

1972 Bill 102

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 102

The Public Service Amendment Act, 1972

HONOURABLE DR. HOHOL

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

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1972

THE PUBLIC SERVICE AMENDMENT ACT, 1972

(Assented to _____, 1972)

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

1. *The Public Service Act is hereby amended.*

2. *Section 2 is amended by striking out clause (a) and by substituting the following clause:*

(a) "agreement" means

(i) an agreement in writing between the Government and the Association containing provisions with respect to salaries, wages, fringe benefits or other terms or conditions of employment, or

(ii) an agreement referred to in section 39;

3. *Section 20 is amended by renumbering it as subsection (1) and by adding the following subsection:*

(2) Any employee who without due authorization discloses or makes known any matter or thing which comes to his knowledge by reason of his employment in the public service of Alberta, is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

4. *Section 28, subsection (2) is amended by adding at the end thereof the words "for the purposes of this section and sections 29 to 42".*

5. *Section 32 is amended by striking out the words "a mediation board" and by substituting the words "an arbitration board".*

6. *Section 33 is amended*

(a) *as to subsection (1) by striking out the words "a mediation board" wherever they occur and by substituting in each case the words "an arbitration board",*

Explanatory Notes

1. This Bill will amend chapter 298 of the Revised Statutes of 1970.

2. Section 2, clause (a) presently reads:

2. In this Act,

(a) "agreement" means a contract between the Lieutenant Governor in Council and the Association containing provisions with respect to salaries, wages, fringe benefits or other terms or conditions of employment of employees;

3. Section 20 presently reads:

20. Every new employee shall take and subscribe an oath in the following form:

I,, do swear that I will execute according to law and to the best of my ability the duties required of me as an employee in the public service of Alberta and that I will not, without due authorization, disclose or make known any matter or thing which comes to my knowledge by reason of my employment in the public service.

4. Section 28, subsection (2) presently reads:

(2) Where the members of a negotiating committee cannot agree as to whether a specific proposal is negotiable the decision of the Minister thereon is final.

5. The amendment to this section and in sections 33, 34, 35 and 36 change references from "mediation board" to "arbitration board". The changes are necessary due to the implementation of binding arbitration to replace the existing mediation procedure.

6. References to "mediation board" are changed to "arbitration board".

Section 33, subsection (7), presently reads:

(7) The Minister may provide a mediation board with a secretary and such clerical assistance as to the Minister appears necessary for the efficient carrying out of the duties of the mediation board.

- (b) *as to subsection (3) by striking out the words “the mediation board” and by substituting the words “the arbitration board”,*
- (c) *as to subsection (4) by striking out the words “a mediation board” and by substituting the words “an arbitration board”,*
- (d) *as to subsection (5)*
 - (i) *by striking out the words “a mediation board” where they occur in the portion of the subsection preceding clause (a) and by substituting the words “an arbitration board”,*
 - (ii) *in clauses (d) and (e) by striking out the words “the mediation board” and by substituting the words “the arbitration board”,*
- (e) *as to subsection (6)*
 - (i) *by striking out the words “a mediation board” and by substituting the words “an arbitration board”,*
 - (ii) *in clause (b) by striking out the words “the mediation board” and by substituting the words “the arbitration board”,*
- (f) *by striking out subsection (7),*
- (g) *as to subsection (8) by striking out the words “a mediation board” and by substituting the words “an arbitration board”.*

7. Section 34, subsections (1) and (2) are amended by striking out the words “a mediation board” and by substituting the words “an arbitration board”.

8. Section 35 is amended

- (a) *as to subsection (1) by striking out the words “A mediation board” and by substituting the words “An arbitration board”,*
- (b) *as to subsection (2)*
 - (i) *by striking out the words “a mediation board” and by substituting the words “an arbitration board”,*
 - (ii) *by striking out the words “the mediation board” and by substituting the words “the arbitration board”,*
- (c) *as to subsection (3) by striking out the words “A mediation board” and by substituting the words “An arbitration board”,*
- (d) *as to subsection (4) by striking out the words “a mediation board” and by substituting the words “an arbitration board”,*

7. References to “mediation board” are changed to “arbitration board”.

8. References to “mediation board” are changed to “arbitration board”.

(e) as to subsection (6)

- (i) by striking out the words "a mediation board" and by substituting the words "an arbitration board",
- (ii) by striking out the words "the mediation board" and by substituting the words "the arbitration board".

9. The following section is added after section 35:

35.1 In the conduct of proceedings before it and in making recommendations in respect of any matter referred to it the arbitration board shall consider

- (a) the interests of the public;
- (b) the conditions of employment in similar occupations outside the public service of Alberta including such geographic, industrial or other variations as the arbitration board considers relevant;
- (c) the need to maintain appropriate relationships in the conditions of employment as between different classification levels within an occupation and as between occupations in the public service of Alberta;
- (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;
- (e) any other factor that to it appears to be relevant to the matter in dispute.

10. Section 36 is amended

- (a) as to subsection (1) by striking out the words "the mediation board" and by substituting the words "the arbitration board",
- (b) as to subsections (2), (3) and (4) by striking out the words "a mediation board" and by substituting the words "an arbitration board",
- (c) as to subsection (5) by striking out the words "the mediation board" and by substituting the words "the arbitration board".

11. Sections 37, 38, 39, 40 and 41 are struck out and the following sections substituted:

37. (1) Upon receipt of the recommendations of the arbitration board pursuant to section 36, the Executive Council and the Association shall forthwith prepare an agreement giving effect to

9. Guidelines for arbitration board.

10. References to “mediation board” are changed to “arbitration board”.

11. Implementation of the recommendations of the arbitration board.

- (a) the recommendations of the negotiating committee which were accepted by both the Executive Council and the Association pursuant to section 30, and
- (b) the recommendations of the arbitration board.

(2) If either the Executive Council or the Association neglects or refuses to participate in the preparation of an agreement in accordance with subsection (1), the other party may prepare the agreement and shall submit the agreement to the arbitration board.

(3) Where the arbitration board receives the agreement pursuant to subsection (2) and is satisfied that it gives effect to its recommendations, the arbitration board shall certify the agreement as accurate.

38. (1) Where any question or disagreement arises as to the meaning of or application of or with regard to anything related to the recommendations of the arbitration board or the preparation of the agreement, the Executive Council or the Association may request the chairman of the arbitration board to consider or reconsider the matter and make recommendations.

(2) The chairman shall, upon receipt of a request to do so, reconvene the arbitration board and the arbitration board as soon as practicable and shall make recommendations to the parties on the matter referred to it.

(3) A recommendation of the arbitration board under this section shall be treated in the same way that the recommendations under section 36 are treated.

39. (1) Upon completion of the agreement or upon certification by the arbitration board that the agreement is accurate, the Minister on behalf of the Government and the President on behalf of the Association shall sign the agreement.

(2) If, at the expiration of 10 days after the date upon which the completion of the agreement or of the certification by the arbitration board occurred,

- (a) neither party to the agreement has signed it, or
- (b) one party to the agreement has signed it,

the agreement thereupon becomes binding upon the parties as if they had both signed the agreement, and is effective from the day specified in the agreement.

40. Upon an agreement referred to in section 39 coming into force

- (a) the Lieutenant Governor in Council shall forthwith make, amend or replace the regulations, and

(b) the Minister shall forthwith amend the official pay plan,
to give effect to the agreement.

12. Section 43 is amended by striking out subsection (3) and by substituting the following:

(3) This Act, except sections 20, 24 and 26 to 42 and this section, does not apply to wage employees.

13. This Act comes into force on the day upon which it is assented to.

12. Section 43, subsection (3) presently reads:

(3) This Act, except section 24 and sections 26 to 43, does not apply to wage employees.

Corrects a drafting error.