

2006 Bill 215

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Second Session, 26th Legislature, 55 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 215**

**LABOUR RELATIONS CODE (FIRST COLLECTIVE  
AGREEMENT) AMENDMENT ACT, 2006**

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MR. BACKS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 215

2006

### LABOUR RELATIONS CODE (FIRST COLLECTIVE AGREEMENT) AMENDMENT ACT, 2006

(Assented to \_\_\_\_\_, 2006)

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** The following is added after section 70:

#### **Division 12.1 First Collective Agreement**

##### **Procedure for first collective agreement**

**70.1(1)** Where

- (a) a certified bargaining agent, an employer or an employers' organization has served a notice to commence collective bargaining under section 59,
- (b) a mediator has been appointed under section 65 but no settlement has been reached and the mediator has completed his or her responsibilities under section 65(6),
- (c) a period of at least 90 days has passed since the certification of the bargaining agent, and
- (d) a first collective agreement has not been concluded,

the certified bargaining agent, employer or employers' organization may apply in writing to the Board to have the provisions of a first collective agreement between the parties settled.

(2) When the Board receives an application under subsection (1), it shall serve notice on the parties that it received the application.

(3) Within 10 days of having been served notice under subsection (2), the parties may agree in writing to refer the matters in dispute to a one-member or 3-member voluntary arbitration board, whose decision will be binding.

(4) The parties shall notify the Board of an agreement under subsection (3).

(5) When the Board receives an application under subsection (1) and the parties do not agree to proceed by arbitration under subsection (3), the Board shall appoint a one-member or 3-member voluntary arbitration board.

(6) A voluntary arbitration board appointed under this section must settle the terms of a collective agreement referred to it no later than 60 days after the date of appointment unless

- (a) the parties to the dispute agree to extend the time period,  
or
- (b) the Board directs a longer time period

but this extended time period must not exceed 60 days.

#### **Termination of strike or lockout**

**70.2** Where an application under section 70.1(1) is made during a strike by, or a lockout of, employees in the bargaining unit, the employees must immediately terminate the strike or the employer must immediately terminate the lockout, and the employer must reinstate the employees that were employed at the time the strike or lockout commenced.

#### **Procedure for settling agreement**

**70.3** In settling the provisions of a first collective agreement under this Division, the voluntary arbitration board must accept, without amendment, any provisions agreed upon in writing by the parties and must give the parties an opportunity to present

evidence and make representations, and the board may take into account

- (a) the terms and conditions of employment, if any, negotiated through collective bargaining for employees performing the same or similar functions in the same or similar circumstances as the employees in the dispute, and
- (b) such other matters as the board considers will assist in arriving at provisions of a first collective agreement between the parties which are fair and reasonable in the circumstances.

**Term of first agreement**

**70.4** Where a voluntary arbitration board settles the provisions of a first collective agreement under this Division, the collective agreement shall be effective for a period of one year from the date on which the provisions are settled, unless the parties agree to a longer term, and the collective agreement shall be binding on the parties and the employees as though it were a collective agreement voluntarily entered into between the parties.

**Agreement in writing**

**70.5** The voluntary arbitration board shall commit to writing every collective agreement settled under this Division.

**Transition**

**70.6** This Division applies when a notice to commence collective bargaining

- (a) has been served under section 59 but 60 days have not passed since the date the notice was served, or
- (b) is served after the coming into force of the *Labour Relations Code (First Collective Agreement) Amendment Act, 2006*.

## **Explanatory Notes**

- 1** Amends chapter L-1 of the Revised Statutes of Alberta 2000.
- 2** Adds Division 12.1 – First Collective Agreement.



