

No. 24

2nd Session, 13th Legislature, Alberta
4 Elizabeth II, 1956

BILL 24

A Bill to amend The Police Act

HON. MR. REIERSON

EDMONTON, ALBERTA
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Explanatory Note

These amendments refer to the labour relations aspect of the Act with regard to municipal police forces. These provisions now refer to "full-time" members of the municipal police and this method of approaching labour relations without regard to the organized groups, locals or associations is unsatisfactory. The amendments will enable the municipal police force personnel to be placed in the same relative position as other labour associations by incorporating into this part the concept of the "bargaining unit" of a police force.

2. Removes definition of "full-time member" and substitutes a definition of "unit", i. e. the bargaining unit; the definition makes it clear what ranks in the force may constitute a "unit".

3. Section 25, subsections (1) and (2) now read:

"25. (1) When requested in writing by a majority of the full-time members of the municipal police force, the council of the municipality, or where there is a Board of Police Commissioners, the Board, shall bargain in good faith with a bargaining committee of the members of the municipal police force for the purpose of defining, determining and providing for remuneration and working conditions of the members of the municipal police force other than the chief constable.

"(2) Where not less than fifty per cent of the full-time members of the municipal police force belong to a police association a request made under subsection (1) shall be made by the association."

BILL

No. 24 of 1956

An Act to amend The Police Act

(Assented to _____, 1956)

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

PART I

1. *The Police Act*, being chapter 90 of the Statutes of Alberta, 1953, is hereby amended.

2. Section 2 is amended

- (a) by striking out clause (d),
- (b) by adding immediately after clause (g) the following new clause:
 - “(h) “unit” means a group of members of a municipal police force appropriate for collective bargaining who are employed on a permanent basis for policing duties and duties incidental thereto in the municipality, and comprising members who hold
 - “(i) the rank of inspector or a higher rank excluding the chief constable, or
 - “(ii) a rank lower than that of inspector.”.

3. Section 25 is amended

- (a) by striking out subsections (1) and (2) and by substituting the following:

“25. (1) When requested in writing by a majority of the members of the municipal police force in a unit the council of the municipality or where there is a Board of Police Commissioners, the Board, shall bargain in good faith with a bargaining committee of the members of the municipal police force in the unit for the purpose of defining, determining and providing for the remuneration and working conditions of the members of the municipal police force in the unit.

4. Sections 25a to 25d set up a conciliation procedure, which is lacking in the Act at the present time.

"(2) Where not less than fifty per cent of the members of the municipal police force in the unit belong to a police association a request made under subsection (1)

"(a) may be made by the association when elected by the members of the municipal police force in a unit comprised of such members who hold the rank of inspector or a higher rank, excluding the chief constable, or

"(b) shall be made by the association when the members of the municipal police force in the unit hold a rank below that of inspector.",

(b) as to subsection (3)

(i) by striking out the words "full-time",

(ii) by adding immediately after the words "police force" the words "in the unit",

(c) as to subsection (4)

(i) by striking out clause (b) and by substituting the following:

"(b) where not less than fifty per cent of the members of the municipal police force in the unit belong to a police organization,"

(ii) by striking out the words "in the occupation of a police officer" and by substituting the words "as a member of a police force".

4. The following new sections are added immediately after section 25:

"25a. (1) Where, after bargaining under section 25,

"(a) the council of the municipality, or where there is a Board of Police Commissioners, the Board, or

"(b) the members of the police force in the unit or where there is a bargaining committee, the bargaining committee

is or are satisfied that a collective agreement cannot be reached, either of the parties may refer the dispute to the Minister of Industries and Labour and make application for the appointment of a conciliation commissioner.

"(2) On application made pursuant to subsection (1), the Minister of Industries and Labour may appoint a conciliation commissioner if he is satisfied that the dispute is a proper one for reference to a conciliation commissioner.

"(3) The decision of the Minister of Industries and Labour on the application for the appointment of a conciliation commissioner shall be made within three days after the receipt of the application.

"(4) Upon the appointment of a conciliation commissioner the Minister of Industries and Labour shall forthwith give notice of the appointment to the representatives of the parties to the dispute.

5. Section 26 (1) is amended to provide for the conciliation commissioner.

Subsection (4) at present reads:

"(4) No person shall be appointed or shall act as a member of the board of arbitration

"(a) if he is not a Canadian citizen,

"(b) if he has not resided in the Province for three years immediately preceding the date of his appointment to the board,

"(c) if he has any pecuniary interest in the issue or dispute referred to arbitration,

"(d) if he is the solicitor, counsel or paid agent of either of the parties to the arbitration, or if he has acted as such at any time within the six months immediately preceding the date of the application for arbitration."

"25b. (1) A conciliation commissioner shall in such manner as he thinks fit expeditiously and carefully inquire into the dispute and all matters affecting the merits and the fair and amicable settlement thereof.

"(2) In the course of the inquiry the conciliation commissioner may make all such suggestions and do all such things as he deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and he shall

"(a) hear such representations as may be made on behalf of the parties to the dispute, and

"(b) diligently seek to mediate between the parties to the dispute.

"25c. The conciliation commissioner within the time, not exceeding fourteen days, limited by the terms of his appointment or within such longer time as may be agreed to by the parties shall transmit a report to the Board of Industrial Relations setting out

"(a) the matters upon which the parties have agreed, and

"(b) the matters upon which the parties cannot agree and his recommendations submitted to the parties with respect thereto.

"25d. Upon receipt of a report of the dispute from the Board of Industrial Relations, the Minister of Industries and Labour

"(a) shall forthwith transmit a copy of the report to the representatives of the parties to the dispute, and

"(b) may publish the report in such manner as he sees fit."

5. Section 26 is amended

(a) by striking out subsection (1) and by substituting the following:

"26. (1) Where a conciliation commissioner is unable to bring about any settlement or adjustment of the dispute, either party may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of five members, subject to clause (b) of subsection (2)."

(b) as to subsection (4)

(i) by adding immediately after the word "citizen" where it occurs in clause (a) the words "or British subject",

(ii) by adding immediately at the end of clause (d) the word ", or",

(iii) by adding immediately after clause (d) the following new clause:

"(e) if he has received remuneration directly from either of the parties to the arbitration at any time within the six months immediately preceding the date of notice to refer the dispute to a board of arbitration."

6. To remove old terms for terms now introduced by amendments to section 2.

7. Amended to remove old terms for terms being introduced by amendment to section 2 .

Part II will relate the amendments to the revision when the revision is brought into force.

6. Section 27, subsection (1) is amended
 - (a) by striking out the words "full-time",
 - (b) by adding immediately after the words "police force" the words "in the unit".
7. Section 29 is amended
 - (a) as to subsection (2), clause (a)
 - (i) by striking out the words "full-time",
 - (ii) by adding immediately after the words "police force" the words "in the unit",
 - (b) as to subsection (3)
 - (i) by striking out the words "full-time",
 - (ii) by adding immediately after the words "police force" the words "in the unit".

PART II

8. *The Police Act*, being chapter 236 of the Revised Statutes of Alberta, 1955, is hereby amended.

9. Section 2 is amended
 - (a) by striking out clause (d),
 - (b) by adding immediately after clause (h) the following new clause:
 - "(i) "unit" means a group of members of a municipal police force appropriate for collective bargaining who are employed on a permanent basis for policing duties and duties incidental thereto in the municipality, comprising members who hold
 - "(i) the rank of inspector or a higher rank excluding the chief constable, or
 - "(ii) a rank lower than that of inspector."

10. Section 25 is amended
 - (a) by striking out subsections (1) and (2) and by substituting the following:

"25. (1) When requested in writing by a majority of the members of the municipal police force in a unit the council of the municipality or where there is a Board of Police Commissioners, the Board, shall bargain in good faith with a bargaining committee of the members of the municipal police force in the unit for the purpose of defining, determining and providing for the remuneration and working conditions of the members of the municipal police force in the unit.

"(2) Where not less than fifty per cent of the members of the municipal police force in the unit belong to a police association a request made under subsection (1)

- “(a) may be made by the association when elected by the members of the municipal police force in a unit comprised of such members who hold the rank of inspector or a higher rank, excluding the chief constable, or
- “(b) shall be made by the association when the members of the municipal police force in the unit hold a rank below that of inspector.”,
- (b) as to subsection (3)
 - (i) by striking out the words “full-time”,
 - (ii) by adding immediately after the words “police force” the words “in the unit”,
- (c) as to subsection (4)
 - (i) by striking out clause (b) and by substituting the following:
 - “(b) where not less than fifty per cent of the members of the municipal police force in the unit belong to a police organization,”,
 - (ii) by striking out the words “in the occupation of police officer” and by substituting the words “as a member of a police force”.

11. The following new sections are added immediately after section 25:

- “25a.** (1) Where, after bargaining under section 25,
- “(a) the council of the municipality, or where there is a Board of Police Commissioners, the Board, or
 - “(b) the members of the police force in the unit or where there is a bargaining committee, the bargaining committee

is or are satisfied that a collective agreement cannot be reached, either of the parties may refer the dispute to the Minister of Industries and Labour and make application for the appointment of a conciliation commissioner.

“(2) On application made pursuant to subsection (1), the Minister of Industries and Labour may appoint a conciliation commissioner if he is satisfied that the dispute is a proper one for reference to a conciliation commissioner.

“(3) The decision of the Minister of Industries and Labour on the application for the appointment of a conciliation commissioner shall be made within three days after the receipt of the application.

“(4) Upon the appointment of a conciliation commissioner the Minister of Industries and Labour shall forthwith give notice of the appointment to the representatives of the parties to the dispute.

“25b. (1) A conciliation commissioner shall in such manner as he thinks fit expeditiously and carefully inquire into the dispute and all matters affecting the merits and the fair and amicable settlement thereof.

"(2) In the course of the inquiry the conciliation commissioner may make all such suggestions and do all such things as he deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and he shall

- "(a) hear such representations as may be made on behalf of the parties to the dispute, and
- "(b) diligently seek to mediate between the parties to the dispute.

"25c. The conciliation commissioner within the time, not exceeding fourteen days, limited by the terms of his appointment or within such longer time as may be agreed to by the parties shall transmit a report to the Board of Industrial Relations setting out

- "(a) the matters upon which the parties have agreed, and
- "(b) the matters upon which the parties cannot agree and his recommendations submitted to the parties with respect thereto.

"25d. Upon receipt of a report of the dispute from the Board of Industrial Relations, the Minister of Industries and Labour

- "(a) shall forthwith transmit a copy of the report to the representatives of the parties to the dispute, and
- "(b) may publish the report in such manner as he sees fit."

12. Section 26 is amended

- (a) by striking out subsection (1) and by substituting the following:

"26. (1) Where a conciliation commissioner is unable to bring about any settlement or adjustment of the dispute, either party may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of five members, subject to clause (b) of subsection (2).",

- (b) as to subsection (4)

- (i) by adding immediately after the word "citizen" where it occurs in clause (a) the words "or British subject",
- (ii) as to clause (c) by striking out the words "arbitration, or" and by substituting the word "arbitration",
- (iii) by adding immediately at the end of clause (d) the word ", or",
- (iv) by adding immediately after clause (d) the following new clause:
 - "(e) if he has received remuneration directly from either of the parties to the arbitration at any time within the six months immediately preceding the date of notice to refer the dispute to a board of arbitration."

- 13.** Section 27, subsection (1) is amended
- (a) by striking out the words "full-time",
 - (b) by adding immediately after the words "police force" the words "in the unit".

- 14.** Section 29 is amended
- (a) as to subsection (2), clause (a)
 - (i) by striking out the words "full-time",
 - (ii) by adding immediately after the words "police force" the words "in the unit",
 - (b) as to subsection (4) by striking out the words "full-time members of the municipal police force" and by substituting the words "members of the municipal police force in the unit".

15. Part I and this section come into force on the day this Act is assented to, and Part II, except this section, comes into force and Part I is repealed on the day the Revised Statutes of Alberta, 1955, come into force.

No. 24

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act to amend The Police Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. REIERSON
