

1983 BILL 114

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 114

**PUBLIC SERVICE EMPLOYEE RELATIONS
AMENDMENT ACT, 1983**

MR. SHRAKE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 114
Mr. Shrake

BILL 114

1983

PUBLIC SERVICE EMPLOYEE RELATIONS AMENDMENT ACT, 1983

(Assented to _____, 1983)

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

1 *The Public Service Employee Relations Act is amended by this Act.*

2 *Section 3 is amended*

(a) *by repealing subsection (3) and substituting the following:*

(3) The Lieutenant Governor in Council may appoint not more than 2 alternate chairmen, in addition to the persons appointed under subsection (2), as alternate chairmen of the Board to act as chairman

(a) when the chairman is absent or unable to act, or

(b) on the request of the chairman,

and when an alternate chairman is so acting he is the chairman for all purposes.

(b) *in subsection (4) by striking out "alternate chairman" and substituting "alternate chairmen".*

3 *Section 9(1) is amended by adding the following after clause (p):*

(q) a person is included in or excluded from a unit;

4 *Section 22 is amended*

(a) *in subsection (1) by adding "or training to become members of" after "are members of";*

(b) *in subsections (2) and (3) by adding "or persons training to become members" after "members" wherever it occurs.*

Explanatory Notes

1 This Bill will amend chapter P-33 of the Revised Statutes of Alberta 1980.

2 Section 3(3) and (4) presently read:

(3) The Lieutenant Governor in Council may appoint a person, in addition to the persons appointed under subsection (2), as alternate chairman of the Board to act as chairman

(a) when the chairman is absent or unable to act, or

(b) on the request of the chairman,

and when the alternate chairman is so acting he is the chairman for all purposes.

(4) The chairman, alternate chairman and other members of the Board shall receive such remuneration, and travelling and living expenses for their services as the Lieutenant Governor in Council determines.

3 Section 9(1) presently reads in part:

9(1) The Board is empowered to decide for the purposes of this Act whether

(p) a person is or is not included under section 21(1);

and the Board's decision is final and binding.

4 Section 22 presently reads:

22(1) Those persons who are members of

(a) the medical profession,

(b) the dental profession,

(c) the architectural profession,

(d) the engineering profession, or

(e) the legal profession.

5 *Section 29 is amended by adding the following after subsection (2):*

(2.1) If more than one trade union has applied for certification as the bargaining agent for the same unit of employees, the Board may conduct a vote of the employees in the unit to determine which trade union the majority of the employees wish to be the bargaining agent on their behalf.

6 *Section 49(2)(a), (b) and (c), (3) and (4) are amended by striking out “arbitral”.*

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

and who practise their profession as a condition of employment, shall not be included in a bargaining unit or any other unit for collective bargaining unless the Board directs that the members of the profession be included in the unit pursuant to subsection (2).

(2) The Board may direct that members of a profession referred to in subsection (1) be included in a bargaining unit or any other unit for collective bargaining if

(a) it is satisfied that the majority of the persons employed by an employer who are members of the profession wish to be included in the unit, and

(b) it has allowed affected employers, bargaining agents and any other person or organization interested in the matter and whom the Board agrees to hear to present any facts or arguments they feel are relevant.

(3) For the purpose of determining a majority under subsection (2), only those members of the profession who would not be excluded from a bargaining unit or any other unit for collective bargaining under section 21(1) are entitled to vote or otherwise express an opinion on the matter.

5 **Vote to decide competing applications for certification.**

6 **Section 49(2), (3) and (4) presently read:**

(2) A request by either or both of the parties under subsection (1) shall

(a) if it is made by the employer, be accompanied by a list of the arbitral items it claims are in dispute and that the employer wishes to be referred to arbitration at that time,

(b) if it is made by the bargaining agent, be accompanied by a list of the arbitral items it claims are in dispute and that the bargaining agent wishes to be referred to arbitration at that time, or

(c) if it is made jointly, be accompanied by a list of the arbitral items that each party claims are in dispute and that each wish to be referred to arbitration at that time.

(3) On receipt of a request by either party under subsection (1), the Board shall as soon as possible send a copy of the request and the list of arbitral items claimed to be in dispute to the other party.

(4) The party receiving the copy of the request for the appointment of an arbitration board shall within 10 days of receipt of the copy and if the party has additional arbitral items to add, send those items to the Board and send a copy of them to the other party to the dispute.