

1973 Bill 203

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Second Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 203**

**An Act to amend The Clean Air Act**

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MR. NOTLEY

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**First Reading** . . . . .

**Second Reading** . . . . .

**Third Reading** . . . . .

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Printed by QUEEN'S PRINTER for the Province of Alberta, EDMONTON

Bill 203  
Mr. Notley

## BILL 203

1973

### AN ACT TO AMEND THE CLEAN AIR ACT

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

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

1. *The Clean Air Act is hereby amended.*
2. *The following sections are added after section 11.1:*

**11.2 (1)** No employer, employers' organization or person acting on behalf of an employer or employers' organization shall,

- (a) refuse to employ or continue to employ a person, or
- (b) threaten dismissal or otherwise threaten a person, or
- (c) discriminate against a person in regard to employment or a term or condition of employment,

because of a belief that he has provided information for the purposes of this Act or that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

(2) Any person so dismissed, refused, threatened or discriminated against, shall be reinstated or otherwise dealt with, and recompensed, as if no such dismissal, refusal, threat or discrimination had occurred.

(3) An employer, employers' organization or person acting on behalf of an employer or employers' organization who contravenes the provisions of subsection (1) is guilty of an offence.

(4) In the prosecution of such an offence, if *prima facie* proof is given of the matters referred to in subsection (1), then unless the accused proves he did not commit the offence with which he is charged, he may be convicted of the offence.

**11.3 (1)** No information or material furnished to or received by a conciliation officer or a mediator,

- (a) under this Act; or

### **Explanatory Notes**

This amendment will protect the employees of Alberta Companies when they attempt to report abuses of the environment, and should encourage them to be aware of and report these abuses without fear of reprisal.

- (b) in the course of any endeavour that a conciliation officer may make under the direction of the Minister to effect a collective agreement after the Minister
  - (i) has released the report of a conciliation board or a mediator, or
  - (ii) has informed the parties that he does not consider it advisable to appoint a conciliation board,

shall be disclosed except to the Minister, the Deputy Minister of the Environment or the chief conciliation officer of the Department of the Environment.

(2) No information or material furnished to or received by a field officer under this Act and no report of a field officer shall be disclosed except to the Board or as authorized by the Board, and no member of the Board and no field officer is a competent or compellable witness in proceedings before a court or other tribunal respecting any such information, material or report.

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