

Bill No. 80 of 1953

A BILL TO AMEND THE FIRE DEPARTMENTS
PLATOON ACT

NOTE

This Bill amends *The Fire Departments Platoon Act*, being chapter 278 of the Revised Statutes of Alberta, 1942.

A new Part II is added to the Act. It sets up a bargaining procedure whereby full-time employees of the fire departments of cities, towns and villages may negotiate with the council respecting conditions of work and the wages therefor.

This Bill provides for an arbitration board where the employees and council are unable to agree upon terms of a collective agreement; and the decision or award of the arbitration board is final and binding on the parties. Other provisions relate to the effective date of collective agreements which differ when the matter concerns wages or other changes involving finances that the council must provide from municipal revenue.

These employees are not within the scope of Part V of *The Alberta Labour Act* upon the coming into force of this Part.

This Bill comes into force on the first day of July, 1953.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 80 of 1953

An Act to amend The Fire Departments Platoon Act

(Assented to , 1953)

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

1. *The Fire Departments Platoon Act*, being chapter 278 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. The heading "Part I" is added immediately after section 1. Heading added

3. The following new headings and sections are added immediately after section 7: New sections 8 to 18, inclusive

"PART II

"Fire Fighter Bargaining Associations

- "8. In this Part, unless the context otherwise requires, Interpretation
- "(a) 'collective agreement' means an agreement in writing between a municipality on the one hand and the bargaining committee of the fire fighter employees of the municipality on the other hand, containing provisions with reference to rates of pay, hours of work, or other terms or conditions of employment of the fire fighter employees and signed by the parties thereto; "collective agreement"
- "(b) 'fire fighter employee' means a person regularly employed in the fire department on a full-time salary basis and assigned exclusively to fire protection or fire prevention duties and includes officers and technicians; "fire fighter employee"
- "(c) 'Minister' means the Minister of Industries and Labour; "Minister"
- "(d) 'municipality' means a city, town or village; "municipality"
- "(e) 'trade union' means an organization of employees formed for the purpose of regulating relations between employers and employees, but does not include an employer-dominated organization. "trade union"

"BargainingBargaining
committee

"9. (1) When requested in writing by a majority of its fire fighter employees, the council of a municipality shall bargain in good faith with a bargaining committee of the fire fighter employees for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the fire fighter employees, other than the chief of the fire department.

"(2) Where not less than fifty per cent of the fire fighter employees belong to a trade union a request made under subsection (1) shall be made by the trade union on behalf of the fire fighter employees.

Bargaining
committee
members

"(3) The members of the bargaining committee in every case shall be full-time fire fighter employees, but where not less than fifty per cent of the fire fighter employees belong to a trade union, the bargaining committee at all meetings held with the council of the municipality or any committee of that council, for the purpose of bargaining, may be accompanied by

"(a) one member of the provincial body of the trade union where the trade union is affiliated with a provincial body, and

"(b) one member of the international body of the trade union where the trade union is affiliated with an international body,

each of whom shall attend in an advisory capacity only.

"ArbitrationArbitration
board

"10. (1) Where, after bargaining under section 9, the council of the municipality or the bargaining committee is satisfied that a collective agreement cannot be reached, it may require by notice in writing to the bargaining committee or the council, as the case may be, that all matters in dispute be referred to a board of arbitration of three members, in which case the council and the bargaining committee shall each appoint a member of the board.

Chairman of
arbitration
board

"(2) The third member, who shall be the chairman, shall be appointed by the two members appointed pursuant to subsection (1).

Appoint-
ment of
board mem-
ber by
Minister

"11. (1) Where, either the council or the bargaining committee,

"(a) fails to appoint a member of the board of arbitration as required by section 10 within seven days after receipt of the notice to refer the dispute to a board of arbitration is received, or

"(b) having appointed a person who is unable or unwilling to act, fails to appoint another member of the board of arbitration within seven days after receiving notice of the inability or unwillingness of the member to act,

the Minister, upon the written request of the other party, may appoint a member of the board in lieu of the defaulting party.

"(2) Where the two members of the board of arbitration appointed by the parties or by a party and the Minister under subsection (1) fail to agree, within five days of the appointment of the member last appointed, upon a third member, the Minister, upon notice in writing of such failure given to him by either of the members of the board of arbitration or by either the council of the municipality or the bargaining committee, may appoint the third member of the board.

"12. Where, upon an arbitration, a majority of the board of arbitration fail to agree upon any matter of procedure, the ruling of the chairman upon the matter shall be deemed to be the ruling of the board of arbitration. Failure to agree

"13. Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third member of the board of arbitration equally. Costs

"Arbitration Award

"14. (1) Every collective agreement made under this Part, and every decision or award of a majority of the members of the board made by arbitration under this Part shall be binding upon the council of the municipality and the fire fighter employees of the municipality. Agreement binding on parties

"(2) Every collective agreement and every decision or award shall remain in effect until the end of the year in which it comes into effect or until such later date as may be specified in the agreement, and thereafter shall remain in effect until replaced by a new collective agreement, decision or award. Term agreement, etc. in effect

"(3) Either party to a bargaining that has resulted in a collective agreement, decision or award may proceed under this Part at any time for a new collective agreement, decision or award. New agreement, etc.

"Municipal Expenditures

"15. (1) A collective agreement, decision or award shall have effect upon the first day of the fiscal period in respect of which the council of the municipality can include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, decision or award, unless another day is named in the agreement, decision or award in lieu thereof. Effective date of agreement, etc.

"(2) Where, pursuant to subsection (1), another day is named in a collective agreement, decision or award as the day upon which the collective agreement, decision or award has effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the collective agreement, decision or award, any of the provisions involving expenses, notwithstanding the naming of such day, shall have effect from the first day of such fiscal period.

Payment of
expendi-
tures

"16. Where a request in writing is made under subsection (1) of section 9 after the thirtieth day of November in any year, and before the first day of December in the year next following and no collective agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last mentioned year, the council shall make adequate provision for the payment of such expenditures as may be involved in the request.

Act prevails
over muni-
cipal by-
laws

"17. This Part shall have effect notwithstanding any by-law or regulation of a municipality relating to the fire department.

Alberta
Labour
Act

"18. Part V of *The Alberta Labour Act* does not apply to fire fighter employees of municipalities, except where proceedings have been commenced before the first day of July, 1953, under Part V of *The Alberta Labour Act* in which case that part is applicable until the termination of such proceedings."

Coming into
force

4. This Act comes into force on the first day of July, 1953.

No. 80

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act to amend The Fire Departments Platoon Act

Received and read the

First time

Second time

Third time

HON. DR. ROBINSON
