## 1982 BILL 11

Fourth Session, 19th Legislature, 31 Elizabeth II

# THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 11**

# **HEALTH SERVICES CONTINUATION ACT**

# First Reading Second Reading Committee of the Whole Third Reading Royal Assent

# **BILL 11**

#### 1982

#### **HEALTH SERVICES CONTINUATION ACT**

(Assented to

, 1982)

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

#### Definitions

- 1 In this Act,
  - (a) "Arbitration Tribunal" means the Arbitration Tribunal established under section 7;
  - (b) "bargaining agent" means a bargaining agent set out in Column 2 of the Schedule;
  - (c) "employee" means an employee represented by a bargaining agent;
  - (d) "employees' organization" means the United Nurses of Alberta;
  - (e) "employer" means an employer referred to in Column 1 of the Schedule;
  - (f) "employers' organization" means the Alberta Hospitals Association;
  - (g) "health services disputes" means the disputes between the parties;
  - (h) "Minister" means the Minister of Labour;
  - (i) "parties" means the employer and the corresponding bargaining agent set out in Columns 1 and 2 respectively of the Schedule.
- (2) Words defined in the *Labour Relations Act* have the same meaning in this Act unless the context otherwise indicates.

Conflict

- **2(1)** If there is a conflict between this Act and the *Labour Relations Act*, this Act prevails.
- (2) The Arbitration Act does not apply to this Act.

Termination of strike or lock out

- 3(1) This section comes into force at 7:00 a.m. on the day following the coming into force of this Act.
- (2) Any strike or lock out in the health services disputes otherwise authorized or permitted under the *Labour Relations Act* is illegal and any strike or lock out that is in effect shall terminate, and
  - (a) no employer who is a party to any health services dispute shall lock out;
  - (b) no employers' organization, or person acting on behalf of the employers' organization or employer, shall cause or consent to a lock out;
  - (c) no employees affected by a health services dispute shall strike;
  - (d) no bargaining agent, employees' organization, or person acting on behalf of the employees, a bargaining agent or employees' organization, shall cause or consent to a strike.
- (3) All employees shall continue or resume, as the case may be, the duties of their employment without slow-down or diminution and all employers shall arrange for the resumption of their services.

Notice

- 4 Forthwith on the coming into force of this Act, the employees' organization and every bargaining agent shall give or cause to be given notice to the employees setting out
  - (a) that the strike authorized or permitted before the coming into force of section 3 has become illegal, and
  - (b) that the employees shall continue or resume, as the case may be, the duties of their employment without slow-down or diminution.

# Prohibition by employer

- 5 No employer or person acting on behalf of the employer shall
  - (a) refuse to permit or authorize, or direct or authorize another person to refuse to permit or authorize, an employee who went on strike before the coming into force of section 3 to resume the duties of his employment forthwith, or
  - (b) discharge or in any other manner discipline, or authorize or direct another person to discharge or in any other manner discipline, such an employee by reason of his having been on strike before the coming into force of section 3.

# Collective agreement continuation

- **6**(1) In this section, "collective agreements" means the collective agreements between the parties.
- (2) The terms and conditions of the collective agreements that expired on December 31, 1981, continue until the document referred to in section 7(8) comes into effect.

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- 7(1) There is hereby established an Arbitration Tribunal to inquire into the health services disputes, other than a dispute relating to the duration of a collective agreement, and to endeavour to bring the parties to a settlement of the health services disputes.
- (2) The Minister may with respect to the Arbitration Tribunal
  - (a) appoint or provide for the appointment of 1 or more persons as its members, and
  - (b) if more than 1 person is appointed, designate or provide for the designation of a chairman.
- (3) A judge of the Court of Appeal or the Court of Queen's Bench may be appointed as a member of the Arbitration Tribunal.
- (4) The person or persons appointed as members of the Arbitration Tribunal have the powers and immunities of a commissioner under the *Public Inquiries Act*.
- (5) The Arbitration Tribunal may determine its own procedure.
- (6) The Arbitration Tribunal may consider, but shall not be bound by, the recommendations of the Disputes Inquiry Board that was established on December 30, 1981.
- (7) If the health services disputes have not been settled by agreement on or before a date determined by the Minister, the Arbitration Tribunal shall make its award, and its award shall deal with each item that remains in dispute.
- (8) After the health services disputes have been settled or after it has made its award under subsection (7), as the case may be, the Arbitration Tribunal shall prepare a document in the form of a collective agreement setting out the terms and conditions
  - (a) that were agreed to, whether before or after this Act came into force, and
- (b) that were the subject of an award under subsection (7), if any, and shall forward a copy of the document to the Minister, the em-
- ployees' organization and the employers' organization.
- (9) The document prepared pursuant to subsection (8)
  - (a) constitutes a collective agreement under the Labour Relations Act from January 1, 1982 to December 31, 1983, and
  - (b) is binding on
    - (i) the employers' organization and every employer,
    - (ii) the employees' organization and every bargaining agent, and

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(iii) every employee.

(10) If the award of the Arbitration Tribunal is not complied with, the Minister may file a copy of the award with the clerk of the Court of Queen's Bench and thereupon the decision is enforceable as a judgment or order of the Court.

# Reconvening of Tribunal

- 8(1) If a question arises concerning the interpretation, application or operation of an award under section 7(7), the Minister may within 14 days after the document referred to in section 7(8) is forwarded to the Minister, direct the member, if only 1 is appointed, or the chairman of the Tribunal to reconvene the Tribunal for the purpose of deciding the question.
- (2) When the Arbitration Tribunal makes its decision, it shall forward a copy of the decision to the Minister, the employees' organization and the employers' organization, and the decision is binding on
  - (a) the employers' organization and every employer,
  - (b) the employees' organization and every bargaining agent, and
  - (c) every employee.
- (3) If the decision has the effect of amending the collective agreement constituted under section 7(9), the agreement is amended accordingly.

#### Power to vary agreement

9 Nothing in this Act shall be deemed to limit or restrict the rights of the parties to agree to amend the collective agreement constituted under section 7(9), other than a provision relating to its duration, and to give effect thereto.

## Power to

- 10(1) If a bargaining agent is found guilty of an offence under this Act or is found in contempt of court in respect of a matter arising under this Act, the Attorney General may give notice to the Labour Relations Board setting out that the bargaining agent was found guilty of contravening this Act or was found in contempt of court, as the case may be, and upon receipt of the notice the Board shall revoke the certification.
- (2) Where the certification of a bargaining agent is revoked under subsection (1), no trade union
  - (a) shall be certified to bargain collectively, or
  - (b) shall bargain collectively

on behalf of the employees during the 12 months following the revocation or until the expiration of this Act, whichever is the earlier.

Penalty

11(1) If a bargaining agent is guilty of an offence under this Act or is in contempt of court in respect of a matter arising under this Act, every officer, representative, agent or adviser of the bargaining agent who authorized, permitted or acquiesced in the offence or the con-

tempt of court is also guilty of the offence or is in contempt, as the case may be.

- (2) No officer, representative, agent or adviser who was found guilty of an offence under this Act or was found in contempt shall be employed by or act as an officer, representative, agent or adviser of a trade union until the expiration of this Act.
- (3) A person who contravenes subsection (2) is guilty of an offence.

Injunction

- 12(1) The Attorney General may apply to the Court of Queen's Bench, by originating notice, for an injunction enjoining any person from doing any act that is in contravention of this Act, notwithstanding any other penalty that may be provided.
- (2) Two days' notice shall be sufficient for any application under subsection (1).

Service

- 13(1) An originating notice, judgment or order made pursuant to section 12 or any other notice, decision or document under this Act may be served or given in the case of the employees' organization, a bargaining agent and the employers' organization
  - (a) personally on the president, secretary or an officer of the employees' organization, bargaining agent or employers' organization, as the case may be, or
  - (b) by sending it by registered or certified mail to the address of the president, secretary or an officer of the employees' organization, bargaining agent or employers' organization, as the case may be.
- (2) Service on the employees' organization of an originating notice, judgment or order issued pursuant to section 12 is also good service on all the bargaining agents and the employees.
- (3) Service on the employers' organization of an originating notice, judgment or order issued pursuant to section 12 is also good service on the employers.

#### **OFFENCES**

Offences

- 14(1) Any bargaining agent, employees' organization, employee, employers' organization or employer who contravenes section 3 is guilty of an offence and is liable to a fine not exceeding \$1000 for each day that the offence continues.
- (2) Any bargaining agent, employees' organization or employer who contravenes section 4 is guilty of an offence and is liable to a fine not exceeding \$10 000.
- (3) Any employer or person acting on behalf of the employer who contravenes section 5 is guilty of an offence and is liable to a fine not exceeding \$10 000.

15 This Act expires December 31, 1983.

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

# SCHEDULE

# **Parties**

	Column 1 — Employers	Column 2 — Bargaining Agents
1.	Archer Memorial Hospital Lamont, Alberta	Archer Memorial Hospital Lamont, United Nurses of Alberta Local No. 29, Lamont, Alberta
2.	Bashaw General Hospital District No. 94, Bashaw, Alberta	Bashaw General Hospital United Nurses of Alberta Local No. 45, Bashaw, Alberta
3.	Beaverlodge-Hythe General Hospital District No. 32, Beaverlodge, Alberta	Beaverlodge-Hythe General Hospital District No. 32 United Nurses of Alberta Local No. 51, Edmonton, Alberta
4.	Berwyn Municipal Hospital District No. 50 Berwyn, Alberta	Berwyn Municipal Hospital United Nurses of Alberta Local No. 52, Berwyn, Alberta
5.	Bethany Auxiliary Hospital & Nursing Home Camrose, Alberta	Bethany Auxiliary Hospital & Nursing Home United Nurses of Alberta Local No. 12, Camrose, Alberta
6.	Bethany Care Centre Calgary, Alberta	Bethany Care Centre United Nurses of Alberta Local No. 91, Calgary, Alberta
7.	Border Counties General Hospital District No. 95, Milk River, Alberta	Border Counties General Hospital, Milk River United Nurses of Alberta Local No. 66, Milk River, Alberta
8.	Boyle General Hospital District No. 61, Boyle, Alberta	Boyle General Hospital United Nurses of Alberta Local No. 16, Edmonton, Alberta
9.	Breton General Hospital District No. 85, Breton, Alberta	Breton General Hospital United Nurses of Alberta, Local No. 83 Breton, Alberta
10.	Calgary General Hospital Calgary, Alberta	Calgary General Hospital United Nurses of Alberta Local No. 1, Edmonton, Alberta
11.	Claresholm General Hospital District No. 24, Claresholm, Alberta	United Nurses of Alberta Local No. 40 of the Claresholm General Hospital, Claresholm, Alberta

12. Cold Lake General Hospital District No. 75 Cold Lake, Alberta John Neil Hospital, Cold Lake United Nurses of Alberta Local No. 76, Cold Lake, Alberta

 Coronation Municipal Hospital District No. 39, Coronation, Alberta Coronation Municipal Hospital United Nurses of Alberta Local No. 106, Edmonton, Alberta

 Crowsnest Pass General Hospital and Nursing Home District No. 40, Blairmore, Alberta Crowsnest Pass General Hospital and Nursing Home District No. 40 United Nurses of Alberta Local No. 102, Edmonton, Alberta

15. Devon Civic Hospital Devon, Alberta

Devon Civic Hospital United Nurses of Alberta Local No. 67, Edmonton, Alberta

 Drayton Valley General Hospital and Nursing Home District No. 7, Drayton Valley, Alberta Drayton Valley General Hospital United Nurses of Alberta Local No. 28, Drayton Valley, Alberta

 Drumheller General Hospital District No. 3, Drumheller, Alberta

Drumheller General Hospital United Nurses of Alberta Local No. 74, Edmonton, Alberta

18. Edmonton General Hospital Edmonton, Alberta

Edmonton General Hospital Unite Nurses of Alberta Local No. 79, Edmonton, Alberta

Edmonton and Rural Auxiliary
 Hospital and Nursing Home District
 No. 24,
 Edmonton, Alberta

Edmonton Rural and Auxiliary Hospital and Nursing Home District No. 24 United Nurses of Alberta Local No. 118, Edmonton, Alberta

Elk Point General and Auxiliary
 Hospital and Nursing Home District
 No. 18,
 Elk Point, Alberta

Elk Point Municipal Hospital United Nurses of Alberta Local No. 26, Elk Point, Alberta

 Elnora General Hospital District No. 44, Elnora, Alberta

Elnora General Hospital District No. 44 United Nurses of Alberta Local No. 113, Edmonton, Alberta

 Fairview Municipal Hospital District No. 59, Fairview, Alberta

Fairview Municipal Hospital District No. 59 United Nurses of Alberta Local No. 64, Edmonton, Alberta

 Fort McMurray General and Auxiliary Hospital and Nursing Home District No. 99, Fort McMurray, Alberta

Fort McMurray General United Nurses of Alberta Local No. 96, Edmonton, Alberta  Fort Saskatchewan General Hospital District No. 98, Fort Saskatchewan, Alberta Fort Saskatchewan General Hospital United Nurses of Alberta Local No. 9, Edmonton, Alberta

 Fort Vermilion-High Level General and Auxiliary Hospital and Nursing District No. 102, High Level, Alberta United Nurses of Alberta Local No. 124, Edmonton, Alberta

 Glendon Municipal Hospital District No. 57, Glendon, Alberta

Glendon Municipal Hospital United Nurses of Alberta Local No. 122, Edmonton, Alberta

 Grande Cache General Hospital District No. 63, Grande Cache, Alberta Grande Cache General Hospital United Nurses of Alberta Local No. 63, Edmonton, Alberta

28. Grande Prairie General and Auxiliary Hospital & Nursing Home District No. 14, Grande Prairie, Alberta

Grande Prairie General Auxiliary Hospital & Nursing Home District No. 14 United Nurses of Alberta Local No. 37, Grande Prairie, Alberta

 Hanna General Hospital District No. 9, Hanna, Alberta Hanna General Hospital District No. 9, United Nurses of Alberta Local No. 125, Edmonton, Alberta

 High Prairie General Hospital and Nursing Home District No. 89, High Prairie, Alberta

High Prairie General Hospital and Nursing Home District No. 89 United Nurses of Alberta Local No. 17, Edmonton, Alberta

31. High River General Hospital and Nursing Home District No. 11, High River, Alberta

High River General Hospital United Nurses of Alberta Local No. 80, Edmonton

32. Hinton General Hospital District No. 76, Hinton, Alberta

Hinton General Hospital United Nurses of Alberta Local No. 84, Hinton, Alberta

33. Immaculata Hospital, Westlock, Alberta

Immaculata Hospital Westlock United Nurses of Alberta Local No. 73, Edmonton

34. Innisfail Municipal Hospital District No. 16, Innisfail, Alberta Innisfail General Hospital United Nurses of Alberta Local No. 59, Edmonton

35. Islay Municipal Hospital District No. 4, Islay, Alberta

Islay Municipal Hospital United Nurses of Alberta Local No. 78, Islay, Alberta

 Lac La Biche General Hospital and Nursing Home District No. 78, Lac La Biche, Alberta Lac La Biche General Hospital United Nurses of Alberta Local No. 10, Lac La Biche, Alberta

37.	Lacombe General Hospital and Nursing Home District No. 54, Lacombe, Alberta	Lacombe General Hospital and Nursing Home District No. 54 United Nurses of Alberta Local No. 5, Lacombe, Alberta
38.	Lamont Auxiliary Hospital and Nursing Home District No. 23, Lamont, Alberta	Lamont Auxiliary Hospital and Nursing Home District No. 23, United Nurses of Alberta Local No. 49, Lamont, Alberta
39.	Leduc General Hospital and Nursing Home District No. 83, Leduc, Alberta	Leduc General Hospital United Nurses of Alberta Local No. 62, Edmonton, Alberta
40.	Lethbridge General and Auxiliary Hospital and Nursing Home District No. 65, Lethbridge, Alberta	Lethbridge General and Auxiliary Hospital and Nursing Home District No. 65 United Nurses of Alberta Local No. 120, Edmonton
41.	Macleod Municipal Hospital District No. 48, Fort Macleod, Alberta	Macleod Municipal Hospital United Nurses of Alberta Local No. 82, Fort Macleod, Alberta
42.	Manning Municipal Hospital District No. 70, Manning, Alberta	Manning Municipal Hospital United Nurses of Alberta Local No. 13, Manning, Alberta
43.	Mary Immaculate Hospital, Willingdon, Alberta	Mary Immaculate Hospital United Nurses of Alberta Local No. 127, Edmonton, Alberta
44.	McLennan General Hospital and Nursing Home District No. 90, McLennan, Alberta	McLennan General Hospital and Nursing Home District No. 90 United Nurses of Alberta Local No. 116, Edmonton
45.	Medicine Hat General and Auxiliary and Nursing Home District No. 69, Medicine Hat, Alberta	Medicine Hat & District Hospital United Nurses of Alberta Local No. 70, Medicine Hat, Alberta
46.	Metro-Calgary and Rural General Hospital District No. 93, Calgary, Alberta	Metro-Calgary and Rural General Hospital District No. 93 United Nurses of Alberta Local No. 121, Edmonton, Alberta
47.	Metro-Edmonton Hospital District No. 106, Edmonton	United Nurses of Alberta Local No. 129, Edmonton, Alberta
48.	Mineral Springs Hospital, Banff, Alberta	Mineral Springs Hospital, Banff United Nurses of Alberta Local No. 3, Edmonton

Misericordia Hospital United Nurses of Alberta Local No. 11,

Mountain View-Kneehill Auxiliary Hospital & Nursing Home District No. 13, Didsbury United Nurses Alberta Local No. 34,

Edmonton

Didsbury, Alberta

49. Misericordia Hospital, Edmonton, Alberta

 Mountain View-Kneehill Auxiliary Hospital and Nursing Home District No. 13, Didsbury, Alberta

51.	Olds Municipal Hospital District No. 26, Olds, Alberta	Olds Municipal Hospital United Nurses of Alberta Local No. 43, Olds, Alberta
52.	Oyen Big Country Hospital Oyen, Alberta	Oyen Big Country Hospital United Nurses of Alberta Local No. 20, Oyen, Alberta
53.	Peace River Municipal Hospital District No. 21, Peace River, Alberta	Peace River Municipal Hospital United Nurses of Alberta Local No. 30, Peace River, Alberta
54.	Pincher Creek Municipal Hospital Pincher Creek, Alberta	Pincher Creek Municipal Hospital United Nurses of Alberta Local No. 23, Pincher Creek, Alberta
55.	Ponoka General Hospital and Nursing Home District No. 37, Ponoka, Alberta	Ponoka General Hospital United Nurses of Alberta Local No. 31, Ponoka, Alberta
56.	Provost General Hospital and Nursing Home District No. 12, Provost, Alberta	Provost General Hospital and Nursing Home District No. 12, United Nurses of Alberta Local No. 69, Edmonton
57.	Red Deer General and Auxiliary Hospital and Nursing Home District No. 15, Red Deer, Alberta	Red Deer General and Auxiliary Hospital and Nursing Home District No. 15 United Nurses of Alberta Local No. 2, Edmonton
58.	Rocky Mountain House General Hospital and Nursing Home District No. 49, Rocky Mountain House, Alberta	Rocky Mountain House General Hospital United Nurses of Alberta Local No. 8, Rocky Mountain House, Alberta
59.	Royal Alexandra Hospital Edmonton, Alberta	Royal Alexandra Hospital United Nurses of Alberta Local No. 33, Edmonton
60.	St. John's Hospital Edson, Alberta	St. John's Hospital, Edson United Nurses of Alberta Local No. 56, Edson, Alberta
61.	St. Joseph's Auxiliary Hospital Edmonton, Alberta	St. Joseph's Auxiliary Hospital United Nurses of Alberta Local No. 99, Edmonton
62.	St. Joseph's General Hospital Vegreville, Alberta	St. Joseph's General Hospital Vegreville United Nurses of Alberta Local No. 22, Vegreville, Alberta
63.	St. Louis Hospital Bonnyville, Alberta	St. Louis Hospital, Bonnyville United Nurses of Alberta Local No. 86, Edmonton
64.	St. Mary's Hospital Camrose, Alberta	St. Mary's Hospital, Camrose United Nurses of Alberta Local No. 15, Camrose, Alberta

65.	St. Michael's General Hospital Lethbridge, Alberta	St. Michael's General Hospital Lethbridge United Nurses of Alberta Local No. 72, Edmonton
66.	St. Paul General Hospital District No. 36, St. Paul, Alberta	St. Paul General Hospital United Nurses of Alberta Local No. 24, St. Paul, Alberta
67.	Salvation Army Grace Hospital Calgary, Alberta	United Nurses of Alberta Local No. 47 of the Salvation Army Grace Hospital, Calgary
68.	Seton General Hospital Jasper, Alberta	Seton General Hospital, Jasper United Nurses of Alberta Local No. 75, Jasper, Alberta
69.	Slave Lake General Hospital and Nursing Home District No. 101, Slave Lake, Alberta	Slave Lake General Hospital United Nurses of Alberta Local No. 60, Edmonton
70.	Smoky Lake General and Auxiliary Hospital and Nursing Home District No. 73, Smoky Lake, Alberta	George McDougall Memorial Hospital United Nurses of Alberta Local No. 77, Smoky Lake, Alberta
71.	Spirit River General Hospital and Nursing Home District No. 60, Spirit River, Alberta	Central Peace General Hospital United Nurses of Alberta Local No. 41, Edmonton
72.	Stettler General and Auxiliary Hospital and Nursing Home District No. 20, Stettler, Alberta	Stettler General and Auxiliary Hospital and Nursing Home District No. 20 United Nurses of Alberta Local No. 4, Stettler
73.	Stony Plain Municipal Hospital District No. 84, Stony Plain, Alberta	Stony Plain Municipal Hospital Local No. 92, United Nurses of Alberta, Stony Plain, Alberta
74.	Sturgeon General Hospital District No. 100, St. Albert, Alberta	Sturgeon General Hospital, St. Albert United Nurses of Alberta Local No. 85, Edmonton
75.	Thorhild County General Hospital District No. 103, Red Water, Alberta	Thorhild County General Hospital District No. 103 United Nurses of Alberta Local No. 128, Edmonton
76.	Thorhild-Westlock Auxiliary Hospital and Nursing Home District No. 26, Westlock, Alberta	Thorhild-Westlock Auxiliary Hospital and Nursing Home District No. 26 United Nurses of Alberta Local No. 100, Edmonton
77.	Three Hills Municipal Hospital District No. 45, Three Hills, Alberta	Three Hills Municipal Hospital United Nurses of Alberta Local No. 58, Three Hills
78.	Turner Valley Municipal Hospital District No. 66 Turner Valley, Alberta	Turner Valley Municipal Hospital United Nurses of Alberta Local No. 65, Turner Valley

- Two Hills General Hospital & Nursing Home District No. 42 Two Hills, Alberta
- 80. Valleyview General Hospital District No. 96, Valleyview, Alberta
- 81. Vermilion General Hospital and Nursing Home District No. 2, Vermilion, Alberta
- Wainwright General and Auxiliary Hospital and Nursing Home District No. 17, Wainwright, Alberta
- Wetaskiwin General Hospital and Auxiliary Hospital and Nursing Home District No. 81, Wetaskiwin, Alberta
- 84. Canmore Municipal Hospital District No. 80 Canmore, Alberta
- 85. Coaldale Community Hospital Coaldale, Alberta

Two Hills General Hospital & Nursing Home District No. 42 United Nurses of Alberta Local No. 35, Two Hills, Alberta

Valleyview General Hospital United Nurses of Alberta Local No. 6, Valleyview

Vermilion General Hospital and Nursing Home District No. 2 United Nurses of Alberta Local No. 55, Edmonton

Wainwright General and Auxiliary Hospital United Nurses of Alberta Local No. 38, Edmonton

Wetaskiwin General and Auxiliary Hospital and Nursing Home District No. 81 United Nurses of Alberta Local No. 68, Wetaskiwin

Canmore Municipal Hospital District No. 80 United Nurses of Alberta Local #119, Edmonton, Alberta

United Nurses of Alberta Local #131, Edmonton, Alberta