

1972 Bill 105

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 105

The Crown Agencies Employee Relations Amendment Act, 1972

HONOURABLE DR. HOHOL

First Reading

Second Reading

Third Reading

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1972

THE CROWN AGENCIES EMPLOYEE RELATIONS 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 Crown Agencies Employee Relations Act is hereby amended.*

2. *Section 2 is amended*

(a) *by striking out clause (a) and by substituting the following clause:*

(a) "agreement" means

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

(ii) an agreement referred to in section 16;

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

(e) "arbitration board" means an arbitration board appointed pursuant to this Act;

3. *Section 4, subsection (4) is amended by adding to the end thereof the words "for the purposes of this section and sections 5 to 18".*

4. *Section 9 is amended by striking out the words "a mediation board" and by substituting the words "an arbitration board".*

5. *Section 10 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 79 of the Revised Statutes of Alberta 1970.

2. Section 2, clauses (a) and (e) presently read:

2. In this Act,

(a) "agreement" means an agreement in writing between an employer and the Association containing provisions with respect to rates of pay, fringe benefits or other terms or conditions of employment and signed by the parties;

.....
(e) "mediation board" means a mediation board appointed pursuant to this Act;

The amendment to clause (e) and in sections 9, 10, 11, 12 and 13 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.

3. Section 4, subsection (4) presently reads:

(4) Where the members of a negotiating committee established pursuant to section 5 cannot agree as to whether a specific proposal is negotiable the decision of the Minister thereon is final.

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

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

Section 10, 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” 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”.*

6. Section 11, subsections (1) and (2) are amended by striking out the words “a mediation board” and by substituting the words “an arbitration board”.

7. Section 12 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”,*

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

7. 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 “a mediation board’ and by substituting the words “the arbitration board”.*

8. *The following section is added after section 12:*

12.1 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 employer’s employment, 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 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;
- (e) any other factor that to it appears to be relevant to the matter in dispute.

9. *Section 13 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”.*

10. *Sections 14, 15, 16 and 17 are struck out and the following sections substituted:*

14. (1) Upon receipt of the recommendations of the arbitration board pursuant to section 13, the employer and the Association shall forthwith prepare an agreement giving effect to

8. Guidelines for arbitration board.

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

10. Arbitration procedure implemented.

- (a) the recommendations of the negotiating committee accepted by both the employer and the Association pursuant to section 8, and
- (b) the recommendations of the arbitration board.

(2) If either the employer 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.

15. (1) Where

- (a) 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, or
- (b) a new question or matter arises which was not dealt with, or was insufficiently dealt with by the arbitration board,

the employer 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 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 13 are treated.

16. (1) Upon completion of the agreement, the senior executive officer, on behalf of the employer 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.

17. Upon an agreement referred to in section 16 coming into force the rules, regulations or by-laws controlling the matters referred to in the agreement shall be appropriately amended, replaced or made.

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

