a) a party to the dispute, or

(b) any other person or party

to restrain a party to the strike or lockout from doing any act in connection with the strike or lockout.

(2) Every affidavit intended to be used in support of an application for an interim injunction to restrain a person from doing any act in connection with a strike or lockout shall be confined to those facts that the deponent is able of his own knowledge to prove, and a copy of the affidavit shall be served with the notice of motion.

(3) If members of a trade union are the defendants or intended defendants, the notice of motion may be served on an officer of the trade union or a member of it who is engaged in the activity proposed to be restrained or a person engaged in that activity.

(4) The notice of motion shall be served in sufficient time before the time fixed for the hearing, not being less than 4 hours in any event, to enable the person to attend at the hearing of the motion.

*(e) any other factor that to it appears to be relevant to the matter in dispute.*

**(6) Injunctions and suspension of dues check-off.**

**92.2(1)** If a strike commences, the employer, notwithstanding any collective agreement or any other provision of this Act, may suspend the deduction and remittance of union dues, assessments and other fees payable to the bargaining agent by an employee with respect to a bargaining unit or part of a bargaining unit, and shall forthwith notify the bargaining agent of the suspension.

(2) A bargaining agent affected by the suspension under subsection (1) may apply to the Board for a determination as to whether or not a strike has occurred.

(3) Unless sooner revoked by the employer, the suspension under subsection (1) shall continue

(a) if the Board determines that no strike has occurred, until the time of that determination, or

(b) if the Board determines that a strike has occurred, until the end of the period referred to in subsection (5).

(4) If the Board is satisfied that no strike has occurred, it shall order the employer to resume deduction and remittance of union dues, assessments and other fees payable to the bargaining agent and to deduct and remit such amounts as the Board considers necessary to make up for the deductions suspended before the Board's determination.

(5) If the Board is satisfied that a strike has occurred, it shall confirm the suspension under subsection (1) and order that the suspension continue for a period of not less than 1 month and not more than 6 months from the date the suspension first took place.

(6) Notwithstanding any collective agreement or any other provision of this Act, an employee does not become ineligible for employment with an employer only because he fails to pay union dues, assessments or other fees the deduction and remittance of which have been suspended under this section.

(7) On the expiration of the suspension period the employer shall resume the deduction and remittance of union dues, assessments and other fees in accordance with the collective agreement.

(8) No provision may be made in a collective agreement in substitution for the suspension of the deduction and remittance of union dues, assessments and other fees under this section.

*(7) Section 93(1) is amended by adding "or trade union" after "person".*

*(8) The following is added after section 93:*

**93.1(1)** Any trade union that causes or attempts to cause a strike contrary to section 93 is guilty of an offence and liable to a fine not exceeding \$1000 for each day that the strike continues.

(7) Section 93(1) presently reads:

*93(1) No person shall cause or attempt to cause a strike by the persons to whom this Act applies.*

(8) Offences and penalty.

(2) Any officer or representative of a trade union who strikes or causes or consents to a strike contrary to section 93 is guilty of an offence and liable to a fine not exceeding \$10 000.

(3) Any person who is not a trade union or an officer or representative of a trade union who strikes or causes a strike contrary to section 93 is guilty of an offence and liable to a fine not exceeding \$1000.

(9) *Section 95 is amended by striking out “93(1) or”.*

(10) *The Schedule is amended by adding the following after section 5:*

**6(1)** The Liquor Control Board, to the extent that it acts as the employer of employees other than employees employed in the following offices or departments:

- (a) the office of the Board;
- (b) the office of the General Manager;
- (c) the Licensing Department;
- (d) the Permit Department.

(2) The employees of the Liquor Control Board other than those employees referred to in clauses (a) to (d) of subsection (1).

#### **Transitional, Repeal and Commencement**

**6** *On the coming into force of section 1(5)*

(a) *a collective agreement entered into under the Firefighters and Policemen Labour Relations Act with respect to firefighters, or police officers who hold ranks lower than that of inspector, shall be deemed to be a collective agreement for the purposes of the provisions of the Labour Relations Act that apply to those firefighters and police officers, and*

(b) *any proceedings or action taken under the Firefighters and Policemen Labour Relations Act shall continue to its conclusion and be treated for all purposes as if this Act had not come into force.*

**7(1)** *In this section “employees” means the employees of the Liquor Control Board other than those employees employed in the following offices or departments:*

- (a) *the office of the Board;*
- (b) *the office of the General Manager;*
- (c) *the Licensing Department;*
- (d) *the Permit Department.*

(9) Section 95 presently reads:

*95 A person who contravenes section 93(1) or 94(1) is guilty of an offence and liable to a fine of not more than \$10 000.*

(10) Exemption of Liquor Control Board employees.

#### **Transitional, Repeal and Commencement**

**6** Transitional.

**7** Transitional.

*(2) On the coming into force of section 5(10)*

*(a) the bargaining agent of the employees as certified under the Public Service Employee Relations Act or by virtue of section 99 of that Act shall be deemed to be the certified bargaining agent of those employees for the purposes of the Labour Relations Act,*

*(b) a collective agreement entered into under the Public Service Employee Relations Act with respect to the employees shall be deemed to be a collective agreement under the Labour Relations Act, and*

*(c) any proceedings or action taken under the Public Service Employee Relations Act by or with respect to the employees shall continue to its conclusion and be treated for all purposes as if section 5(10) had not come into force.*

*8 The Health Services Continuation Act is repealed.*

*9 This Act comes into force on Proclamation.*

**8** Repeals chapter 21 of the Statutes of Alberta, 1982.