

1973 Bill 34

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Second Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 34**

**The Crown Agencies Employee Relations Amendment Act, 1973**

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HONOURABLE DR. HOHOL

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**First Reading** .....

**Second Reading** .....

**Third Reading** .....

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## BILL 34

1973

### THE CROWN AGENCIES EMPLOYEE RELATIONS AMENDMENT ACT, 1973

(Assented to \_\_\_\_\_, 1973)

**H**ER 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 by striking out clause (c) and (d) and by substituting the following:*

- (c) "employees" means persons employed by an employer other than
  - (i) persons who, in the opinion of the Minister, exercise a policy-making function in matters relating to personnel administration or who make significant decisions respecting the treatment of employees, or
  - (ii) persons who are members of a professional association who are excluded by the Minister at the request of a majority of the persons in the group, or
  - (iii) those employees of the Foothills Provincial General Hospital who are from time to time employed in a capacity specified in Certificate No. 23-73 issued by the Board of Industrial Relations on the 5th day of March, 1973 as that Certificate stands on the date this clause comes into force;
- (d) "employer" means a Crown agency or corporation enumerated in the Schedule to this Act or any corporation added to the Schedule pursuant to section 2.1;

3. *The following section is added after section 2:*

**2.1** The Lieutenant Governor in Council may by regulation add to the Schedule to this Act any corporation

- (a) that is, by its Act of incorporation, expressed to be an agent for the Crown in right of Alberta, or

## **Explanatory Notes**

**1.** This Bill will amend chapter 79 of the Revised Statutes of Alberta 1970.

**2.** Section 2, clauses (c) and (d) presently read:

2. In this Act,

(c) "employees" means persons employed by an employer other than

(i) persons who, in the opinion of the Minister, exercise a policy-making function in matters relating to personnel administration or who make significant decisions respecting the treatment of employees, or

(ii) persons who are members of a professional association who are excluded by the Minister at the request of a majority of the persons in the group;

(d) "employer" means any board or agency of the Crown in right of Alberta (other than The Alberta Government Telephones Commission) to which The Public Service Act does not apply, and includes The Workmen's Compensation Board;

See section 2.1 of this Bill and the proposed Schedule which will list the Corporations to which the Act applies. The list enumerates the Crown agencies to which the Act presently applies but adds other public bodies that are not, by law, "Crown agencies".

**3.** Additions to Schedule of other employers. See sections 2 and 6 of this Bill.

- (b) the members or a majority of the members of which or the members or a majority of the members of the board of directors or board of management of which are appointed by the Lieutenant Governor in Council.

*4. Section 3 is struck out and the following section is substituted:*

**3.** (1) The Association has the sole right to negotiate with an employer

- (a) on behalf of all employees of the employer in respect of which an agreement was in effect on December 1, 1972, if a majority of the employees affected by the agreement on the date notice to commence negotiations is given, are members of the Association, and
- (b) in any other case, on behalf of all employees in a specific field of employment, if a majority of the employees in the specific field of employment are members of the Association.

(2) For the purpose of subsection (1), clause (b), the Minister may determine what is a specific field of employment and which employees are included therein.

*5. Section 4 is amended*

- (a) *by adding the following subsection after subsection (1):*

(1.1) Where no agreement is in effect between an employer and the Association in respect of any employees, either the employer or the Association may at any time give notice to commence negotiations.

- (b) *as to subsection (2) by striking out the word "Either" and by substituting the words "Where an agreement is in effect, either",*

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

(2.1) Where an agreement is in effect in respect of some of the employees of the employer and the employer or the Association wish to enter into negotiations relating to other employees in respect of whom no agreement is then in effect, either the employer or the Association may, not less than 60 days and not more than 90 days immediately prior to the expiry of the existing agreement, give notice to the other to commence negotiations.

**4. Section 3 presently reads:**

3. The Association has the sole right to negotiate with an employer
- (a) on behalf of all the employees, when a majority of the employees are members of the Association, or
  - (b) on behalf of all employees in a specific field of employment, when a majority of the employees in that specific field of employment, are members of the Association.

**5. Section 4, subsections (1) and (2) presently read:**

4. (1) The Association and an employer shall upon request of either party enter into negotiations in the manner prescribed by this Act.

(2) Either party to an agreement may, not less than 60 days and not more than 90 days immediately prior to the expiry of the agreement, give notice to the other party to commence negotiations.

Subsection (2) deals only with the case where an agreement exists and is to be renegotiated. The new subsection (1.1) deals with the case where no agreement exists and the new subsection (2.1) deals with the case where an agreement exists with respect to some employees but there is a desire to negotiate an agreement in respect of others.

6. *The following Schedule is added at the end of the Act:*

SCHEDULE  
(Section 2(d))

EMPLOYERS

under

*The Crown Agencies Employee Relations Act*

The Alberta Hospital Services Commission

Alberta Housing Corporation

The Alberta Liquor Control Board

Alberta Opportunity Company

The Alberta Alcoholism and Drug Abuse Commission

Energy Resources Conservation Board

Foothills Provincial General Hospital

Glenrose Provincial General Hospital

Provincial Cancer Hospitals Board

The Research Council of Alberta

University Hospital Board

The Workmen's Compensation Board

7. *The Alberta Labour Act is amended by striking out section 3 and by substituting the following section:*

- 3.** (1) Subject to subsection (2), this Act applies to
- (a) employers and employees, and
  - (b) agents of the Crown in right of Alberta and their employees.
- (2) This Act does not apply to
- (a) the Crown in right of Alberta and its employees;
  - (b) subject to subsection (3),
    - (i) employers, as defined in *The Crown Agencies Employee Relations Act*, and
    - (ii) employees, as defined in *The Crown Agencies Employee Relations Act*;
  - (c) employees employed in domestic work in a private dwelling and their employers while acting in the capacity of their employer;
  - (d) employees employed as farm labourers and their employers while acting in the capacity of their employer;
  - (e) employees who are policemen of a municipal police force appointed pursuant to *The Police Act, 1971*.

**6. Schedule of Employers added. See section 2 of this Bill.**

**7. Amends chapter 196 of the Revised Statutes of Alberta.**

(3) This Act applies to the Foothills General Hospital while acting as an employer of those employees referred to in section 2, clause (c), subclause (iii) of *The Crown Agencies Employee Relations Act*.

(4) For the purposes of subsection (2), "farm labourers" does not include employees employed in an undertaking which, in the opinion of the Board, is a commercial undertaking.

8. *The Alcoholism and Drug Abuse Act, section 6 is amended by striking out subsection (5).*

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



**8. Amends chapter 16 of the Revised Statutes of Alberta 1970.**

**Section 6, subsection (5) presently reads:**

(5) The Crown Agencies Employee Relations Act applies to the Commission and its employees as if the Commission were an agency of the Crown in rights of Alberta.

As the Alberta Alcoholism and Drug Abuse Commission is named in the Schedule to this Act the reference in The Alcoholism and Drug Abuse Act to The Crown Agencies Employee Relations Act is no longer necessary.