

BILL 27

2003

LABOUR RELATIONS (REGIONAL HEALTH AUTHORITIES RESTRUCTURING) AMENDMENT ACT, 2003

(Assented to _____, 2003)

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

Amends RSA 2000 cL-1

1 The *Labour Relations Code* is amended by this Act.

2 Section 1 is amended

(a) in clause (l) by striking out “or” at the end of subclause (i), by adding “or” at the end of subclause (ii) and by adding the following after subclause (ii):

(iii) a nurse practitioner who is employed in his or her professional capacity as a nurse practitioner in accordance with the *Public Health Act* and the regulations under that Act;

(b) by adding the following after clause (s):

(s.1) “nurse practitioner” means a registered nurse within the meaning of the *Nursing Profession Act* who is entered on the Nursing Profession Extended Practice Roster under that Act;

(c) by adding the following after clause (t):

(t.1) “regional health authority” means a regional health authority under the *Regional Health Authorities Act*;

3 Section 48(1)(e) is amended by striking out “under the *Regional Health Authorities Act*”.

4 Section 96(1) is amended by adding the following after clause (b):

(c) employers that are regional health authorities and all of their employees to whom clause (b) does not apply.

5 The following is added after section 162:

**Part 2.1
Special Provisions
Regarding Regional
Health Authorities**

Lieutenant Governor in Council regulations

162.1(1) The Lieutenant Governor in Council may make regulations

- (a) providing for the establishment of region-wide functional bargaining units as bargaining units for the purposes of this Act for all regional health authorities and their employees who are represented by a bargaining agent;
- (b) governing the manner in which a bargaining agent and a receiving collective agreement are selected for each of the region-wide functional bargaining units, whether with or without a vote of employees, including, without limitation, regulations
 - (i) establishing types of collective agreements from which the receiving collective agreement for a region-wide functional bargaining unit will be selected;

- (ii) respecting the manner of determining from which type of collective agreement the receiving collective agreement for a region-wide functional bargaining unit will be selected;
 - (iii) respecting the manner of determining which trade unions are eligible trade unions for the purposes of a vote by employees to select a bargaining agent for a region-wide functional bargaining unit, and respecting the circumstances under which such a vote may or must be conducted;
 - (iv) respecting the conduct of votes on any issue related to the selection of a bargaining agent or a receiving collective agreement;
- (c) providing for the continuation of existing collective agreements;
 - (d) requiring employers and bargaining agents selected under this Part to bargain collectively in good faith and to make every reasonable effort to negotiate amendments to the receiving collective agreements selected under this Part so that the receiving collective agreements will contain terms and conditions of employment for all employees in the region-wide functional bargaining unit, and governing the means by which that is to be accomplished, including, without limitation, the method by which contentious issues between the parties are to be resolved;
 - (e) authorizing the Board to hear and determine a complaint that a party has failed to comply with a regulation under clause (d) and to remedy that failure in the same manner as it may remedy a failure to comply with section 60;
 - (f) authorizing the Board to make binding determinations as to terms and conditions to be included in a receiving collective agreement where the parties are unwilling or unable to do so;
 - (g) authorizing the Board to deem affiliated local unions of the same parent trade union to be one trade union for the purposes of this Part;

- (h) requiring affiliated local unions of the same parent trade union to act as a single trade union for the purposes of this Act and to adopt rules and procedures for that purpose;
- (i) authorizing the Board to do anything that a trade union, employer or employers' organization is required to do under the regulations or by the Board and fails or refuses to do;
- (j) providing for any transitional matters the Lieutenant Governor in Council considers necessary to ensure the transition from the implementation of this Part to collective bargaining under this Act generally.

(2) A power or duty conferred on the Board in regulations under this section shall be construed as being in addition to the other powers and duties of the Board under this Act and not as limiting those powers and duties unless the contrary intention is expressly stated in the regulations or arises by necessary implication.

(3) The Board may hear any matter or conduct any business under this Part through the chair or a vice-chair sitting alone.

(4) Where this Act or the regulations provide that the Board may do anything or exercise any power on the application of any person or body, the Board may, for the purposes of this Part and the regulations, also exercise that power on its own motion.

(5) Regulations under this section may be expressed to come into force on a date before the date on which they are filed, but not earlier than April 1, 2003.

Disentitlement to severance and termination pay

162.2(1) In this section, "prescribed entity" means a regional health authority, the Alberta Mental Health Board, the Alberta Cancer Board or any other entity.

(2) Notwithstanding any other enactment or the terms of any collective agreement, the Lieutenant Governor in Council may make regulations providing that, in the circumstances and subject to the terms and conditions set out in the regulations, employees of a prescribed entity are not entitled to severance

pay, termination pay or other compensation as a result of a change in governance or restructuring of the prescribed entity.

6 This Act comes into force on April 1, 2003.

Explanatory Notes

1 Amends chapter L-1 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

- (1) "employee" means a person employed to do work who is in receipt of or entitled to wages, but does not include*
 - (i) a person who in the opinion of the Board performs managerial functions or is employed in a confidential capacity in matters relating to labour relations, or*
 - (ii) a person who is a member of the medical, dental, architectural, engineering or legal profession qualified to practise under the laws of Alberta and is employed in the person's professional capacity;*

3 Section 48(1) presently reads:

48(1) In this section, "governing body" means

- (a) a city, town, village or summer village,*
- (b) a municipal district,*

- (c) *a board of trustees of a school district or division,*
- (d) *the owner or operator of a non-regional hospital as defined in the Hospitals Act, or*
- (e) *a regional health authority under the Regional Health Authorities Act.*

4 Section 96(1) presently reads:

96(1) This Division applies to the following:

- (a) *firefighters and, to the extent that they bargain collectively with firefighters, municipalities and Metis settlements;*
- (b) *employers who operate approved hospitals as defined in the Hospitals Act, and all the employees of those employers.*

5 New Part implementing special provisions regarding collective bargaining in regional health authorities.

6 Coming into force.