

1974 Bill 52,

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 52

The Alberta Labour Amendment Act, 1974

THE MINISTER OF MANPOWER AND LABOUR

First Reading

Second Reading

Third Reading

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1974

THE ALBERTA LABOUR AMENDMENT ACT, 1974

(Assented to _____, 1974)

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

1. *The Alberta Labour Act, 1973 is hereby amended.*
2. *The following Division is added after section 93:*

Division 7.1

Collective Agreements relating to the Construction of Oil Sands Plants

93.1 In this Division

- (a) "lease area" means the lands described in a bituminous sands lease granted pursuant to *The Mines and Minerals Act* or any predecessor Act;
- (b) "oil sands plant" means a plant or other works used or to be used for or in connection with
 - (i) the mining, quarrying, working, removing, treating or processing of oil sands or the treating or processing of crude bitumen and other mineral substances recovered from oil sands, and
 - (ii) the storage of crude bitumen and other mineral substances recovered from oil sands or of products derived from the crude bitumen or mineral substances;
- (c) "principal contractor" means the person, corporation, partnership or group of persons primarily responsible for the construction of an oil sands plant.

93.2 (1) Subject to subsection (2), a principal contractor has authority to bargain collectively on his own behalf and on behalf of any other employer engaged in the construction of an oil sands plant in a lease area with any trade union that is the bargaining agent of the em-

Explanatory Notes

1. This Bill will amend chapter 33 of the Statutes of Alberta, 1973.

2. Provisions relating to a collective agreement between a principal contractor and trade unions respecting the construction of an oil sands plant in a lease area.

ployees of the principal contractor or any other employer engaged in the construction of an oil sands plant in a lease area.

(2) A principal contractor and a trade union referred to in subsection (1) may bargain collectively with respect to any terms or conditions of employment of the employees of the principal contractor and any other employer engaged in the construction of an oil sands plant in a lease area, except with respect to those terms and conditions of employment relating to

- (a) wages,
- (b) health, welfare and pension benefits, and
- (c) vacation and other holiday benefits.

(3) Where a collective agreement is in effect between

- (a) the principal contractor in his capacity as an employer or any other employer referred to in subsection (1), and

(b) a trade union,

that collective agreement and the rights of the parties to that collective agreement are unaffected during any collective bargaining between a principal contractor and a trade union pursuant to this section.

(4) This section applies notwithstanding that

- (a) a registration certificate is in effect with respect to
 - (i) the principal contractor in his capacity as an employer or any other employer on whose behalf a principal contractor is authorized to bargain collectively under this section, and

(ii) a trade union,

or

(b) a collective agreement is in force between

- (i) the principal contractor in his capacity as an employer or any other employer on whose behalf a principal contractor is authorized to bargain collectively under this section or any employers' organization, and

(ii) a trade union.

(5) Sections 104 to 124 do not apply to a principal contractor and a trade union who bargain collectively under this section.

93.3 (1) Where a collective agreement is entered into between a principal contractor and a trade union under this Division, the collective agreement shall thereupon be deemed to include the same terms and conditions of employment relating to

- (a) wages,

- (b) health, welfare and pension benefits, and
- (c) vacation and other holiday benefits,

as are contained in the collective agreement made between

- (d) the principal contractor in his capacity as an employer or any employers' organization acting on his behalf, or
- (e) any other employer on whose behalf the principal contractor bargained collectively or any employers' organization acting on behalf of those employers, or
- (f) where applicable, any employer who becomes engaged in the construction of an oil sands plant in a lease area after the collective agreement between the principal contractor and the trade union is entered into under this Division or any employers' organization acting on his behalf,

and a trade union which, but for this Division, would have applied to the principal contractor in his capacity as an employer or any other employer and the trade union.

(2) A collective agreement entered into between a principal contractor and a trade union under this Division is binding on

- (a) the principal contractor in his capacity as the principal contractor,
- (b) the principal contractor in his capacity as an employer to the extent that the principal contractor is an employer engaged in the construction of an oil sands plant in a lease area,
- (c) the employers on whose behalf the principal contractor bargained collectively to the extent that they are employers engaged in the construction of an oil sands plant in a lease area,
- (d) any other employer who becomes engaged in the construction of an oil sands plant in a lease area after the collective agreement between the principal contractor and the trade union is entered into, to the extent that he is an employer engaged in the construction of an oil sands plant in a lease area,
- (e) the trade union, to the extent that the trade union is the bargaining agent of employees of the employers referred to in this subsection and to the extent that those employees are employed in the construction of an oil sands plant in a lease area, and
- (f) the employees on whose behalf the trade union bargained collectively and who become part of the bargaining unit of the trade union, to the extent that the employees are employed in the construction of an oil sands plant in a lease area by the employers referred to in this subsection.

93.4 (1) Where the terms and conditions of a collective agreement entered into between a principal contractor and a trade union under this Division have been settled, the principal contractor and the trade union shall sign the collective agreement.

(2) Where a collective agreement is entered into between a principal contractor and a trade union under this Division

- (a) no employer on whose behalf the principal contractor bargained collectively,
 - (b) no employer who becomes bound by the collective agreement after it is entered into, and
 - (c) no employee on whose behalf a trade union bargained collectively or who becomes part of the bargaining unit of the trade union,
- is required to sign the collective agreement.

(3) A collective agreement entered into between a principal contractor and a trade union under this Division shall be deemed

- (a) to continue in force until completion of the construction of the oil sands plant in the lease area, and
- (b) to be a collective agreement for the purposes of this Act.

93.5 Where a collective agreement is entered into between a principal contractor and a trade union under this Division,

- (a) the principal contractor, to the extent that the principal contractor is an employer engaged in the construction of an oil sands plant in a lease area,
- (b) the employers on whose behalf the principal contractor bargained collectively, to the extent that they are employers engaged in the construction of an oil sands plant in a lease area,
- (c) any other employer who becomes engaged in the construction of an oil sands plant in a lease area after the collective agreement between the principal contractor and the trade union is entered into, to the extent that he is an employer engaged in the construction of an oil sands plant in a lease area,
- (d) the trade union, to the extent that the trade union is the bargaining agent of employees of the employers referred to in this section and to the extent that those employees are employed in the construction of an oil sands plant in a lease area, and

(e) the employees on whose behalf the trade union bargained collectively or who become part of the bargaining unit of the trade union, to the extent that the employees are employed in the construction of an oil sands plant in a lease area by employers referred to in this section, shall be deemed to be excluded from

(f) any registration certificate and the effects of any registration certificate,

(g) any other collective agreement, and

(h) where applicable, any application for a registration certificate, any registration certificate issued as a result of the application and any collective agreement entered into between a registered employers' organization and a trade union thereafter, which, but for the provisions of this Division, would have applied to them.

93.6 (1) Where a collective agreement is entered into between a principal contractor and a trade union under this Division, the following provisions of this Act, namely,

section 74, subsection (3), clause (b),
section 77, subsection (2), clause (b),
section 79, subsection (2), clause (b),
section 100, and
section 138, subsection(3)

which would otherwise have applied, do not apply to

- (a) the principal contractor, employers, trade unions and employees referred to in and to the extent specified in section 93.5, and
- (b) the collective agreement between the principal contractor and the trade union.

(2) Where any conflict arises between any provision of this Division and any other provision of this Act, the provision of this Division prevails.

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