

1985 BILL 30

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 30

**PUBLIC SERVICE EMPLOYEE RELATIONS
AMENDMENT ACT, 1985**

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 30

1985

PUBLIC SERVICE EMPLOYEE RELATIONS AMENDMENT ACT, 1985

(Assented to _____, 1985)

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 21(1)(l) is amended by adding "or for any other reason" after "employer".*

3 *Section 53 is repealed and the following is substituted:*

53(1) When 3 persons are appointed to act as members of an arbitration board, the Board, by notice in writing to the chairman, shall establish the members as an arbitration board.

(2) The Board, in the notice referred to in subsection (1) or in one or more additional notices in writing to the chairman, shall list the arbitral items in dispute to be resolved by the arbitration board.

(3) When the Board refers arbitral items to the arbitration board, the arbitration board shall inquire into the arbitral items in dispute and endeavour to effect a settlement.

(4) If it is unable to effect a settlement, the arbitration board shall make an inquiry into the arbitral items in dispute in accordance with this Division.

(5) An arbitration board remains constituted until it is dissolved by the Board by notice in writing to the chairman of the arbitration board.

(6) The Board may

(a) refer additional arbitral items in dispute to the arbitration board at any time before the arbitration board is dissolved under subsection (5), or

Explanatory Notes

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

2 Section 21(1)(l) presently reads:

21(1) A person employed by an employer

(l) who in the opinion of the Board should not be included in a bargaining unit or any other unit for collective bargaining by reason of the duties and responsibilities he has to his employer,

shall not be included in a bargaining unit or any other unit for collective bargaining.

3 Section 53 presently reads:

53(1) When 3 persons are appointed to act as members of an arbitration board, the Board, by notice in writing to the chairman, shall

(a) establish the members as an arbitration board, and

(b) list the arbitral items in dispute to be resolved by the arbitration board.

(1.1) On receipt of a notice under subsection (1), the arbitration board shall inquire into the arbitral items in dispute and endeavour to effect a settlement.

(1.2) If it is unable to effect a settlement the arbitration board shall make an inquiry into the arbitral items in dispute in accordance with this Division.

(2) An arbitration board remains constituted until it is dissolved by the Board by notice in writing to the chairman of the arbitration board.

(b) remove items in dispute from the consideration of the arbitration board at any time before the issuance of an award with respect to those items by the arbitration board.

4 *Section 54(1) is amended by striking out “arbitral”.*

5 *Section 61 is repealed and the following is substituted:*

61 Every collective agreement shall contain a method for the settlement of differences arising

(a) as to the interpretation, application or operation of a collective agreement,

(b) with respect to a contravention or alleged contravention of a collective agreement, and

(c) as to whether a difference referred to in clause (a) or (b) can be the subject of adjudication

between the parties to or persons bound by the collective agreement.

6 *The following is added after section 72:*

72.1 No employer or bargaining agent and no authorized representative acting on behalf of either of them, after having served or having been served with a notice to commence collective bargaining in accordance with section 39 or the provisions of a collective agreement, shall refuse

(a) to meet and commence to bargain collectively in good faith, or

(b) to make every reasonable effort to enter into a collective agreement.

7 *Section 75 is amended*

(a) *by adding the following after subsection (5):*

(5.1) When the Board is satisfied after an inquiry that an employer or bargaining agent or an authorized representative of either of them is contravening or has contravened section 72.1, the Board

(a) shall issue a directive directing the employer, bargaining agent or authorized representative concerned to bargain in good faith and make every reasonable effort to enter into a collective agreement, and

(b) may prescribe the procedure or conditions under which collective bargaining is to take place.

(b) *in subsection (6) by adding “or (5.1)” after “(5)”.*

4 Section 54(1) presently reads:

54(1) Where an arbitration board is established, the employer and the bargaining agent may jointly refer additional arbitral items in a dispute to the Board with a request that they be sent to the arbitration board.

5 Section 61 presently reads:

61 Every collective agreement shall contain provisions for the final settlement by

(a) adjudication, or

(b) some other method that may be agreed by the parties,

of differences between the parties or persons bound by the collective agreement.

6 Effect of notice to commence collective bargaining.

7 Section 75(6) presently reads:

(6) If a directive made by the Board pursuant to subsection (5) is not complied with, the Board may, on the request of an employer, employee, trade union or other person affected by the directive, file a copy of the directive with the clerk of the Court in the judicial district in which the complaint arose and thereupon the directive is enforceable as a judgment or order of the Court.

8 *The following is added after section 89:*

89.1 If an arbitral award of an arbitration board is questioned or reviewed under section 89, a decision under that section that the award is invalid with respect to one or more arbitral items does not affect the validity of the award as it relates to the other arbitral items unless the Court otherwise directs.

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

8 Effect of judicial review on award of arbitration board.