

1978 BILL 259

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 259

THE BURIAL OF THE DEAD ACT

DR. WEBBER

First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

Bill 259
Dr. Webber

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THE BURIAL OF THE DEAD ACT

(Assented to _____, 1978)

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

1. (1) In this Act,

- (a) "burial" includes cremation;
- (b) "employee" means a person employed to
 - (i) dig or prepare graves for the burial of dead human bodies, or
 - (ii) to do work in or provide services in respect of a cemetery, crematory, mausoleum or columbarium,and includes any other person who works or provides a service in connection with the burial of dead human bodies;
- (c) "employer" means the employer of an employee;
- (d) "Minister" means the Minister of Labour.

(2) Except as provided in subsection (1), words or expressions defined in section 49 of *The Alberta Labour Act, 1973* have the same meaning in this Act.

2. This Act applies notwithstanding *The Alberta Labour Act, 1973*.

3. (1) If employees strike or an employer locks out employees, the Lieutenant Governor in Council, if he considers it necessary to do so in the public interest, may by order do any one or more of the following:

- (a) direct an employer engaged in a lockout to bury or permit the burial of dead human bodies;
- (b) direct the employees named or described in the order to perform that work or provide those services as are necessary to bury or permit the burial of dead human bodies;
- (c) direct an employer to end a lockout;
- (d) direct employees to cease to strike.

Explanatory Notes

1. Definitions.

2. Application of Act.

3. Order in respect of a strike or lockout.

- (2) If an order is issued under subsection (1),
- (a) the same rates of pay, terms and conditions of employment and rights and privileges in respect of the employees that existed immediately before the strike or lockout, apply during the time that employees are required to work or perform services in accordance with the order,
 - (b) no employer shall, except with the consent of the trade union concerned, alter the rates of pay, terms and conditions of employment or any right or privilege in respect of the employees during the time that they are required to work or perform services in accordance with the order, and
 - (c) the relationship of employer and employee continues uninterrupted by the dispute or anything arising out of the dispute during the continuance of the order.

(3) An employer or employee to whom an order under this section is directed shall comply with it forthwith, or if the time for compliance is specified in the order, within the time so specified.

4. If an order under section 3 affects one or more employees in a unit, but not all the persons included in the unit, the employees who are affected are bound by any settlement of the dispute between the persons included in the unit, the trade union and the employer or employers' organization, as the case may be.

5. (1) If an order under section 3 affects all the employees in a unit, the Minister shall forthwith establish a procedure to assist the parties to the dispute in respect of which the order issued to reach a settlement, and the Minister is empowered to do all such things as may be necessary to settle the dispute.

(2) As a procedure to settle a dispute, the Minister may establish a Public Emergency Tribunal consisting of one or more persons and if more than one person is appointed, designating one person as chairman.

(3) The members of a Public Emergency Tribunal and any other person appointed as a procedure or part of a procedure under subsection (1) have the powers of a commissioner under *The Public Inquiries Act*.

6. (1) A Public Emergency Tribunal established by the Minister shall inquire into the dispute and endeavour to bring the parties to an agreement.

(2) Where the dispute has not been settled by agreement, the Public Emergency Tribunal shall after making full inquiry

- (a) make an award which shall deal with each matter in dispute, and
- (b) forthwith send a copy of the award to all parties to the dispute and to the Minister.

4. Employees bound by settlement.

5. Procedure to settle disputes.

6. Inquiry by Public Emergency Tribunal.

- (3) The award of a Public Emergency Tribunal is binding on
- (a) the employer,
 - (b) the trade union, and
 - (c) every employee affected.

(4) If an award of a Public Emergency Tribunal is not complied with, the Minister may file a copy of the award with the clerk of the Supreme Court in the judicial district in which the difference arose and upon being filed the award is enforceable as a judgement or order of the Supreme Court.

7. *The Regulations Act* does not apply to an order made under section 3 or a procedure established under section 5.

8. No employer, employers' organization, employee, trade union or other person shall prevent or interfere with an employer or employee doing work or providing services in accordance with an order made under section 3.

9. An employer, employers' organization, employee, trade union or other person who

- (a) contravenes or fails to comply with an order under section 3, or
- (b) contravenes or fails to comply with any other provision of this Act,

is guilty of an offence and liable on summary conviction to a fine of not more than \$10 000.

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

7. *The Regulations Act* inapplicable.

8. Work or services not to be prevented or interfered with.

9. Offences.