

2017 Bill 17

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Third Session, 29th Legislature, 66 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 17

## FAIR AND FAMILY-FRIENDLY WORKPLACES ACT

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THE MINISTER OF LABOUR

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 17

2017

### FAIR AND FAMILY-FRIENDLY WORKPLACES ACT

(Assented to \_\_\_\_\_, 2017)

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

#### Part 1 Employment Standards Code

Amends RSA 2000 cE-9

**1** The *Employment Standards Code* is amended by this Part.

**2** Section 1(1) is amended

(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) “administrative penalty” means an administrative penalty required to be paid under section 123.1(1);

(b) by adding the following after clause (a.1):

(a.2) “appeal body” means the appeal body established or designated under section 69;

(a.3) “authorizing or enforcement instrument” means a permit, an order of an officer, an order of the Director, a decision of an appeal body, a variance or an exemption under section 74 or 74.1, a notice of an officer under section 77 or 78.1, a direction under section 79, a single employer declaration under section 80 and a director’s certificate under section 112;

## **Explanatory Notes**

### **Part 1 Employment Standards Code**

**1** Amends chapter E-9 of the Revised Statutes of Alberta 2000.

**2** Section 1 presently reads in part:

*1(1) In this Act,*

*(a) “agreement” includes a collective agreement;*

*(b) “average daily wage” means*

*(i) for employees who have been employed by the same employer for 9 work weeks or more immediately preceding a general holiday, the employee’s daily wage averaged over the days worked during the 9 weeks, or*

*(ii) for employees who have been employed by the same employer for less than 9 work weeks immediately preceding a general holiday, the employee’s daily wage averaged over the days worked during the employee’s employment with the employer;*

**(c) by repealing clause (b) and substituting the following:**

(b) “average daily wage” means 5% of an employee’s wages, vacation pay and general holiday pay earned in the 4 weeks immediately preceding a general holiday;

**(d) in clause (c) by striking out “given” and substituting “served”;**

**(e) by repealing clause (d.1);**

**(f) by repealing clause (f);**

**(g) by repealing clause (o);**

**(h) by adding the following after clause (q):**

(q.1) “notice of administrative penalty” means a notice served under section 123.1(1);

**(i) by adding the following after clause (s):**

(s.1) “overtime hours” means overtime hours determined in accordance with section 21;

(s.2) “overtime rate” means the hourly rate of pay for overtime hours;

**(j) by repealing clause (t.2);**

**(k) by adding the following before clause (u):**

(t.3) “termination notice period” means the period commencing from the date the termination notice is given by the employer or the employee and ending on the date the employment terminates;

**(l) by repealing clause (w).**

### **3 Section 2 is amended**

**(a) in subsection (1) by striking out “section” and substituting “Part”;**

- (c) *“collection notice” means a notice given by the Director under section 122;*
- (d.1) *“compassionate care leave” means the rights and obligations described in Part 2, Division 7.2;*
- (o) *“maternity and parental leave” means the rights and obligations described in Part 2, Division 7;*
- (q) *“Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*
- (s) *“overtime agreement” means an agreement between an employer and employees under section 23;*
- (t.2) *“reservist leave” means the rights and obligations described in Part 2, Division 7.1;*
- (w) *“umpire” means an umpire appointed under section 69;*

**3** Section 2 presently reads:

*2(1) This Act applies to all employers and employees, including the Crown in right of Alberta and its employees, except as otherwise provided in this section.*

- (b) in subsection (2) by striking out “maternity and parental leave, reservist leave or compassionate care leave” and substituting “leaves under Divisions 7 to 7.6”;**
- (c) by repealing subsections (3) and (4).**

*(2) Except for provisions relating to maternity and parental leave, reservist leave or compassionate care leave and other provisions of this Act necessary to give effect to those provisions, this Act does not apply to*

- (a) employees who are members of a municipal police service appointed pursuant to the Police Act and their employers with respect to the employment of those employees, or*
- (b) employees and employers to the extent that another Act states that this Act or a provision of it does not apply to them.*

*(3) The following Divisions and regulations do not apply to employees and employers specified in subsection (4):*

- (a) Part 2, Division 3, Hours of Work;*
- (b) Part 2, Division 4, Overtime and Overtime Pay;*
- (c) Part 2, Division 5, General Holidays and General Holiday Pay;*
- (d) Part 2, Division 6, Vacations and Vacation Pay;*
- (e) Part 2, Division 9, Restriction on Employment of Children and regulations made under section 138(1)(e), prohibiting or regulating the employment of individuals under 18 years of age;*
- (f) regulations under section 138(1)(d) respecting vacations, vacation pay, general holidays and general holiday pay;*
- (g) regulations under section 138(1)(f) respecting the minimum wage.*

*(4) The Divisions and regulations specified in subsection (3) do not apply to employees employed on a farm or ranch whose employment is directly related to*

- (a) the primary production of eggs, milk, grain, seeds, fruit, vegetables, honey, livestock, diversified livestock animals within the meaning of the Livestock Industry Diversification Act, poultry or bees, or*
- (b) any other primary agricultural operation specified in the regulations,*

**4 The following is added after section 2:**

**Farm and ranch exemptions**

**2.1(1)** The following do not apply to employees who are employed in a farming or ranching operation referred to in subsection (4) or to their employer while acting in the capacity of employer of those employees:

- (a) sections 16 and 18 of Part 2, Division 3, Hours of Work;
- (b) Part 2, Division 4, Overtime and Overtime Pay.

**(2)** Despite subsection (1), this Act does not apply to employees described in subsection (3) who are employed in a farming or ranching operation referred to in subsection (4) or to their employer while acting in the capacity of employer of those employees.

**(3)** The following are employees that are described for the purpose of subsection (2):

- (a) an employee who is a shareholder of a corporation engaged in a farming or ranching operation of which all shareholders are family members of the same family;
- (b) an employee who is a family member of a shareholder of a corporation engaged in a farming or ranching operation of which all shareholders are family members of the same family;
- (c) an employee who is a family member of a sole proprietor engaged in a farming or ranching operation;
- (d) an employee who is a family member of a partner in a partnership engaged in a farming or ranching operation where all partners are family members of the same family.

**(4)** For the purposes of subsections (1) and (2) an employee is employed in a farming or ranching operation if the employee's employment is directly related to



*or to their employer while acting in the capacity as employer.*

**4** Farm and ranch exemptions; Exemptions, modifications and substitutions.

- (a) the primary production of eggs, milk, grain, seeds, fruit, vegetables, honey, livestock, diversified livestock animals within the meaning of the *Livestock Industry Diversification Act*, poultry or bees, or
- (b) any other primary agricultural operation specified in the regulations.

(5) In this section, “family member”, in relation to a shareholder, sole proprietor or partner, means

- (a) the spouse or adult interdependent partner of the shareholder, sole proprietor or partner, or
- (b) whether by blood, marriage or adoption or by virtue of an adult interdependent relationship, a child, parent, grandparent, sibling, aunt, uncle, niece, nephew or first cousin of the shareholder, sole proprietor or partner or of the shareholder’s, sole proprietor’s or partner’s spouse or adult interdependent partner,

and includes any other person who is a member of a class of persons designated in the regulations under the *Employment Standards Code*.

#### **Exemptions, modifications and substitutions**

**2.2** Despite anything in this Act, regulations under section 138 may

- (a) exempt an employment, employer or employee from Part 2 or any provision of it, and
- (b) vary or substitute any provision of Part 2 in respect of an employment, employer or employee.

#### **5 Section 3 is amended**

- (a) **in subsection (1)(b)(i) by striking out** “maternity and parental leave, reservist leave, compassionate care leave” **and substituting** “leaves of the types described in Divisions 7 to 7.6”;
- (b) **in subsection (2) by striking out** “, maternity and parental leave, reservist leave or compassionate care leave” **and**

**5** Section 3 presently reads:

*3(1) Nothing in this Act affects*

- (a) any civil remedy of an employee or an employer;*
- (b) an agreement, a right at common law or a custom that*

**substituting** “or leaves of the types described in Divisions 7 to 7.6”;

**6 Section 6 is repealed.**

**7 The following is added after section 8:**

**Payment of minimum wage**

**8.1** An employer must pay an employee at a wage rate that is at least the minimum wage established by regulation.

**8 Section 9(1)(a) is amended by adding** “or section 137(1) if that section applies” **after** “section 56”.

- (i) *provides to an employee earnings, maternity and parental leave, reservist leave, compassionate care leave or other benefits that are at least equal to those under this Act, or*
- (ii) *imposes on an employer an obligation or duty greater than that under this Act.*

*(2) If under an agreement an employee is to receive greater earnings, maternity and parental leave, reservist leave or compassionate care leave than those for which this Act provides, the employer must give those greater benefits.*

**6** Section 6 presently reads:

*6 Despite anything in this Act, the regulations under section 138 may*

- (a) exempt an employment, employer or employee from Part 2 or any provision of it, and*
- (b) modify or substitute any provision of Part 2 in respect of an employment, employer or employee.*

**7** Payment of minimum wage.

**8** Section 9 presently reads:

*9(1) When an employer terminates an employee's employment by*

- (a) a termination notice under section 56,*
- (b) termination pay under section 57(1) instead of a termination notice, or*
- (c) a combination of a termination notice and termination pay under section 57(2),*

*the employer must pay the employee's earnings not later than 3 consecutive days after the last day of employment.*

*(2) When an employer terminates an employee's employment and no termination notice or termination pay is required to be given, the*

**9 Section 12 is repealed and the following is substituted:**

**Deductions from earnings**

**12(1)** An employer must not deduct, set off against or claim from the earnings of an employee any sum of money unless allowed to do so by subsection (2).

**(2)** An employer may deduct from the earnings of an employee a sum of money that is

- (a) permitted or required to be deducted by an Act or regulation, including a regulation under this Act, or a judgment or order of a court,
- (b) authorized to be deducted by a collective agreement that is binding on the employee, or
- (c) personally authorized in writing by the employee to be deducted.

**(3)** Despite an authorization in a collective agreement or a written authorization by an employee, an employer must not deduct from earnings a sum for

- (a) faulty work, as defined in the regulations, of the employee or damage caused by the employee,
- (b) cash shortages or loss of property if an individual other than the employee had access to the cash or property,
- (c) cash shortages resulting from a failure to collect all or any part of the purchase price from a purchaser, or
- (d) any other circumstance specified by the regulations.

**10 Section 14 is amended**

- (a) in subsection (1) by adding the following after clause (e):

*employer must pay the employee's earnings not later than 10 consecutive days after the last day of employment.*

**9** Section 12 presently reads:

*12(1) An employer must not deduct, set off against or claim from the earnings of an employee any sum of money, unless allowed to do so by subsection (2).*

*(2) An employer may deduct from the earnings of an employee a sum of money that is*

- (a) permitted or required to be deducted by an enactment or a judgment or order of a court,*
- (b) authorized to be deducted by a collective agreement that is binding on the employee, or*
- (c) personally authorized in writing by the employee to be deducted.*

*(3) Despite an authorization in a collective agreement or a written authorization by an employee, an employer may not deduct from earnings a sum for*

- (a) faulty workmanship, or*
- (b) cash shortages or loss of property if an individual other than the employee had access to the cash or property.*

**10** Section 14 presently reads:

*14(1) Every employer must keep an up-to-date record of the following information for each employee:*

(f) any other information required by the regulations.

**(b) by repealing subsection (4)(f) to (g) and substituting the following:**

(f) copies of documentation relating to a leave under Divisions 7 to 7.6;

(f.1) copies of overtime agreements under section 23;

(f.2) copies of hours of work averaging agreements under section 23.1;

(f.3) copies of parental consents under Division 9;

(f.4) copies of agreements under section 61.1(1);

(f.5) copies of permits issued under this Act and the regulations,

(f.6) copies of exemptions or variances issued under section 74 and 74.1,

(f.7) any other information required by the regulations;

(g) copies of any layoff notices or recall notice after a temporary layoff;

(h) copies of any termination notices.

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

**(6)** No employer, employee or other person shall falsify an employment record or give any false or misleading information in respect of employment records.



- (a) regular and overtime hours of work;*
  - (b) wage rate and overtime rate;*
  - (c) earnings paid showing separately each component of the earnings for each pay period;*
  - (d) deductions from earnings and the reason for each deduction;*
  - (e) time off instead of overtime pay provided and taken.*
- (2) At the end of each pay period, an employer must provide a written statement to each employee setting out, in respect of the employee,*
- (a) the information described in subsection (1), and*
  - (b) the period of employment covered by the statement.*
- (3) The hours of work of an employee, maintained by an employer under subsection (1)(a), must be recorded daily.*
- (4) An employer must keep an up-to-date record of the following additional information for each employee:*
- (a) name, address and date of birth;*
  - (b) the date that the present period of employment started;*
  - (c) the date on which a general holiday is taken;*
  - (d) each annual vacation, showing the date it started and finished and the period of employment in which the annual vacation was earned;*
  - (e) the wage rate and overtime rate when employment starts, the date of any change to wage rates or overtime rates, and particulars of every change to them;*
  - (f) copies of documentation relating to maternity and parental leave;*
  - (f.1) copies of documentation relating to reservist leave;*
  - (f.2) copies of documentation relating to compassionate care leave;*

**11 Section 16(1) is repealed and the following is substituted:**

**Hours of work confined**

**16(1)** An employer must confine an employee's hours of work within a period of 12 consecutive hours in any one work day unless an accident occurs, urgent work is necessary to a plant or machinery, or other unforeseeable or unpreventable circumstances occur.

**12 Section 18 is repealed and the following is substituted:**

**Rest periods**

**18(1)** An employer must provide each employee who works 5 hours or more with at least 30 minutes of rest, whether paid or unpaid, within every 5 consecutive hours of work unless

- (a) an accident occurs, urgent work is necessary or other unforeseeable or unpreventable circumstances occur,
- (b) different rest provisions are agreed to pursuant to a collective agreement, or
- (c) it is not reasonable for the employee to take a rest period.

**(2)** If an employer and an employee agree, each rest period under subsection (1) may be taken in 2 periods of at least 15 minutes.

*(g) copies of any termination notice and of written requests to employees to return to work after a temporary layoff.*

*(5) On request, an employer must give to an employee a detailed statement of how the employee's earnings were calculated and the method of calculating any bonus or living allowance paid, whether or not it forms part of wages.*

**11** Section 16(1) presently reads:

*16(1) An employee's hours of work must be confined within a period of 12 consecutive hours in any one work day, unless*

- (a) an accident occurs, urgent work is necessary to a plant or machinery or other unforeseeable or unpreventable circumstances occur, or*
- (b) the Director issues a permit authorizing extended hours of work.*

**12** Section 18 presently reads:

*18 Every employer must allow each employee a total of at least 30 minutes of rest, whether paid or unpaid, during each shift in excess of 5 consecutive hours of work unless*

- (a) an accident occurs, urgent work is necessary or other unforeseeable or unpreventable circumstances occur,*
- (b) different rest provisions are agreed to pursuant to a collective agreement, or*
- (c) it is not reasonable for the employee to take a rest period.*

**13 Section 20 is repealed.**

**14 Section 22(1) is repealed and the following is substituted:**

**Overtime pay**

**22(1)** An employer must pay an employee overtime pay for overtime hours at an overtime rate that is at least 1.5 times the employee's wage rate.

**15 Section 23 is amended**

**(a) by adding the following after subsection (1):**

**(1.1)** An agreement under subsection (1) applies to an employee in a group of employees bound by the agreement whether or not the employee was employed by the employer at the time the agreement was entered into.

**(b) in subsection (2)**

**(i) by repealing clause (a) and substituting the following:**

**13** Section 20 presently reads:

*20(1) An employer may require or permit an employee to work a compressed work week, consisting of fewer work days in the work week and more hours of work in a work day paid at the employee's regular wage rate.*

*(2) A compressed work week must be scheduled in advance and the schedule must meet the following requirements:*

- (a) if the compressed work week is part of a cycle, the schedule must show all the work weeks that make up the cycle;*
- (b) the maximum hours of work that an employee may be scheduled to work in a work day is 12 hours;*
- (c) the maximum hours of work that an employee may be scheduled to work in a compressed work week is 44 hours;*
- (d) if the compressed work week is part of a cycle, clause (c) does not apply and the maximum average weekly hours of work that an employee may be scheduled to work in the work weeks that are part of the cycle is 44 hours.*

**14** Section 22(1) presently reads:

*22(1) An employer must pay an employee overtime pay of at least 1.5 times the employee's wage rate for overtime hours.*

**15** Section 23 presently reads:

*23(1) An employee or the majority of a group of employees may enter into an overtime agreement*

- (a) as part of a collective agreement, or*
- (b) if there is no collective agreement, in a written agreement between the employee or group of employees and the employer,*

- (a) instead of overtime pay, time off, calculated at 1.5 hours off for each hour of overtime, with pay, will be provided, taken and paid at the employee's wage rate at a time that the employee could have worked and received wages from the employer;
- (ii) **in clause (b) by adding "at an overtime rate" after "paid overtime pay";**
- (iii) **by repealing clause (c) and substituting the following:**
  - (c) instead of overtime pay, time off with pay will be provided, taken and paid to the employee within 6 months of the end of the pay period in which it was earned unless the agreement is part of a collective agreement and the collective agreement provides for a longer period within which the time off with pay is to be provided and taken;
- (c) **by adding the following after subsection (3):**
  - (4)** An employer must comply with an overtime agreement entered into under this section.

**16 The following is added after section 23:**

**Hours of work averaging agreements**

**23.1(1)** Subject to the regulations, an employee or a group of employees may enter into an hours of work averaging agreement that provides that the employer will average an employee's hours of work over a period of one to 12 weeks for the purpose of determining the employee's entitlement to overtime pay or, instead of overtime pay, time off with pay.

*that provides that, wholly or partly instead of overtime pay, the employer will provide, and the employee or group of employees will take, time off with pay instead of overtime pay.*

*(2) An agreement referred to in subsection (1) is deemed to include at least the following provisions:*

- (a) time off with pay instead of overtime pay will be provided, taken and paid at the employee's wage rate at a time that the employee could have worked and received wages from the employer;*
- (b) if time off with pay instead of overtime pay is not provided, taken and paid in accordance with clause (a), the employee will be paid overtime pay of at least 1.5 times the employee's wage rate for the overtime hours worked;*
- (c) time off with pay instead of overtime pay will be provided, taken and paid to the employee within 3 months of the end of the pay period in which it was earned unless*
  - (i) the agreement is part of a collective agreement and the collective agreement provides for a longer period within which the time off with pay is to be provided and taken, or*
  - (ii) the Director issues a permit authorizing an agreement that provides for a longer period within which the time off with pay is to be provided and taken;*
- (d) no amendment or termination of the agreement is to be effective without at least one month's written notice given by one party to the agreement to the other.*

*(3) An employer must provide a copy of the overtime agreement to each employee affected by it.*

## **16** Hours of work averaging agreements.

**(2)** An hours of work averaging agreement under this section may be part of a collective agreement, or if there is no collective agreement, be in a written agreement between an employer and

- (a) an employee, or
- (b) a group of employees where the majority of the group agrees.

**(3)** An agreement under subsection (1) must

- (a) be in writing,
- (b) provide a start date and end date, which must provide for a term that does not exceed 2 years, except that in the case of an agreement that is part of a collective agreement, the agreement terminates the day a subsequent collective agreement is entered into,
- (c) specify the number of weeks over which hours will be averaged, which must not exceed 12 weeks unless authorized by a permit issued by the Director,
- (d) specify the scheduled daily and weekly hours of work, which must not exceed
  - (i) 12 hours per day, and
  - (ii) 44 hours per week if the agreement specifies a one-week period, or an average of 44 hours per week if the agreement specifies a period of more than one week;
- (e) specify the manner in which overtime pay and time off with pay instead of overtime pay will be calculated as provided for in the regulations.

**(4)** An agreement under subsection (1) applies to an employee in a group of employees bound by the agreement whether or not the employee was employed by the employer at the time the agreement was entered into.





(5) The employer must provide every employee to which the agreement applies a copy of the agreement in accordance with the regulations.

(6) No employer who is a party to an agreement under subsection (1) shall fail to pay overtime in accordance with the agreement or otherwise fail to comply with the agreement.

(7) The Director may, subject to and in accordance with the regulations, cancel an agreement under subsection (1) and must notify the employer of the cancellation.

(8) An employer may appeal the decision of the Director under subsection (7) to an appeal body.

(9) A compressed work week arrangement entered into before the repeal of section 20 that is in effect when this section comes into force remains valid

(a) until the earlier of the following:

(i) one year after the date this section comes into force;

(ii) the termination of the compressed work week arrangement,

or

(b) in the case of a compressed work week agreement made as part of a collective agreement, the day a subsequent collective agreement is entered into.

**17 Section 26 is repealed and the following is substituted:**

**Eligibility for general holiday pay**

**26** An employee is not entitled to general holiday pay if the employee

(a) does not work on a general holiday when required or scheduled to do so, or

(b) is absent from employment without the consent of the employer on the employee's last regular work day

**17** Section 26 presently reads:

*26(1) An employee is eligible for general holiday pay if the employee has worked for the same employer for 30 work days or more in the 12 months preceding the general holiday.*

*(2) An employee is not entitled to general holiday pay if the employee*

*(a) does not work on a general holiday when required or scheduled to do so, or*

preceding, or the employee's first regular work day following, a general holiday.

**18 Section 27 is repealed.**

**19 Section 28 is repealed and the following is substituted:**

**General holiday pay — not working**

**28** If an employee does not work on a general holiday, the employer must pay the employee general holiday pay of an amount that is at least the average daily wage of the employee.

**20 Section 29 is repealed and the following is substituted:**

**General holiday pay — working**

**29** If an employee works on a general holiday, the employer must comply with clause (a) or (b):

- (a) pay the employee general holiday pay of
  - (i) an amount that is at least the average daily wage of the employee, and

- (b) is absent from employment without the consent of the employer on the employee's last regular work day preceding, or the employee's first regular work day following, a general holiday.*

**18** Section 27 presently reads:

*27(1) If an employee works an irregular schedule and there is doubt about whether a general holiday is on a day that would normally have been a work day for the employee, the doubt is to be resolved in accordance with subsection (2).*

*(2) If in at least 5 of the 9 weeks preceding the work week in which the general holiday occurs the employee worked on the same day of the week as the day on which the general holiday falls, the general holiday is to be considered a day that would normally have been a work day for the employee.*

**19** Section 28 presently reads:

*28 If*

- (a) a general holiday falls on a day that would normally have been a work day for the employee, and*
- (b) an employee does not work on the general holiday,*

*the employer must pay the employee general holiday pay of an amount that is at least the average daily wage of the employee.*

**20** Section 29 presently reads:

*29 If a general holiday is on a day that would normally have been a work day for an employee and the employee works on the general holiday, the employer must comply with clause (a) or (b):*

- (a) pay the employee general holiday pay of*
  - (i) an amount that is at least the average daily wage of the employee, and*

- (ii) an amount that is at least 1.5 times the employee's wage rate for each hour of work of the employee on that day,

or

- (b) provide the employee with
  - (i) an amount that is at least the employee's wage rate times each hour of work on that day, and
  - (ii) one day's holiday, not later than the employee's next annual vacation, on a day that would normally be a work day for the employee, and general holiday pay for that day of an amount that is at least the employee's average daily wage.

**21 Section 30 is repealed**

**22 The following is added after section 33:**

**General holiday pay on termination**

**33.1(1)** If an employee has not taken a holiday to which the employee is entitled under section 29(b)(ii) and

- (a) the employment of the employee is terminated by the employer, the employee is entitled to be paid general holiday pay calculated under section 29(a) less the amount paid to the employee under section 29(b)(i), or

(ii) *an amount that is at least 1.5 times the employee's wage rate for each hour of work of the employee on that day,*

*or*

(b) *provide the employee with*

(i) *an amount that is at least the employee's wage rate times each hour of work on that day, and*

(ii) *one day's holiday, not later than the employee's next annual vacation, on a day that would normally be a work day for the employee, and general holiday pay for that day of an amount that is at least the employee's average daily wage.*

**21** Section 30 presently reads:

*30 If*

(a) *a general holiday is on a day that is not normally a work day for an employee, and*

(b) *the employee works on the general holiday,*

*the employer must pay the employee general holiday pay of an amount that is at least 1.5 times the wage rate of the employee for each hour of work on that day.*

**22** General holiday pay on termination.

- (b) the employment of the employee is terminated by the employee, the employee is entitled to be paid at least the employee's average daily wage.

(2) If the employment of an employee is terminated and at the time of termination a general holiday has not been taken under section 31(2), the employer must pay the employee an amount that is at least the employee's average daily wage for each general holiday not taken.

**23 Section 34 is amended by striking out** "An employee becomes entitled to an annual vacation of at least" **and substituting** "An employer must provide an annual vacation to an employee of at least".

**24 The following is added after section 34:**

**Vacation pay for employee paid monthly**

**34.1** For each week of vacation, the employer must pay an employee paid by the month vacation pay of an amount at least equal to the employee's wages for the employee's normal hours of work in a work month divided by 4 1/3.

**Vacation pay for employee paid other than monthly**

**34.2** The employer must pay an employee who is not paid by the month vacation pay of an amount at least equal to,

- (a) for an employee entitled to 2 weeks' vacation or any lesser amount, 4% of the employee's wages for the year of employment for which vacation is given, or
- (b) for an employee entitled to 3 weeks' vacation, 6% of the employee's wages for the year of employment for which vacation is given.



**23** Section 34 presently reads:

*34 An employee becomes entitled to an annual vacation of at least*

*(a) 2 weeks after each of the first 4 years of employment, and*

*(b) 3 weeks after 5 consecutive years of employment and each year of employment after that,*

*unless section 35 applies.*

**24** Vacation pay for employee paid monthly; vacation pay for employee paid other than monthly.

**25 Section 36 is amended by striking out “3 months” and substituting “90 days”.**

**26 Section 37(2) is amended by striking out “one day” and substituting “one-half day”.**

**27 Section 39 is repealed.**

**28 Section 40 is repealed.**

**29 Section 45 is repealed and the following is substituted:**

**Entitlement to maternity leave**

**45** A pregnant employee who has been employed by the same employer for at least 90 days is entitled to unpaid maternity leave.

**25** Section 36 presently reads:

*36 When it is necessary to determine whether an employee has been employed by an employer for 5 years of employment, or to determine whether the 6th common anniversary date has occurred, any break in the employee's employment with the employer of less than 3 months is to be counted as a period of continuous employment.*

**26** Section 37(2) presently reads:

*(2) If an employee so requests in writing, the employer may provide the vacation in two or more periods, so long as each vacation period is at least one day long.*

**27** Section 39 presently reads:

*39 For each week of vacation, the employer must pay an employee paid by the month vacation pay of an amount at least equal to the employee's wages for the employee's normal hours of work in a work month divided by 4 1/3.*

**28** Section 40 presently reads:

*40 The employer must pay an employee who is not paid by the month vacation pay of an amount at least equal to,*

- (a) for an employee entitled to 2 weeks' vacation or any lesser amount, 4% of the employee's wages for the year of employment for which vacation is given, or*
- (b) for an employee entitled to 3 weeks' vacation, 6% of the employee's wages for the year of employment for which vacation is given.*

**29** Section 45 presently reads:

*45 A pregnant employee who has been employed by an employer for at least 52 consecutive weeks is entitled to maternity leave without pay.*

**30 Section 46 is amended**

(a) **by striking out “15 weeks” and substituting “16 weeks”;**

(b) **by adding the following after subsection (1):**

(1.1) A pregnant employee whose pregnancy ends other than as a result of a live birth within 16 weeks of the estimated due date is entitled to maternity leave under this Division.

**31 Section 50(1) is repealed and the following is substituted:**

**Parental leave**

**50(1)** Subject to subsection (2), an employer must grant parental leave to an employee as follows:

- (a) in the case of an employee entitled to maternity leave under this Division other than an employee described in section 46(1.1), a period of not more than 37 consecutive weeks immediately following the last day of maternity leave;
- (b) in the case of a parent who has been employed by the same employer for at least 90 days, a period of not more than 37 consecutive weeks within 53 weeks after the child's birth;
- (c) in the case of an adoptive parent who has been employed by the same employer for at least 90 days, a period of not more than 37 consecutive weeks within 53 weeks after the child is placed with the adoptive parent for the purpose of adoption.

**32 Section 52(1) is repealed and the following is substituted:**

**Termination of employment prohibited during maternity leave and parental leave**

**52(1)** No employer may terminate the employment of, or lay off,

**30** Section 46 presently reads:

*46(1) The maternity leave to which a pregnant employee is entitled is a period of not more than 15 weeks starting at any time during the 12 weeks immediately before the estimated date of delivery.*

*(2) An employee who takes maternity leave must take a period of leave of at least 6 weeks immediately following the date of delivery, unless the employee and her employer agree to shorten the period by the employee's giving her employer a medical certificate indicating that resumption of work will not endanger her health.*

**31** Section 50(1) presently reads:

*50(1) Subject to subsection (2), an employer must grant parental leave to an employee as follows:*

- (a) in the case of an employee entitled to maternity leave under this Division, a period of not more than 37 consecutive weeks immediately following the last day of maternity leave;*
- (b) in the case of a parent who has been employed by the employer for at least 52 consecutive weeks, a period of not more than 37 consecutive weeks within 52 weeks after the child's birth;*
- (c) in the case of an adoptive parent who has been employed by the employer for at least 52 consecutive weeks, a period of not more than 37 consecutive weeks within 52 weeks after the child is placed with the adoptive parent for the purpose of adoption.*

**32** Section 52(1) presently reads:

*52(1) No employer may terminate the employment of, or lay off, an employee who*

- (a) an employee who has started maternity or parental leave,  
or
- (b) an employee because the employee is entitled to  
maternity or parental leave.

**33 Section 53.9 is repealed and the following is substituted:**

**Compassionate care leave**

**53.9(1)** In this Division,

- (a) “common-law partner” means a person who at the relevant time cohabits in a conjugal relationship with the employee and has so cohabited with the employee for a continuous period of at least one year;
- (b) “family member”, in relation to an employee, means
  - (i) a spouse or common-law partner of the employee,
  - (ii) a child of the employee or a child of the employee’s spouse or common-law partner,
  - (iii) a parent of the employee or a spouse or common-law partner of the parent, and
  - (iv) any other person who is a member of a class of persons designated in the regulations for the purpose of this definition;
- (c) “physician” means a physician who provides care to a family member and who is entitled to practise medicine under the laws of the jurisdiction in which the care is provided.

**(2)** Subject to this section, an employee who has been employed by the same employer for at least 90 days is entitled to unpaid compassionate care leave for a period of up to 27 weeks for the purpose of providing care or support to a seriously ill family member.

- (a) *has started her maternity leave, or*
- (b) *is entitled to or has started parental leave.*

**33** Section 53.9 presently reads:

*53.9 In this division,*

- (a) *“common-law partner” means a person who at the relevant time cohabits in a conjugal relationship with the employee and has so cohabited with the employee for a continuous period of at least one year;*
  - (b) *“family member”, in relation to an employee, means*
    - (i) *a spouse or common-law partner of the employee,*
    - (ii) *a child of the employee or a child of the employee’s spouse or common-law partner,*
    - (iii) *a parent of the employee or a spouse or common-law partner of the parent, and*
    - (iv) *any other person who is a member of a class of persons designated in the regulations for the purpose of this definition;*
  - (c) *“physician” means a physician who provides care to a family member and who is entitled to practise medicine under the laws of the jurisdiction in which the care is provided;*
  - (d) *“primary caregiver” means an individual who has primary responsibility for providing care or support to a seriously ill family member for that family.*
- (2) Subject to subsections (3) to (7), an employee who has completed at least 52 consecutive weeks with an employer is entitled to compassionate care leave of up to 8 weeks to provide care or support to a seriously ill family member if the employee is the primary caregiver.*

**(3)** If more than one employee who is employed by the same employer is entitled to compassionate care leave with respect to the same family member, the employer is not required to grant the leave to more than one employee at a time.

**(4)** The employee must provide to the employer a medical certificate issued by a physician stating that

(a) the family member, named in the certificate, has a serious medical condition with a significant risk of death within 26 weeks from

(i) the day the certificate is issued, or

(ii) if the leave was begun before the certificate was issued, the day the leave began,

and

(b) the family member requires the care or support of one or more family members.

**(5)** The employee must provide a copy of the medical certificate under subsection (4) before commencing compassionate care leave unless the employee is unable to do so, in which case the employee must provide the certificate as soon as is reasonable and practicable in the circumstances.

**(6)** An employee who wishes to take compassionate care leave must give the employer at least 2 weeks' written notice, which notice must also include the estimated date of the employee's return to work, unless a shorter notice period is necessary in the circumstances, in which case the notice must be provided as soon as is reasonable and practicable in the circumstances.

**(7)** The employee must inform his or her employer of any change in the estimated date of returning to work.

**(8)** Compassionate care leave may be taken in one or more periods but no period may be less than one week's duration.

**(9)** Compassionate care leave ends on the earliest of the following occurrences:



*(3) For an employee to be eligible for leave, a physician must issue a certificate stating that*

*(a) a family member of the employee has a serious medical condition with a significant risk of death within 26 weeks from*

*(i) the day the certificate is issued, or*

*(ii) if the leave was begun before the certificate was issued, the day the leave began,*

*and*

*(b) the family member requires the care or support of one or more family members.*

*(4) An employee who wishes to take a leave under this section must give the employer notice of at least 2 weeks, unless circumstances necessitate a shorter period.*

*(5) Except in emergency situations, the employee must give the employer a copy of the physician's certificate prior to commencing compassionate care leave.*

*(6) An employee may take up to 2 periods of compassionate care leave totalling no more than 8 weeks, but any second period of leave must end no later than 26 weeks after the first period of leave began.*

*(7) No period of leave may be less than one week's duration.*

- (a) the last day of the work week in which the family member named in the medical certificate referred to in subsection (4) dies;
- (b) the 27 weeks of compassionate care leave ends;
- (c) the last day of the work week in which the employee ceases to provide care or support to the seriously ill family member.

**34 Section 53.92 is repealed and the following is substituted:**

**Notice to return to work**

**53.92(1)** If an employee has been on compassionate care leave, he or she must provide at least 48 hours' written notice of the date the employee intends to return to work unless the employer and the employee agree otherwise.

**(2)** When an employee returns to work under this section, the employer must

- (a) reinstate the employee in the position occupied when the leave started, or
- (b) provide the employee with alternative work of a comparable nature at not less than the earnings and other benefits that had accrued to the employee when the leave started.

**(3)** An employee who does not wish to resume employment after the leave ends must give the employer at least 2 weeks' written notice of the employee's intention to terminate employment.

**34** Section 53.92 presently reads:

*53.92(1) If an employee has been on compassionate care leave, he or she must provide 2 weeks' written notice of the date the employee intends to resume work.*

*(2) Notwithstanding subsection (1), nothing precludes an employer and an employee from agreeing in writing to a return to work date on less than 2 weeks' notice.*

*(3) If an employee fails to comply with subsection (1) or (2), the employer may postpone the employee's return to work for a period of up to 4 weeks after the day on which the employee notifies the employer of the employee's intention to resume work.*

*(4) If the employer informs the employee in writing that the employee's return to work is postponed, the employee is not entitled to return to work until the day that is indicated by the employer.*

*(5) During the period of postponement, the employee is deemed to continue to be on compassionate care leave.*

*(6) Where an employee is entitled to resume work under this section, the employer must*

- (a) reinstate the employee in the position occupied when the compassionate care leave started, or*
- (b) provide the employee with alternative work of a comparable nature*

*at not less than the earnings and other benefits that had accrued to the employee when the compassionate care leave started.*

**35 The following is added after section 53.94:**

**Division 7.3  
Death or Disappearance  
of Child Leave**

**Death or disappearance of child leave**

**53.95(1)** In this Division,

- (a) “child” means a person who is under 18 years of age;
- (b) “common-law partner” has the same meaning as in section 53.9(1)(a);
- (c) “crime” means an offence under the *Criminal Code* (Canada);
- (d) “parent” means
  - (i) a parent of a child,
  - (ii) the spouse or common-law partner of a parent of a child,
  - (iii) a person with whom a child has been placed for the purposes of adoption,
  - (iv) the guardian or a foster parent of a child, or
  - (v) a person who has the care, custody or control of a child whether or not they are related by blood or adoption.

**(2)** Subject to this section, an employee who has been employed by the same employer for at least 90 days is entitled to an unpaid leave as follows:

- (a) a period of up to 52 weeks if the employee is the parent of a child who has disappeared and it is probable, considering the circumstances, that the child disappeared as a result of a crime, or

*(7) An employee who does not wish to resume employment after compassionate care leave must give the employer at least 2 weeks' written notice of intention to terminate employment.*

**35** Division 7.3, Death or Disappearance of Child Leave; Division 7.4, Critical Illness of Child Leave; Division 7.5, Long-term Illness and Injury Leave; Division 7.6, Other Leaves.

- (b) a period of up to 104 weeks if the employee is the parent of a child who has died and it is probable, considering the circumstances, that the child died as a result of a crime.
- (3)** An employee is not entitled to death or disappearance of child leave if he or she is charged with the crime that resulted in the death or disappearance of the child.
- (4)** The employee must provide the employer with reasonable verification of the employee's entitlement to the leave as soon as is reasonable and practicable in the circumstances.
- (5)** The period during which an employee may take death or disappearance of child leave
  - (a) begins on the day on which the death or disappearance, as the case may be, occurs, and
  - (b) ends, subject to subsections (8) to (10),
    - (i) in the case of leave under subsection (2)(a), 52 weeks after the day on which the disappearance occurs, or
    - (ii) in the case of leave under subsection (2)(b), 104 weeks after the day on which the death occurs.
- (6)** An employee who wishes to take death or disappearance of child leave must give the employer written notice as soon as is reasonable and practicable in the circumstances, which notice must include the estimated date of the employee's return to work.
- (7)** The employee must inform his or her employer of any change in the estimated date of returning to work.
- (8)** In the case of a child who disappears and who is subsequently found, the period referred to in subsection (5) ends
  - (a) if the child is found alive, 14 days after the day on which the child is found but no later than the end of the 52-week period, or



- (b) if the circumstances in subsection (2)(b) apply, 104 weeks after the day on which the disappearance occurred.

(9) For greater certainty, death or disappearance of child leave ends on the day on which the circumstances are such that it is no longer probable that the death or disappearance was the result of a crime.

(10) If an employee takes death or disappearance of child leave and is charged with the crime, leave ends on the day on which the employee is charged.

#### **Termination of employment**

**53.951(1)** No employer may terminate the employment of, or lay off, an employee who has started death or disappearance of child leave.

(2) Subsection (1) does not apply if an employer suspends or discontinues in whole or in part the business, undertaking or other activity in which the employee is employed, but the obligation of the employer to reinstate the employee or provide the employee with alternative work in accordance with section 53.953 continues to apply.

#### **Notice to return to work**

**53.952(1)** If an employee has been on death or disappearance of child leave, he or she must provide at least 48 hours' written notice of the date the employee intends to return to work unless the employer and the employee agree otherwise.

(2) When an employee returns to work under this section, the employer must

- (a) reinstate the employee in the position occupied when the death or disappearance of child leave started, or
- (b) provide the employee with alternative work of a comparable nature at not less than the earnings and other benefits that had accrued to the employee when the death or disappearance of child leave started.





(3) An employee who does not wish to resume employment after the leave ends must give the employer at least 2 weeks' written notice of the employee's intention to terminate employment.

**Suspension of operations**

**53.953** If the business, undertaking or other activity of an employer is suspended or discontinued in whole or in part during the employee's death or disappearance of child leave and the employer has not resumed operations when the leave ends, the employer must, if the operation is subsequently resumed within 52 weeks following the end of the leave,

- (a) reinstate the employee in the position occupied at the time the leave started at not less than the earnings and other benefits that had accrued to the employee, or
- (b) provide the employee with alternative work in accordance with an established seniority system or practice of the employer in force at the time the employee's leave started, with no loss of seniority or other benefits accrued to the employee.

**Leave and vacation conflict**

**53.954** Notwithstanding section 37(1), if an employee is on death or disappearance of child leave on the day by which his or her vacation must be used, any unused part of the vacation must be used immediately after the leave expires or, if the employer and employee agree to a later date, by that later date.

**Division 7.4  
Critical Illness of  
Child Leave**

**Critical illness of child leave**

**53.96(1)** In this Division,

- (a) "child" means a person who is under 18 years of age;
- (b) "common-law partner" has the same meaning as in section 53.9(1)(a);
- (c) "parent" means



- (i) a parent of a child,
  - (ii) the spouse or common-law partner of a parent of a child,
  - (iii) a person with whom a child has been placed for the purposes of adoption,
  - (iv) the guardian or a foster parent of a child, or
  - (v) a person who has the care, custody or control of a child whether or not they are related by blood or adoption;
- (d) “physician” means a physician who provides care to the child and who is entitled to practise medicine under the laws of the jurisdiction in which the care is provided.

**(2)** Subject to this section, an employee who has been employed by the same employer for at least 90 days and is a parent of a critically ill child is entitled to an unpaid critical illness of child leave of up to 36 weeks for the purpose of providing care or support to the child.

**(3)** If more than one employee who is employed by the same employer is entitled to critical illness of child leave with respect to the same child, the employer is not required to grant the leave to more than one employee at a time.

**(4)** If more than one child of the employee is critically ill as a result of the same event, the period during which the employee may take critical illness of child leave

- (a) begins on the earlier of the dates specified in subsection (5)(b) and (d) on the first medical certificate issued in respect of any of the children that are critically ill, and
- (b) ends on the earliest of the following occurrences:
  - (i) the last day of the work week in which the last of the critically ill children dies;
  - (ii) the expiry of 36 weeks following the date leave began under clause (a);



- (iii) the expiry of the latest period referred to in subsection (5)(c) on the medical certificates for the critically ill children;
- (iv) the last day of the work week in which the employee ceases to provide care or support to the last of the critically ill children.

**(5)** The employee must provide to the employer a medical certificate issued by a physician stating

- (a) that the child is a critically ill child and requires the care or support of one or more parents;
- (b) the start date of the period during which the child requires that care or support;
- (c) the end date of the period during which the child requires that care or support;
- (d) if the leave was begun before the certificate was issued, the day leave began.

**(6)** The employee must provide a copy of the medical certificate under subsection (5) before commencing critical illness of child leave unless the employee is unable to do so, in which case the employee must provide the certificate as soon as is reasonable and practicable in the circumstances.

**(7)** An employee who wishes to take critical illness of child leave must give the employer at least 2 weeks' written notice, which notice must also include the estimated date of the employee's return to work, unless a shorter notice period is necessary in the circumstances, in which case the notice must be provided as soon as is reasonable and practicable in the circumstances.

**(8)** The employee must inform his or her employer of any change in the estimated date of returning to work.

**(9)** Subject to subsection (4), critical illness of child leave may be taken in one or more periods, but no period may be less than one week's duration.



**(10)** Critical illness of child leave ends on the earliest of the following occurrences:

- (a) the last day of the work week in which the child named in the medical certificate under subsection (5) dies;
- (b) the period of 36 weeks of leave under this Division ends;
- (c) the period referred to subsection (5)(c) of the certificate ends;
- (d) the last day of the work week in which the employee ceases to provide care or support to the critically ill child.

**Termination of employment**

**53.961(1)** No employer may terminate the employment of, or lay off, an employee who has started critical illness of child leave.

**(2)** Subsection (1) does not apply if an employer suspends or discontinues in whole or in part the business, undertaking or other activity in which the employee is employed, but the obligation of the employer to reinstate the employee or provide the employee with alternative work in accordance with section 53.963 continues to apply.

**Notice to return to work**

**53.962(1)** If an employee has been on critical illness of child leave, he or she must provide at least 48 hours' written notice of the date the employee intends to return to work unless the employer and the employee agree otherwise.

**(2)** When an employee returns to work under this section, the employer must

- (a) reinstate the employee in the position occupied when the leave started, or
- (b) provide the employee with alternative work of a comparable nature at not less than the earnings and other benefits that had accrued to the employee when the leave started.





(3) An employee who does not wish to resume employment after the critical illness of child leave ends must give the employer at least 2 weeks' written notice of the employee's intention to terminate employment.

#### **Suspension of operations**

**53.963** If the business, undertaking or other activity of an employer is suspended or discontinued in whole or in part during an employee's critical illness of child leave and the employer has not resumed operations when the leave ends, the employer must, if the operation is subsequently resumed within 52 weeks following the end of the leave,

- (a) reinstate the employee in the position occupied at the time the leave started at not less than the earnings and other benefits that had accrued to the employee, or
- (b) provide the employee with alternative work in accordance with an established seniority system or practice of the employer in force at the time the employee's leave started, with no loss of seniority or other benefits accrued to the employee.

#### **Leave and vacation conflict**

**53.964** Notwithstanding section 37(1), if an employee is on critical illness of child leave on the day by which his or her vacation must be used, any unused part of the vacation must be used immediately after the leave expires or, if the employer and employee agree to a later date, by that later date.

### **Division 7.5 Long-term Illness and Injury Leave**

#### **Entitlement to leave**

**53.97(1)** Subject to subsections (2) to (4), an employee who has been employed by the same employer for at least 90 days is entitled to unpaid leave due to the illness, injury or quarantine of the employee.

(2) For the purpose of subsection (1) the amount of leave under this Division must not exceed 16 weeks in a calendar year.



(3) The employee must provide to the employer a medical certificate issued by a physician stating the estimated duration of the leave.

(4) The employee must provide a copy of the medical certificate under subsection (3) before commencing leave under this Division unless the employee is unable to do so, in which case the employee must provide the certificate as soon as is reasonable and practicable in the circumstances.

(5) An employee who wishes to take leave under this Division must give the employer written notice as soon as is reasonable and practicable in the circumstances, which notice must include the estimated date of the employee's return to work.

(6) The employee must inform his or her employer of any change in the estimated date of returning to work.

#### **Termination of employment**

**53.971(1)** No employer may terminate the employment of, or lay off, an employee who has started leave under this Division.

(2) Subsection (1) does not apply if an employer suspends or discontinues in whole or in part the business, undertaking or other activity in which the employee is employed, but the obligation of the employer to reinstate the employee or provide the employee with alternative work in accordance with section 53.973 continues to apply.

#### **Notice to return to work**

**53.972(1)** If an employee has been on leave under this Division, he or she must provide at least 48 hours' written notice of the date the employee intends to return to work unless the employer and the employee agree otherwise.

(2) When an employee returns to work under this section, the employer must

- (a) reinstate the employee in the position occupied when the leave under this Division started, or
- (b) provide the employee with alternative work of a comparable nature at not less than the earnings and other



benefits that had accrued to the employee when the leave under this Division started.

- (3) An employee who does not wish to resume employment after the leave under this Division ends must give the employer at least 2 weeks' written notice of the employee's intention to terminate employment.

#### **Suspension of operations**

**53.973** If the business, undertaking or other activity of an employer is suspended or discontinued in whole or in part during the employee's leave under this Division and the employer has not resumed operations when the leave ends, the employer must, if the operation is subsequently resumed within 52 weeks following the end of the leave,

- (a) reinstate the employee in the position occupied at the time the leave started at not less than the earnings and other benefits that had accrued to the employee, or
- (b) provide the employee with alternative work in accordance with an established seniority system or practice of the employer in force at the time the employee's leave started, with no loss of seniority or other benefits accrued to the employee.

#### **Leave and vacation conflict**

**53.974** Notwithstanding section 37(1), if an employee is on leave under this Division on the day by which his or her vacation must be used, any unused part of the vacation must be used immediately after the leave expires or, if the employer and employee agree to a later date, by that later date.

### **Division 7.6 Other Leaves**

#### **Definition**

**53.98** In this Division,

- (a) "family member" in relation to an employee, means a person who is a member of a class of persons designated in the regulations for the purpose of this Division;



- (b) “protected adult” means an assisted adult, represented adult or supported adult as defined in the *Adult Guardianship and Trusteeship Act*.

**Domestic violence leave**

**53.981(1)** For the purposes of this Division, domestic violence occurs when an employee, the employee’s dependent child or a protected adult who lives with the employee is subjected to any of the acts or omissions listed in subsection (2) by another person who

- (a) is or has been married to the employee, is or has been an adult interdependent partner of the employee or is residing or has resided together with the employee in an intimate relationship,
- (b) is or has been in a dating relationship with the employee, regardless of whether they have lived together at any time,
- (c) is the biological or adoptive parent of one or more children with the employee, regardless of their marital status or whether they have lived together at any time,
- (d) is related to the employee by blood, marriage or adoption or by virtue of an adult interdependent relationship, regardless of whether they have lived together at any time, or
- (e) resides with the employee and has care and custody over the employee pursuant to an order of a court.

**(2)** The following acts and omissions constitute domestic violence for the purposes of this Division:

- (a) any intentional or reckless act or omission that causes injury or property damage and that intimidates or harms a person;
- (b) any act or threatened act that intimidates a person by creating a reasonable fear of property damage or injury to a person;





- (c) conduct that reasonably, in all circumstances, constitutes psychological or emotional abuse;
- (d) forced confinement;
- (e) sexual contact of any kind that is coerced by force or threat of force;
- (f) stalking.

**(3)** An employee who is a victim of domestic violence and has been employed by the same employer for at least 90 days is entitled to unpaid domestic violence leave of up to 10 days in a calendar year.

**(4)** An employee may take domestic violence leave for one or more of the following purposes:

- (a) to seek medical attention for the employee or the employee's dependent child or a protected adult in respect of a physical or psychological injury or disability caused by the domestic violence;
- (b) to obtain services from a victim services organization;
- (c) to obtain psychological or other professional counselling for the employee or the employee's dependent child or a protected adult;
- (d) to relocate temporarily or permanently;
- (e) to seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence;
- (f) any other purpose provided for in the regulations.

**(5)** Before taking a leave under this section, the employee must give the employer as much notice as is reasonable and practicable in the circumstances.



## **Personal and Family Responsibility Leave**

### **Unpaid leave for personal and family responsibilities**

**53.982(1)** An employee who has been employed by the same employer for at least 90 days is entitled to up to 5 days of unpaid leave in a calendar year, but only to the extent that the leave is necessary

- (a) for the health of the employee, or
- (b) for the employee to meet his or her family responsibilities in relation to a family member.

**(2)** Before taking a leave under this section, the employee must give the employer as much notice as is reasonable and practicable in the circumstances.

## **Bereavement Leave**

### **Unpaid bereavement leave**

**53.983(1)** An employee who has been employed by the same employer for at least 90 days is entitled to up to 3 days of unpaid leave in a calendar year on the death of a family member.

**(2)** Before taking a leave under this section, the employee must give the employer as much notice as is reasonable and practicable in the circumstances.

## **Leave for Citizenship Ceremony**

### **Unpaid leave for citizenship ceremony**

**53.984(1)** An employee who has been employed by the same employer for at least 90 days is entitled to up to a half-day of unpaid leave to attend a citizenship ceremony to receive a certificate of citizenship, as provided for under the *Citizenship Act* (Canada) and regulations made under that Act.

**(2)** Before taking a leave under this section, the employee must give the employer as much notice as is reasonable and practicable in the circumstances.



## **Termination of Employment**

### **Termination of employment**

**53.985** No employer may terminate the employment of, or lay off, an employee who is on leave under this Division.

**36 Section 54 is amended by striking out “3 months” and substituting “90 days”.**

**37 Section 55 is amended**

**(a) in subsection (1)**

**(i) by striking out “Unless subsection (2) applies, an” and substituting “An”;**

**(ii) by repealing clause (a) and substituting the following:**

**(a) a termination notice of at least the period of notice required under section 137(1) if that section applies, or in any other case, a termination notice under section 56,**

**(b) in subsection (2)**

**(i) by repealing clause (a) and substituting the following:**

**(a) if the employment of the employee is terminated for just cause,**

**(ii) in clause (b) by striking out “3 months” and substituting “90 days”.**

**38 Section 56(a) is amended by striking out “3 months” and substituting “90 days”.**

**36** Section 54 presently reads:

*54 For the purposes of determining the correct termination notice to be given by an employer or employee or termination pay to be given by an employer, when an employee has been employed by the same employer more than once, the periods of employment with that employer are considered to be one period of employment if not more than 3 months has elapsed between the periods of employment.*

**37** Section 55 presently reads in part:

*55(1) Unless subsection (2) applies, an employer may terminate the employment of an employee only by giving the employee*

- (a) a termination notice under section 56,*
- (b) termination pay under section 57(1), or*
- (c) a combination of termination notice and termination pay under section 57(2).*

*(2) Termination notice is not required*

- (a) to terminate the employment of an employee for just cause,*
- (b) when an employee has been employed by the employer for 3 months or less,*

**38** Section 56 presently reads in part:

*56 To terminate employment an employer must give an employee written termination notice of at least*

**39 Section 57(3) is repealed and the following is substituted:**

(3) If the wages of an employee vary from one pay period to another, the employee's termination pay must be determined by calculating the average of the employee's wages during the previous 13 weeks in which the employee worked preceding the date of termination of employment.

**40 Section 58 is amended**

- (a) in subsection (1)(a) by striking out "3 months" and substituting "90 days";
- (b) in subsection (2)(d) by striking out "3 months" and substituting "90 days".

**41 Section 59 is repealed and the following is substituted:**

**Expediting termination of employment after  
an employee's termination notice**

**59(1)** If an employee gives a termination notice that is less than the notice that the employer would have been required to give and the employer wishes to expedite the termination, the employer must pay the wages that the employee would have earned if the employee had worked regular hours for the remainder of the termination notice period that has been given by the employee.

(2) If an employee gives a termination notice that is equal to or more than the notice that the employer would have been required to give and the employer wishes to expedite the termination, the employer must pay the wages that the employee would have earned if the employee had worked regular hours for the remainder of the termination notice period that would have been required to be given by the employer.

**42 The following is added after section 61:**



- (a) *one week, if the employee has been employed by the employer for more than 3 months but less than 2 years,*

**39** Section 57(3) presently reads:

*(3) If the wages of an employee vary from one pay period to another, the average of the employee's wages for the 3-month period immediately preceding the date of termination of employment is to be used to determine the employee's termination pay.*

**40** Section 58 presently reads in part:

*58(1) Except as otherwise provided in subsection (2), to terminate employment an employee must give the employer a written termination notice of at least*

- (a) *one week, if the employee has been employed by the employer for more than 3 months but less than 2 years, or*

**41** Section 59 presently reads:

*59(1) If an employee gives a termination notice that is the minimum notice required to be given by the employee and the employer wishes to terminate the employee's employment before the end of the employee's notice period, the employer must pay the employee an amount at least equal to the wages that the employee would have earned if the employee had worked the employee's regular hours of work for the remainder of the notice period given by the employee.*

*(2) If an employee gives a termination notice that is longer than the minimum notice required to be given by the employee and the employer wishes to terminate the employee's employment before the end of the employee's notice period, the employer must pay the employee an amount at least equal to the wages the employee would have earned if the employee had worked the employee's regular hours for the remainder of the termination notice period that the employer is required to give to the employee under section 56.*

**42** Use of entitlements during the notice period.

**Use of entitlements during the notice period**

**61.1(1)** An employer must not require an employee to use banked overtime during the termination notice period unless the employer and employee agree otherwise in writing.

**(2)** Unless an employer has, prior to the giving of a termination notice, provided the employee with notice to take annual vacation in accordance with section 38, the employer must not require the employee to take the vacation during the termination notice period.

**(3)** Where an employee has not taken the day's holiday referred to in section 29(b)(ii), an employer must not require the employee to use it during the termination notice period.

**43 Sections 62 to 64 are repealed and the following is substituted:**

**Temporary layoff**

**62(1)** An employer who wishes to maintain an employment relationship without terminating the employment of an employee may temporarily lay off the employee only by giving the employee a written layoff notice.

**(2)** Unless a collective agreement provides otherwise, a layoff notice must be given to the employee

- (a) at least one week prior to the date that the layoff is to commence, if the employee has been employed by the employer for less than 2 years,
- (b) at least 2 weeks prior to the date that the layoff is to commence, if the employee has been employed by the employer for 2 years or more, or
- (c) if unforeseeable circumstances prevent an employer from providing the notice in accordance with clause (a) or (b), as soon as is practicable in the circumstances.

**(3)** The layoff notice must

- (a) state that it is a temporary layoff notice,

**43** Sections 62 to 64 presently read:

*62 If an employer wishes to maintain an employment relationship without terminating the employment of an employee, the employer may temporarily lay off the employee.*

*63(1) On the 60th consecutive day of temporary layoff, an employee's employment terminates and the employer must pay the employee termination pay on that day.*

*(2) Subsection (1) does not apply if*

- (a) after the layoff starts, and by agreement between the employer and employee, an employer pays the employee wages or an amount instead of wages, in which case the employment terminates and termination pay is payable when the agreement ends;*
- (b) the employer makes payments for the benefit of the laid-off employee in accordance with a pension or employee insurance plan or the like, in which case employment terminates and termination pay is payable when the payments cease;*
- (c) there is a collective agreement binding the employer and employee containing recall rights for employees following layoff, in which case employment terminates and termination pay is payable when the recall rights expire.*

- (b) state the date that the layoff is to commence,
- (c) include a copy of this section and sections 63 and 64, and
- (d) include any other information provided for in the regulations.

**Termination pay after temporary layoff**

**63(1)** The employment of an employee who is laid off for one or more periods exceeding, in total, 60 days within a 120-day period is deemed to have been terminated unless

- (a) during the layoff the employer, by agreement with the employee,
  - (i) pays the employee wages or an amount instead of wages, or
  - (ii) makes payments for the benefit of the laid-off employee in accordance with a pension or employee insurance plan or similar plan,

or

- (b) there is a collective agreement binding the employer and employee containing recall rights for employees following layoff.

**(2)** When payments under subsection (1)(a) cease or recall rights under subsection (1)(b) expire, the employment of the employee terminates and termination pay is payable.

**Recall**

**64(1)** An employer may request an employee to return to work by providing the employee with a recall notice.

**(2)** A recall notice must

- (a) be in writing,
- (b) be served on the employee, and

*64(1) If an employee fails to return to work within 7 consecutive days after being requested to do so in writing by the employer, the employee is not entitled to termination notice or termination pay if the employer decides to terminate the employee's employment as a result of the employee's failure to return to work in accordance with the recall notice.*

*(2) Subsection (1) does not apply to an employee bound by a collective agreement containing recall rights for employees following a layoff.*

(c) state that the employee must return to work within 7 days of the date the recall notice is served on the employee.

(3) If an employee fails to return to work within 7 days of being served with the recall notice, the employee is not entitled to termination notice or termination pay if the employer decides to terminate the employee's employment as a result of the employee's failure to return to work in accordance with the notice.

(4) Subsection (3) does not apply to an employee bound by a collective agreement containing recall rights for employees following a layoff.

**44 Sections 65 and 66 are repealed and the following is substituted:**

**Employment of individuals under 18 years of age**

**65(1)** In this Division,

- (a) "artistic endeavour" means artistic endeavour as defined in the regulations;
- (b) "light work" means light work determined under subsection (2).

(2) The Director must, after consultation in accordance with the regulations, establish a list of the types of employment that are light work for the purposes of this Division and must publish the list on the Minister's department website.

(3) Except as permitted by this Division or the regulations, no person shall employ an individual who is under 18 years of age.

(4) Where a permit is required under this Division, the Director may, on receiving an application signed by the employer and by a parent, guardian or other person having the care, custody or control of the individual in respect of whom the permit is required, issue a permit authorizing the individual to be employed by the employer.

**44** Sections 65 and 66 presently read:

*65(1) No person may, during normal school hours, employ, or permit to work on the person's premises, an individual who is required to attend school under the School Act, unless the conditions specified in section 66 are complied with.*

*(2) No individual under 15 years old may be employed without the written consent of the individual's parent or guardian and the approval of the Director, unless the regulations and the condition specified in section 66 are complied with.*

*66 The condition referred to in section 65 is that the individual must be enrolled in an off-campus education program provided under the School Act.*

(5) A permit issued by the Director under this section must include any terms and conditions set out in the regulations and may include any other terms and conditions the Director considers appropriate having regard to the age of the individual and the nature of the work.

**12 years of age and under**

**65.1** An individual who is 12 years of age or younger may be employed only in an artistic endeavour and only if authorized under a permit issued by the Director.

**13 to 15 years of age**

**65.2(1)** An individual who is 13, 14 or 15 years of age may be employed only

- (a) in an artistic endeavour,
- (b) in a type of employment that is light work, or
- (c) if so authorized under a permit issued by the Director, in any other type of employment, except hazardous work identified in the *Occupational Health and Safety Act* or the regulations under that Act.

(2) Employment referred to in subsection (1)(a) and (b) requires the consent of a parent, guardian or other person having the care, custody or control of the individual.

(3) The consent must be in a form acceptable to the Director.

**16 and 17 years of age**

**65.3(1)** Subject to subsection (2), an individual who is 16 or 17 years of age may be employed in any type of employment.

(2) An individual who is 16 or 17 years of age may be employed in hazardous work identified in the *Occupational Health and Safety Act* or the regulations under that Act only if

- (a) the hazardous work is authorized under a permit issued by the Director,
- (b) the individual is supervised by a responsible adult while the work is being performed and is adequately trained before performing any work, and





- (c) the health, safety and well-being of the individual are protected.

**45 Division 10 of Part 2 is repealed.**

**46 Section 69 is repealed and the following is substituted:**

**Establishment of appeal body**

**69(1)** The Lieutenant Governor in Council may

- (a) establish an appeal body consisting of one or more persons who meet the qualifications established by the regulations;
- (b) designate a body established under another Act or regulation as the appeal body for the purpose of this Act;
- (c) designate a class of persons, the members of which are deemed to be an appeal body for the purpose of this Act, which may include, with the approval of the Chief Judge of The Provincial Court of Alberta, judges of The Provincial Court of Alberta or justices of the peace.

**(2)** Where an existing body is designated under subsection (1)(b) as the appeal body, the existing body, despite the

**45** Division 10 presently reads:

*Division 10*  
*Persons with Disabilities*

*67(1) If the Director is satisfied that a proposed employment arrangement between an employer and a prospective employee who has a disability is satisfactory for both of them in all the circumstances, the Director may issue to the employer a permit authorizing*

- (a) the employer to pay the prospective employee a wage less than the minimum wage prescribed by the regulations, and*
- (b) the prospective employee to receive less than the minimum wage.*

*(2) A copy of the permit must be served on the employer and the prospective employee.*

*(3) The employer or the prospective employee to whom a permit applies may appeal the permit to an umpire.*

**46** Section 69 presently reads:

*69(1) The Lieutenant Governor in Council may*

- (a) appoint individuals as umpires;*
- (b) authorize the Minister to appoint as umpires individuals who are members of a class of persons designated by the Lieutenant Governor in Council;*
- (c) designate a class of persons, the members of which are deemed to have been appointed umpires.*

*(2) The Minister may establish a code for the ethical conduct of umpires.*

enactment under which it was established, may carry out the functions of the appeal body under this Act.

**(3)** The Minister may, by order, establish a code of ethics for members of the appeal body.

**(4)** An appeal body established under subsection (1)(a) or an appeal body designated under subsection (1)(c) may establish rules of practice and procedures relating to the conduct of appeals under this Act, including establishing panels and quorums for the purpose of its proceedings.

**(5)** An appeal body designated under subsection (1)(b) may adopt the practice and procedures under the enactment under which it was established and may modify them as required for the purpose of conducting appeals under this Act, including establishing panels and quorums for the purpose of its proceedings.

**47 Section 71(3) is repealed.**

**48 Section 74 is repealed and the following is substituted:**

**Director's variance or exemption**

**74(1)** Subject to subsection (3), the Director may on application by an employer issue a variance or exemption to vary or exempt the application of one or more provisions of this Act or the regulations

- (a) with respect to that employer and the employees referred to in the application, or
- (b) with respect to a type of employment carried on by that employer.

**(2)** Subsection (1) does not apply to an application by an employer association or to a group of employers.

**47** Section 71(3) presently reads:

*(3) The Director may not delegate the Director's power to issue a reinstatement or compensation order under section 89.*

**48** Section 74 presently reads:

*74(1) The Director may approve a scheme of employment with respect to an employer and the employer's employees or prospective employees that applies despite any provision to the contrary in this Act.*

*(2) The Director may revoke, amend or vary an approval for a scheme of employment at any time.*

**(3)** The Director may issue a variance or exemption under this section only if

- (a) the provision to be varied or exempted and the extent to which it may be varied or exempted is authorized by the regulations to be varied or exempted under this section, and
- (b) the Director is satisfied that issuing the variance or exemption meets the criteria established by the regulations.

**(4)** The Director must notify the employer of the decision respecting the issuance of a variance or exemption.

**(5)** A variance or exemption must

- (a) specify the provisions of this Act or the regulations the application of which is varied or exempted and the extent to which the application of the provisions is varied or exempted,
- (b) identify the employer and the employees of the employer to whom the variance or exemption applies or the employment to which the variance or exemption applies, as the case may be,
- (c) specify the date on which the variance or exemption commences and the date it expires,
- (d) include any terms or conditions that the Director considers appropriate, and
- (e) include any other information required by the regulations.

**(6)** If the Director grants a variance or exemption, the employer must notify the employees affected by the variance or exemption by

- (a) personally giving a copy of the variance or exemption to the employees,



- (b) posting a copy of the variance or exemption in the employees' workplace,
- (c) posting a copy of the variance or exemption online on a secure website to which the employees have access, or
- (d) providing a copy of the variance or exemption in any other manner that informs the employees of the variance or exemption.

**(7)** The employer and the employees affected by the variance or exemption must comply with the variance or exemption and any terms and conditions of the variance or exemption.

**(8)** The Director may, at any time, amend or revoke a variance or exemption issued under this section.

**(9)** A decision by the Director respecting the amendment or revocation of a variance or exemption must be given to the employer.

**(10)** The employer must provide notice of the amendment or revocation of the variance or exemption to every employee affected by the variance or exemption by

- (a) personally giving it to the employee,
- (b) posting it in the employee's workplace,
- (c) posting it online on a secure website to which the employee has access, or
- (d) providing it in any other manner that informs the employee of the notice.

#### **Minister's variance or exemption**

**74.1(1)** Subject to the regulations, the Minister may, by order, on application by an employer association or a group of employers, vary or exempt the application of one or more provisions of this Act or the regulations

- (a) with respect to the employers and the employees referred to in the application, or





- (b) with respect to a type of employment carried on by the employers.

**(2)** An order made under subsection (1) must

- (a) specify the provisions of this Act or the regulations the application of which is varied or exempted and the extent to which the application of the provisions is varied or exempted,
- (b) identify the employers and the employees to whom the order applies or the employment to which the order applies, as the case may be,
- (c) specify the term of the order, which must not exceed 2 years,
- (d) include any terms or conditions that the Minister considers appropriate, and
- (e) include any other information required by the regulations.

**(3)** An order made under subsection (1) shall not be renewed.

**(4)** The employers and the employees affected by an order must comply with the order and any terms and conditions of the order.

**(5)** The Minister may, at any time, amend or revoke an order made under this section.

**(6)** A copy of an order made under subsection (1) or an amendment or revocation made under subsection (5) must be given to the affected employers and employees in accordance with the regulations.

**49 Section 77 is repealed and the following is substituted:**

**Inspections, investigations, inquiries**

**77(1)** An officer may conduct an inspection, investigation or inquiry to determine whether this Act, the regulations or an authorizing or enforcement instrument has been or is being

**49** Section 77 presently reads:

*77(1) An officer may*

*(a) at any reasonable time, enter any premises or other place in  
which the officer has reason to believe that an individual is*

complied with, whether or not the officer has received a complaint.

**(2)** In conducting an inspection, investigation or inquiry, an officer may do any one or more of the following:

- (a) subject to subsection (6), enter, at any reasonable time, any place other than a private dwelling, including any means of conveyance or transport, where an officer has reason to believe that
  - (i) work is or has been done by employees,
  - (ii) an employer carries on business, or
  - (iii) an employment record or any other relevant record or thing is kept;
- (b) examine an employment record or any other relevant record or thing;
- (c) by written notice, require the employer or any other person to produce, at a time, date and place specified in the notice, an employment record or any other relevant record or thing;
- (d) by written notice, require the employer or any other person to create a report from any employment record or any other relevant record or thing, by a date and in the manner set out in the notice;
- (e) subject to subsection (5), remove for review and copying an employment record or any other relevant record or thing;
- (f) use data storage, information processing or retrieval devices or systems that are used by an employer in order to examine a record in readable form;
- (g) conduct an audit of compliance, or other examination, of employment records or any other relevant records or things or of any employer practices;
- (h) subject to clause (i), question any person on matters the officer believes may be relevant;

*or was employed, to inspect employment records and make copies of them;*

- (b) require an employer, employee or any other person to provide oral or written statements about any matter relating to employment or employment records at a specified time, date and place;*
  - (c) make an inspection, investigation and inquiry that is necessary to ascertain whether this Act or any order, award, demand, declaration, permit, approval or notice under this Act has been or is being complied with;*
  - (d) question an employee, during the employee's regular hours of work or otherwise, without the employer's being present, to ascertain whether this Act or an order, award, demand, declaration, permit, approval or notice under this Act has been or is being complied with;*
  - (e) require a person supplying information or giving an oral or written statement to give any of them in the form of a written statement under oath;*
  - (f) by written notice, demand the production of employment records for inspection at a time, date and place specified in the notice;*
  - (g) on giving a receipt for it, remove an employment record, for not more than 48 hours, to make copies of it;*
  - (h) by written notice, require an employer to record the times at which the employees start and stop work each day they work;*
  - (i) by written notice, require an employer to post notices, information bulletins or extracts from this Act at locations at the employer's place of business specified in the notice.*
- (2) An officer must not enter a private dwelling without the consent of the occupier of the dwelling.*

- (i) question an employee, during the employee's regular hours of work or otherwise, without the employer's being present;
  - (j) require an employer, employee or other person to provide oral or written statements, whether under oath or otherwise, at a specified time, date and place.
- (3)** An officer may, by a notice issued to an employer, require the employer to post and to keep posted in a conspicuous place or places where it is likely to come to the attention of the employer's employees, at locations at the employer's place of business specified in the notice,
- (a) any notices, information bulletins or extracts from this Act or the regulations relating to the administration or enforcement of this Act or the regulations, or
  - (b) a copy of a report or part of a report made by the officer concerning the results of an investigation or inspection.
- (4)** If a notice, information bulletin or extract referred to in subsection (3)(a) or a copy of a report or part of a report referred to in subsection (3)(b) posted at the employer's place of business is unlikely to come to the attention of employees at the employer's place of business, the officer may by notice to the employer require the employer to provide a copy to those employees.
- (5)** An officer who removes a record or thing under subsection (2)(e) must provide a receipt and return the record or thing to the person who provided it within a reasonable time.
- (6)** An officer may enter a private dwelling under subsection (2)(a) only with the consent of the occupant of the private dwelling or pursuant to an order under subsection (7).
- (7)** If the consent required under subsection (6) is refused or cannot reasonably be obtained, the officer may apply to a justice as defined in the *Provincial Offences Procedures Act* for an order directing the occupant to permit the officer to enter the private dwelling to exercise the officer's powers and perform the officer's duties and functions, and the justice may make the order accordingly.



**50 Section 78 is repealed and the following is substituted:**

**Assistance to officers**

**78(1)** Every employer and person acting on the employer's behalf and every employee must give whatever assistance is necessary to an officer to enable the officer to make an entry, inspection, investigation or inquiry.

**(2)** An employer, employee or other person, as the case may be, must comply with the requirements referred to in section 77(2)(c), (d) and (j).

**(3)** No employer, employee or other person shall

- (a) interfere with or in any manner hinder an officer, or attempt to interfere with or hinder an officer, in the exercise of a power or performance of a duty or function under this Act;
- (b) make a false statement or give false or misleading information to an officer in response to the exercise of a power or the performance of a duty or function under this Act.

**(4)** If a person interferes with or in any manner hinders an officer in the exercise of a power or performance of a duty or function under this Act, the Director may apply to the Court for an order restraining that person from interfering with or in any manner hindering the officer in the exercise of that power or the performance of that duty or function.

**Officer directed audit**

**78.1(1)** During the course of, or as a result of, an inspection, investigation or inquiry, an officer may, by written notice, require an employer to conduct an audit of compliance, or other examination,

- (a) of the employment records or any other records or thing, or
- (b) of any employer practices

to determine whether this Act, the regulations or an authorizing or enforcement instrument has been or is being complied with.



**50** Section 78 presently reads:

*78 Every employer and person acting on the employer's behalf and every employee must give whatever assistance is necessary to an officer to enable the officer to make an entry, inspection, investigation or inquiry.*

(2) If an employer is required to conduct an audit or examination under subsection (1), the employer must, in accordance with the notice and subject to the regulations, conduct the audit or examination and report the results to the officer in the form and manner acceptable to the officer.

(3) The notice must specify

- (a) the period to be covered by the audit or examination,
- (b) what is to be covered by the audit or examination and the manner in which the audit or examination is to be conducted,
- (c) the date by which the employer must provide a report of the results of the audit or examination to the officer, and
- (d) any other matter provided for in the regulations.

**51 Section 79 is repealed and the following is substituted:**

**Directions**

**79(1)** An officer as a result of an inspection, investigation or inquiry under section 77 or an audit of compliance or other examination under section 78.1 may, in writing, direct an employer or employee to comply with this Act, the regulations or an authorizing or enforcement instrument.

(2) A direction may be made with or without conditions and may be revoked or amended at any time.

(3) A person to whom a direction is given must comply with the direction.

**52 Section 82 is amended**

(a) in subsection (1)

- (i) by striking out “written”;
- (ii) by repealing clause (a) and substituting the following:

**51** Section 79 presently reads:

*79(1) An officer as a result of an inspection, investigation or inquiry under section 77 may direct an employer or employee to comply with this Act or any order, award, demand, declaration, permit, approval or notice under this Act.*

*(2) The direction may be made with or without conditions and may be revoked, amended or varied at any time.*

**52** Section 82 presently reads:

*82(1) An employee may make a written complaint to an officer that*

- (a) the employee is entitled to earnings;*
- (b) the employment of the employee was suspended or terminated or the employee was laid off*

- (a) an employer failed to pay earnings to an employee or to provide anything to which an employee is entitled under this Act;

**(iii) in clause (b)**

**(A) by repealing subclause (i);**

**(B) by repealing subclauses (i.2) and (i.3) and substituting the following:**

- (i.2) contrary to section 52, 53.4, 53.91, 53.951, 53.961, 53.971 or 53.985;

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

**(3)** A complaint must be made in the form and manner determined by the Director and must contain the required information, including the complainant's contact information.

**(3.1)** The employee must notify the Director of any changes to the information provided under subsection (3) as soon as reasonable and practicable under the circumstances.

**(c) by adding the following after subsection (4):**

**(5)** No employee shall make a complaint to an officer knowing it to be untrue.

**53 Section 85 is amended**

**(a) in subsection (1)**

- (i) in clause (a) by striking out "written";**

- (i) *contrary to section 52(1) after the employee started maternity leave or because the employee was entitled to or had started parental leave,*
  - (i.1) *contrary to section 52.91 of the Public Health Act,*
  - (i.2) *contrary to section 53.4 after the employee started reservist leave;*
  - (i.3) *contrary to section 53.91 after the employee started compassionate care leave;*
  - (ii) *for the sole reason that garnishment proceedings are being or might be taken against the employee,*
  - (iii) *because the employee gave evidence or may give evidence at any inquiry or in any proceeding or prosecution under this Act,*
  - (iv) *because the employee requested or demanded anything to which the employee is entitled under this Act, or*
  - (v) *because the employee made or is about to make any statement or disclosure that may be required of the employee under this Act.*
- (2) *A complaint may be made at any time while the employee is employed by the employer and, if the employee's employment is terminated, at any time up to 6 months after the date on which the employment is terminated.*
- (3) *When the Director considers that there are extenuating circumstances, the Director may extend the 6-month period, before or after it expires.*
- (4) *An employee may not be charged a fee for making a complaint or for the investigation of a complaint.*

**53** Section 85 presently reads:

*85(1) If an officer*

- (a) *determines that the employee making a written complaint is not entitled to earnings,*

- (ii) **by striking out** “the officer must serve the employee with notice of that decision” **and substituting** “the officer must, unless the complaint has been withdrawn by the complainant or deemed to have been withdrawn under subsection (1.1), serve the employee with notice of that decision”;

**(b) by adding the following after subsection (1):**

**(1.1)** The Director may deem a complaint to have been withdrawn if an employee refuses or fails to participate in an investigation and reasonable efforts have been made to contact the employee.

**54 Section 86 is repealed and the following is substituted:**

**Complaints referred to Director**

**86** If an officer, after investigating a complaint of an employee, has reason to believe that

- (a) the employment of the employee was suspended or terminated, or
- (b) the employee was laid off

in the circumstances or for any of the reasons described in section 82(1)(b), the officer must, unless the matter has been settled, refer the complaint to the Director.

**55 Section 87 is repealed and the following is substituted:**

**Order of an officer**

**87(1)** If an officer determines that earnings are due to an employee, whether or not a complaint has been made, the officer must, unless the matter has been settled, make an order requiring the employer to pay to the employee, or to pay to the Director on behalf of the employee, earnings to which the employee is entitled and specify the date by which the order must be complied with.

**(2)** If an officer is unable to determine the amount of earnings to which an employee is entitled for the purpose of making an

*(b) determines that the employment of the employee was not suspended or terminated or that the employee was not laid off in the circumstances or for the reasons described in section 82(1)(b), or*

*(c) refuses to accept or investigate a complaint,*

*the officer must serve the employee with notice of that decision.*

*(2) The employee may appeal the decision of the officer to the Director under section 88.*

**54** Section 86 presently reads:

*86 If an officer, after investigating a complaint of an employee, has reason to believe that*

*(a) the employment of the employee was suspended or terminated, or*

*(b) the employee was laid off*

*in the circumstances or for the reasons described in section 82(1)(b) and the officer is unable to mediate, settle or compromise the difference between the employer and employee, the officer must refer the complaint to the Director.*

**55** Section 87 presently reads:

*87(1) If an officer determines that earnings are due to an employee and is unable to mediate, settle or compromise the difference between the employer and employee, the officer must make an order requiring the employer to pay to the employee, or to pay to the Director on behalf of the employee, earnings to which the employee is entitled.*

*(2) If an officer is unable to determine the amount of earnings that are due to an employee because the employer has not made or kept complete and accurate employment records, or has failed to make*

order because the employer has not made or kept complete and accurate employment records, or has failed to make those records available to the officer for inspection, the officer may determine the amount in any manner that the officer considers appropriate.

(3) The employer or employee may appeal the order of the officer to an appeal body.

**56 Section 89(2) is repealed and the following is substituted:**

(2) If the Director determines that

- (a) the employment of an employee was suspended or terminated, or
- (b) the employee was laid off

in the circumstances or for any of the reasons described in section 82(1)(b), the Director must, unless the matter has been settled, make an order for reinstatement or compensation or both and specify the date by which the order must be complied with.

**57 Section 90 is repealed and the following is substituted:**

**Limitation periods for orders**

**90(1)** An order under this Division may direct the payment of wages, overtime pay, vacation pay and general holiday pay, as applicable, earned during the assessment periods.

(2) An order under this section may be made with respect to an employee who has not made a complaint only if, at the time that the officer informed the employer of the inspection, investigation or inquiry that resulted in the order, the employee was eligible to make a complaint under section 82(2).

(3) In this section,

- (a) “claim date” means the earlier of
  - (i) the date the complaint was made, and



*those records available to the officer for inspection, the officer may determine the amount in any manner that the officer considers appropriate.*

*(3) The employer or employee may appeal the order of the officer to an umpire.*

**56** Section 89(2) presently reads:

*(2) If the Director determines that*

*(a) the employment of an employee was suspended or terminated,  
or*

*(b) the employee was laid off*

*in the circumstances or for the reasons described in section 82(1)(b) and the Director is unable to mediate, settle or compromise a difference between the employer and the employee, the Director must make an order for reinstatement or compensation or both.*

**57** Section 90 presently reads:

*90(1) No order under this Division may be made with respect to earnings*

*(a) after one year from the date on which the earnings should have been paid, if the employee is still employed by the employer, and*

*(b) after one year from the date the employment terminates, if the employee is no longer employed by the employer.*

*(2) No order of the Director for reinstatement or compensation may be made after one year from the date that the employment of the employee was suspended or terminated or that the employee was laid off.*

- (ii) the date the officer informed the employer of the inspection, investigation or inquiry that resulted in the order;
- (b) “assessment period” means
  - (i) in the case of determining the payment of wages or overtime pay, or both, the period
    - (A) commencing 6 months before the earlier of
      - (I) the claim date, and
      - (II) the date the employee’s employment is terminated, if applicable,
    - and
    - (B) ending on a date before the date of the order, as determined appropriate by the officer;
  - (ii) in the case of determining the payment of vacation pay or general holiday pay, or both, the period
    - (A) commencing 2 years before the earlier of
      - (I) the claim date, and
      - (II) the date the employee’s employment is terminated, if applicable,
    - and
    - (B) ending on a date before the date of the order, as determined appropriate by the officer.
- (4)** An order of the Director for compensation under section 89(3)(b) may direct payment for a period not exceeding 6 months from the date that the employment of the employee was suspended or terminated, that the employee was laid off or that the employer failed to reinstate the employee or to provide the employee with alternative work, in accordance with Part 2, Division 7, Division 7.1, Division 7.2, Division 7.3, Division 7.4, Division 7.5 or Division 7.6.

*(3) The Director may extend the limitation period under subsection (1) or (2) by an additional period of up to one year if the Director is satisfied that extenuating circumstances warrant the extension.*

*(4) An order under this Division may direct*

*(a) payment of wages or overtime pay, or both, for a period not exceeding 6 months from whichever first occurs:*

*(i) the order, or*

*(ii) the employee's termination of employment, if the employee's employment is terminated;*

*(b) payment of vacation pay or general holiday pay, or both, for a period not exceeding 2 years from whichever first occurs:*

*(i) the order, or*

*(ii) the employee's termination of employment, if the employee's employment is terminated.*

*(5) An order of the Director for compensation under section 89(3)(b) may direct payment for a period not exceeding 6 months from the date that the employment of the employee was suspended or terminated, that the employee was laid off or that the employer failed to reinstate the employee or to provide the employee with alternative work, in accordance with Part 2, Division 7, Maternity Leave and Parental Leave, Part 2, Division 7.1, Reservist Leave or Division 7.2, Compassionate Care Leave.*

**58 Section 91 is amended**

**(a) in subsection (2) by striking out “Government” and substituting “Crown”;**

**(b) by adding the following after subsection (4):**

**(5)** Subject to the right to appeal under section 95, an employer must comply with an order under this Division within 21 days of the date of service of the order on the employer.

**59 Section 92 is repealed and the following is substituted:**

**Revocations or amendments by officer**

**92(1)** An officer may revoke or amend an officer’s order issued by the officer who made it at any time before the time for an appeal to the appeal body has expired.

**(2)** An officer may revoke or amend a single employer declaration issued by the officer who made it at any time before the time for an appeal to the appeal body has expired.

**Revocations or amendments by Director**

**92.1(1)** The Director may revoke or amend an officer’s order or a Director’s order at any time before the order is filed with the Court, but if the order has been appealed to the appeal body, at any time before the appeal body issues its decision.

**58** Section 91 presently reads:

*91(1) An order under this Division must*

- (a) name the employer to whom the order is directed,*
- (b) name the one or more employees in respect of whom the order is made, and*
- (c) specify the amount payable in respect of each employee named in the order.*

*(2) An order under this Division may also require an employer to pay to the Director any fees payable to the Government under the regulations that are unpaid.*

*(3) A copy of an order under this Division must be served on*

- (a) the employer to whom it is directed, and*
- (b) each employee in respect of whom it is made.*

*(4) An order under this Division may take into account deductions authorized or permitted under this Act but must not take into account a claim, counterclaim or set-off by an employer against an employee.*

**59** Section 92 presently reads:

*92(1) An officer's order or single employer declaration may be revoked, amended or varied by the officer who made it at any time before the time for an appeal to an umpire has expired, but not after that time.*

*(2) The Director may vary or amend a collection notice at any time before the time for an appeal to an umpire has expired, but not after that time.*

*(3) Even though an appeal has been made to an umpire, the Director may, before the umpire issues an award, revoke*

- (a) an order of an officer or the Director under this Division or a certificate under section 112(4)(b) at any time before the order or certificate is filed in the Court, or*

(2) The Director may revoke or amend a director's certificate referred to in section 112 at any time before the certificate is filed with the Court, but if the certificate has been appealed to the appeal body, at any time before the appeal body issues its decision.

(3) The Director may revoke or amend a single employer declaration at any time, but if the declaration has been appealed to the appeal body, at any time before the appeal body issues its decision.

(4) The Director may revoke or amend a collection notice at any time before the time for an appeal to the appeal body has expired.

(5) The Director may revoke or amend a notice of administrative penalty at any time before the appeal body issues its decision.

**60 Section 93 is repealed and the following is substituted:**

**Amendments and appeals from amendments**

**93(1)** If an order under this Division, a single employer declaration or a collection notice is amended, a copy of the amendment must be served on each person on whom the original order, declaration or notice was served.

(2) A person who receives a copy of an amendment may appeal to the appeal body, and the time for making the appeal starts from the date of service of the copy of the amendment.

**61 The heading preceding section 95 is amended by striking out "Umpires" and substituting "the Appeal Body".**

*(b) a single employer declaration or a collection notice at any time.*

*(4) If the Director revokes an order that has been appealed to an umpire, the Director must return to the appellant any money paid to the Director when the appeal was made.*

**60** Section 93 presently reads:

*93(1) If an order under this Division, a single employer declaration or a collection notice is varied or amended, a copy of the variation or amendment must be served on each person on whom the original order, declaration or notice was served.*

*(2) A person who receives a variation or amendment may appeal to an umpire, and the time for making the appeal starts from the date of service of the variation or amendment.*

**61** The heading preceding section 95 presently reads:

*Division 4  
Appeals to Umpires*

**62 Section 95 is repealed and the following is substituted:**

**Appeal to appeal body**

**95(1)** A person who has a right of appeal to the appeal body may appeal by serving on the Registrar written notice of appeal specifying the reasons for the appeal and providing to the Registrar the fee, if any, and any amount referred to in subsection (3).

**(2)** A notice of appeal must be served on the Registrar within 21 days after the date of service on the appellant of a copy of, as the case may be,

- (a) a single employer declaration,
- (b) an order under Division 3,
- (c) a notice of administrative penalty,
- (d) a collection notice, or
- (e) a certificate under section 112(4)(b).

**(3)** The following must be received by the date referred to in subsection (2), in a form and manner acceptable to the Registrar:

- (a) any fee payable under the regulations;
- (b) any amount the employer is required to pay under an order under Division 3;
- (c) any amount the employer is required to pay under section 112(4)(b).

**(4)** When the Registrar considers that there are extenuating circumstances that warrant doing so, the Registrar may

- (a) waive or reduce a fee or other amount required to be paid when the notice of appeal is served,
- (b) extend the time to pay a fee or other amount referred to in clause (a), or



**62** Section 95 presently reads:

*95(1) A person who has a right of appeal to an umpire may appeal by serving on the Registrar written notice of appeal specifying the reasons for it.*

*(2) A notice of appeal must be served on the Registrar within 21 days after the date of service on the appellant of a copy of*

- (a) a permit for the employment of an employee who has a disability,*
- (b) a single employer declaration,*
- (c) an order under Division 3,*
- (d) a collection notice, or*
- (e) a certificate under section 112(4)(b).*

*(3) A notice of appeal that is postmarked by the Canada Post Corporation within the 21 days referred to in subsection (2) and that is received by the Registrar outside the 21-day period is deemed to have been received within the 21 days.*

*(4) A notice of appeal must be accompanied with*

- (a) any fee payable under the regulations, and*
- (b) any amount the employer is required to pay under an order under Division 3, which must be provided in the form of a money order or certified cheque payable to the Director.*

*(5) When the Registrar considers that there are extenuating circumstances that warrant doing so, the Registrar may*

- (a) waive or reduce a fee or other amount required to be paid when the notice of appeal is served, or*
- (b) accept security for the amount payable in another form and amount acceptable to the Registrar.*

- (c) accept security for the amount payable in another form and amount acceptable to the Registrar.

**63 Section 96 is repealed and the following is substituted:**

**Appeal referred to appeal body**

**96(1)** If a notice of appeal meets all the requirements for an appeal, the Registrar must

- (a) refer the appeal to the appeal body, and
- (b) give to the appellant and to each party to the appeal, written notice of the date, time and place at which the appeal will be considered.

**(2)** The Director is a party to every appeal to the appeal body and to every proceeding resulting from an order or resulting from a decision of the appeal body.

**64 Section 100(3) and (4) are repealed and the following is substituted:**

**(3)** For the purpose of hearing appeals under this Act, the members of the appeal body have the same power as is vested in the Court for the trial of civil actions

- (a) to summon and enforce the attendance of witnesses,
- (b) to compel witnesses to give evidence under oath or otherwise,
- (c) to compel witnesses to give evidence in person or otherwise, and
- (d) to compel witnesses to produce any record, object or thing that relates to the matter being heard.

**63** Section 96 presently reads:

*96(1) If a notice of appeal meets all the requirements for an appeal, the Registrar must*

- (a) refer the appeal to an umpire, and*
- (b) give to the appellant and to each employee and employer who is a party to the appeal, and to the Director, written notice of the date, time and place at which the appeal will be considered.*

*(2) The Director is a party to every appeal to an umpire and every proceeding resulting from an order or resulting from an umpire's award.*

**64** Section 100(3) and (4) presently read:

- (3) An umpire may administer oaths, affirmations and declarations.*
- (4) An umpire may require witnesses to testify under oath, affirmation or declaration.*

**65 Section 101 is repealed.**

**66 Section 104 is repealed and the following is substituted:**

**Form of decision**

**104(1)** An appeal body's decision must be in writing.

(2) The decision must indicate the place at which and the date on which it is made and must be signed by the appeal body.

(3) A copy of each decision must be provided to the Registrar, who must provide it to each party to the appeal.

(4) The Registrar must keep, as a public record, a copy of all decisions issued by an appeal body.

**67 Section 105 is repealed and the following is substituted:**

**Settlement**

**105(1)** If the parties settle the matters in dispute themselves after an appeal has been referred to the appeal body, the appeal body may record the settlement in the form of a decision.

**65** Section 101 presently reads:

*101(1) An umpire who is a judge of the Provincial Court may issue or direct an employee of the Crown in right of Alberta to issue a subpoena to any person who in the opinion of the umpire may be able to give evidence that relates to the appeal before the umpire.*

*(2) An umpire who is a judge of the Provincial Court has the same powers*

*(a) to compel the attendance of witnesses, and*

*(b) to punish a witness for*

*(i) disobeying a subpoena to appear,*

*(ii) refusing to be sworn, or*

*(iii) refusing to give evidence*

*as are conferred on a judge of the Provincial Court by the Criminal Code (Canada).*

**66** Section 104 presently reads:

*104(1) An umpire's award must be in writing.*

*(2) The award must indicate the place at which and the date on which it is made and must be signed by the umpire.*

*(3) A copy of each award must be provided to the Registrar, who must provide it to each party to the appeal.*

*(4) The Registrar must keep, as a public record, a copy of all awards issued by umpires.*

**67** Section 105 presently reads:

*105 If the parties settle the matters in dispute themselves after an appeal has been referred to an umpire, an umpire may record the settlement in the form of an award.*

(2) This section does not apply to an administrative penalty.

**68 Section 106(1) is amended by striking out “an award” wherever it occurs and substituting “a decision”.**

**69 Section 107(1) is amended**

- (a) **by striking out “an award” and substituting “a decision”;**
- (b) **by adding the following after clause (d):**
  - (e) providing a date by which the decision of the appeal body must be complied with.

**70 The headings to Part 4 and Division 1 of Part 4 are repealed and the following is substituted:**

**Part 4**  
**Orders and Decisions and**  
**Director’s Demands to**  
**Third Parties**  
  
**Division 1**  
**Enforcement of Orders**  
**and Decisions**

**68** Section 106(1) presently reads:

*106(1) An umpire may*

- (a) correct typographical errors, errors of calculation and similar errors in an award, or*
- (b) amend an award so as to correct an injustice caused by an oversight on the part of the umpire.*

**69** Section 107(1) presently reads:

*107(1) An umpire may make an award*

- (a) confirming, varying, revoking or substituting anything that is the subject of an appeal;*
- (b) doing anything that an officer or the Director could have done under this Act;*
- (c) ordering an employer or any employee of the employer to attend an educational program in employment standards specified by the umpire, and determining who is to pay the costs of the program and the attendance;*
- (d) imposing costs, subject to the regulations.*

**70** The headings to Part 4 and Division 1 presently read:

*Part 4  
Orders and Awards and Director's  
Demands to Third Parties*

*Division 1  
Enforcement of Orders and Awards*

**71 The following is added after the heading to Part 4:**

**Application of Part**

**108.1** This Part does not apply in respect of the failure to pay an administrative penalty under Part 4.1.

**72 Section 110 is repealed and the following is substituted:**

**Filing of order**

**110** If

- (a) an order of an officer or of the Director is not complied with and the time for an appeal has expired, or
- (b) a decision of an appeal body is not complied with by the date specified under section 107(1)(e),

the Director may file the order or decision with the clerk of the Court, and the order or decision is then enforceable as an order or judgment of the Court.

**73 Section 113(1) is amended by striking out “or umpires’ awards” and substituting “an appeal body’s decisions”.**



**71** Application of Part.

**72** Section 110 presently reads:

*110 If*

- (a) an order of an officer or of the Director is not complied with and the time for an appeal has expired, or*
- (b) an umpire's award is not complied with,*

*the Director may file the order or award with the clerk of the Court at the judicial centre closest to the place where the order or award was made, and the order or award is then enforceable as an order or judgment of the Court.*

**73** Section 113 presently reads:

*113(1) If the Lieutenant Governor in Council is satisfied that reciprocal provisions are in effect or will be made by another jurisdiction for the enforcement of orders of officers or of the Director or umpires' awards, the Lieutenant Governor in Council may*

- (a) declare that jurisdiction to be a reciprocating jurisdiction for the purpose of enforcing orders, awards, certificates or judgments for the payment of earnings made under an enactment of that jurisdiction, and*
- (b) designate an authority within that jurisdiction as the authority who may make applications or issue certificates under this section.*

*(2) If an order, award, certificate or judgment for the payment of earnings has been obtained under an enactment of a reciprocating jurisdiction, the designated authority may apply to the Director to enforce the order, award, certificate or judgment.*

**74 Sections 114 and 115 are repealed and the following is substituted:**

**Definitions**

**114** In this Division,

- (a) “account” means a chequing, savings, demand or similar account at a bank, treasury branch, trust corporation, loan corporation, credit union or other deposit-taking financial institution in Alberta, but does not include an account or arrangement under which money is deposited for a fixed term whether or not the term may be abridged, extended or renewed;
- (b) “employer” includes a director or former director in respect of whom a certificate has been filed in the Court under section 112(6);
- (c) “joint debt or account” means a debt or account that is co-owned by an employer and one or more other persons as joint owners or joint and several owners.

**Director’s demand to third party**

**115(1)** If the Director knows or has reason to believe that

- (a) an employer has failed or is likely to fail to pay
  - (i) earnings to an employee, or

*(3) On receipt of a copy of the order, award, certificate or judgment for the payment of earnings*

- (a) certified to be a true copy by the court in which the order, award, certificate or judgment is registered, or*
- (b) if there is no provision in the reciprocating jurisdiction for registration, certified to be a true copy by the designated authority,*

*and on being satisfied that the earnings or an amount payable is still owing, the Director must file the copy of the order, award, certificate or judgment with the clerk of the Court and the order is then enforceable under this Act.*

**74** Sections 114 and 115 presently read:

*114 In this Division, “employer” includes a director or former director in respect of whom a certificate has been filed in the Court under section 112(6).*

*115(1) If the Director knows or has reason to believe that*

- (a) an employer has failed or is likely to fail to pay*
  - (i) earnings to an employee, or*
  - (ii) an amount of compensation that the Director may order payable under section 89(3)(b) to an employee,*

*and*

- (b) a third party is or is about to become indebted to the employer for a sum of money or is about to pay a sum of money to the employer,*

*the Director may, even though the Director has not determined the amount to which an employee is entitled, issue a demand and serve it on the third party.*

*(2) The Director’s demand may direct the third party to remit to the Director the amount specified in the demand.*

- (ii) an amount of compensation that the Director may order to be paid under section 89(3)(b) to or on behalf of an employee,

and

- (b) a third party is or is about to become indebted to the employer for a sum of money or is about to pay a sum of money to the employer,

the Director may, even though the Director has not determined the amount to which an employee is entitled, issue a demand and serve it on the third party.

**(2)** If the Director knows or has reason to believe that

- (a) an employer has failed to pay any fees and costs payable under this Act, and
- (b) a third party is or is about to become indebted to the employer for a sum of money or is about to pay a sum of money to the employer,

the Director may issue a demand and serve it on the third party.

**(3)** Demands referred to in subsection (1) and (2) may be combined into one demand if they both relate to the same employer.

**(4)** A Director's demand may direct the third party to remit to the Director the amount specified in the demand.

**(5)** A Director's demand with respect to a joint debt or account does not attach to the joint debt or account unless an order or decision relating to the amount owing has been filed in the Court.

## **75 The following is added after section 116:**

### **Joint debt or account**

**116.1(1)** On service of a Director's demand under section 116, the third party must, if the indebtedness is a joint debt or account,

**75** Joint debt or account.

- (a) inform the Director of the following:
  - (i) that the indebtedness is a joint debt or account;
  - (ii) the names of and contact information for all persons who are co-owners of the joint debt or account,and
- (b) pay the Director the amount of the indebtedness that is presumed under subsection (8) to be owned by the employer, or the amount specified in the demand, whichever is less.

**(2)** On receipt of the information referred to in subsection (1)(a), the Director must give written notice of the demand to all persons identified under subsection (1)(a)(ii).

**(3)** If disclosure of a name or contact information of a person identified under subsection (1)(a)(ii) would be unlawful or a breach of a legal duty owed by the third party to that person, the third party must promptly

- (a) give written notice of the demand to that person, and
- (b) certify to the Director that the third party has done so.

**(4)** The Director, the employer or any other person identified under subsection (1)(a)(ii) may, within 21 days after receipt of the written notice under subsection (2) or (3), as applicable, apply to the Court for an order to determine either or both of the following:

- (a) that the share in the joint debt or account is other than that presumed under subsection (8);
- (b) that the employer or any other person identified under subsection (1)(a)(ii) is not a co-owner of the joint debt or account,

and the Court may determine any other matter and do any other thing that the Court considers necessary or appropriate.



**(5)** Notice of an application under subsection (4) must be served,

- (a) if the applicant is the employer or any other person identified under subsection (1)(a)(ii), on the third party, the Director and all other persons identified under subsection (1)(a)(ii), or
- (b) if the applicant is the Director, on the third party and all persons identified under subsection (1)(a)(ii).

**(6)** The onus is on the person who brings the application under subsection (4) to establish

- (a) that the share in the joint debt or account is other than that presumed under subsection (8), or
- (b) that the employer or other person identified under subsection (1)(a)(ii) is not a co-owner of the joint debt or account.

**(7)** A Director's demand that attaches a joint account only attaches the portion of the joint account that is in the joint account at the time the demand is received.

**(8)** For the purposes of this section, it is presumed that an equal portion of the joint debt or account is owned by each person identified under subsection (1)(a)(ii).

**76 Section 118 is repealed and the following is substituted:**

**Debt created**

**118(1)** A Director's demand constitutes a debt owed by the third party

- (a) in respect of a demand referred to in section 115(1), to the Director on behalf of the employees, and
- (b) in respect of a demand referred to in section 115(2), to the Crown.



**76** Section 118 presently reads:

*118(1) A Director's demand constitutes a debt owed by the third party to the Director on behalf of the employees in respect of whom the Director's demand is issued for the amount specified in the demand, and the debt arises*

- (a) at the time the demand is received, if the third party is then indebted to the employer, or*
- (b) when the indebtedness of the third party arises if the third party is not indebted to the employer when the demand is received and the demand is not revoked.*

**(2)** A debt referred to in subsection (1) arises

- (a) at the time the demand is received, if the third party is indebted to the employer at that time, or
- (b) when the third party becomes indebted to the employer, if the third party is not indebted to the employer when the demand is received and the demand has not been revoked.

**(3)** The Director may recover the amount specified in a Director's demand by civil action, and the third party may raise any defence to the action that could have been raised against the employer if the employer had sued the third party for recovery of the indebtedness.

**(4)** A debt arising under this section is discharged if

- (a) the third party pays to the Director the amount required to be paid in the Director's demand,
- (b) the employer pays to the employee or the Crown the amount owing under section 115(1) or (2), as the case may be, or
- (c) the Director's demand is revoked.

**77 Section 119 is amended by striking out "does" and substituting "shall".**

*(2) The Director may recover the amount specified in a Director's demand by civil action, and the third party may raise any defence to the action that could have been raised against the employer if the employer had sued the third party for recovery of the indebtedness.*

*(3) The debt arising under this section is discharged if*

- (a) the third party pays to the Director the sum required to be paid in the Director's demand,*
- (b) the Director's demand is revoked, or*
- (c) the employer pays the employees the amount payable in respect of which the Director's demand was issued.*

**77** Section 119 presently reads:

*119 A third party in receipt of a Director's demand does not discharge the third party's indebtedness to an employer*

- (a) unless the Director's demand is revoked or the third party receives the approval of the Director in writing to discharge all or part of the debt, or*
- (b) until the third party complies with the Director's demand.*

**78 The following is added after section 120:**

**Payment priorities**

**120.1** Money received in accordance with a Director's demand referred to in section 115(1), (2) or (3) or paid under section 121 or 123 must be paid, subject to the regulations, in the following order of priority:

- (a) first to the employees concerned;
- (b) second to the Crown;
- (c) the remaining balance, if any, to the employer.

**79 Sections 121 to 123 are repealed and the following is substituted:**

**Payment of money received**

**121(1)** When money is received in accordance with a Director's demand and an order or appeal body's decision has been filed in the Court, the Director may pay the money in accordance with the order or decision.

**(2)** In the case of a joint debt or account,

- (a) if no application is made in accordance with section 116.1(4), the Director may pay the money in accordance with the order or decision, or
- (b) if an application is made in accordance with section 116.1(4), the Director must hold the money pending disposition of the matter by the Court and pay the money in accordance with the order of the Court.

**Director's collection notice**

**122(1)** When money is received in accordance with a Director's demand and no order or appeal body's decision has been made, or if an order or decision has been made but has not been filed in the Court, the Director must as soon as possible serve the employer and employees concerned with a written collection notice stating

- (a) the date of receipt of the money,

**78** Payment priorities.

**79** Sections 121 to 123 presently read:

*121 When money is received in accordance with a Director's demand and an order or award has been filed in the Court, the Director may pay the money in accordance with the order or award.*

*122(1) When money is received in accordance with a Director's demand and no order or award has been made or, if made, has not been filed in the Court, the Director must as soon as possible serve the employer and employees concerned with a written collection notice stating*

- (a) the date of receipt of the money,*
- (b) the amount received,*
- (c) the amount of earnings claimed by the employees or amount of compensation claimed by the employees that the Director may order payable or, if an order or award has been made, the amount of earnings or compensation that the employer is required to pay under the order or award, and*
- (d) that, unless an appeal is made, the Director will, on expiration of the period for appeal, pay*
  - (i) the amount received under the Director's demand, or*
  - (ii) the amount claimed as unpaid earnings or an amount payable under an order of the Director for compensation,*

- (b) the amount received,
- (c) the amount, as the case may be, of either or both of the following:
  - (i) the earnings claimed by the employees or amount of compensation claimed by the employees that the Director may order payable or, if an order or appeal body's decision has been made, the amount of earnings or compensation that the employer is required to pay under the order or decision;
  - (ii) the fees and costs payable to the Crown,
- and
- (d) that, unless an appeal is made, the Director will, on expiration of the period for appeal, pay the lesser of
  - (i) the amount received under the Director's demand,
  - and
  - (ii) the amount referred to in clause (c)

to the employees concerned and the Crown, as applicable, and any balance remaining to the employer.

**(2)** An employer or employee affected by the collection notice may appeal to the appeal body.

#### **Disposition of money received**

**123(1)** If a collection notice is not appealed to the appeal body, the Director may pay the money in accordance with the collection notice.

**(2)** If there is an appeal to the appeal body, the Director must hold the money pending disposition of the appeal by the appeal body and pay the money in accordance with the decision of the appeal body.

*whichever is less, to the employees concerned, and any balance remaining to the employer.*

*(2) An employer or employee affected by the collection notice may appeal to an umpire.*

*123(1) If a collection notice is not appealed to an umpire, the Director may pay the money in accordance with the collection notice.*

*(2) If there is an appeal to an umpire, the Director must hold the money pending disposition of the appeal by the umpire.*

**80 The following is added after Part 4:**

## **Part 4.1 Administrative Penalties**

### **Administrative penalties**

**123.1(1)** If the Director is of the opinion that an employer

- (a) has contravened or failed to comply with this Act or the regulations, or
- (b) has failed to comply with an authorizing or enforcement instrument,

the Director may, subject to the regulations, serve on the employer a notice of administrative penalty requiring the employer to pay to the Crown an administrative penalty in the amount set out in the notice for each contravention or failure to comply.

**(2)** A notice of administrative penalty may require the person to whom it is directed to pay either or both of the following:

- (a) a daily amount for each day or part of a day on which the contravention or failure to comply occurs or continues;
- (b) a one-time amount to address economic benefit where the Director is of the opinion that the person has derived an economic benefit directly or indirectly as a result of the contravention or failure to comply.

**(3)** An administrative penalty referred to in subsection (2)(a) may not exceed \$10 000 for each contravention or failure to comply or for each day or part of a day on which the contravention or failure to comply occurs or continues, as the case may be.

**(4)** An employer who pays an administrative penalty in respect of a contravention or a failure to comply shall not be charged under this Act with an offence in respect of the same contravention or failure to comply that is described in the notice of administrative penalty.



**80** Part 4.1, Administrative Penalties.

(5) A notice of administrative penalty may be served within 2 years after the alleged contravention or non-compliance occurs, but not afterwards.

(6) Subject to the right to appeal, where an employer fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations, the Director may file a copy of the notice of administrative penalty with the clerk of the Court, and the notice of administrative penalty is then enforceable as an order or judgment of the Court.

(7) An employer who is served with a notice of administrative penalty may appeal the administrative penalty to the appeal body.

(8) When an appeal from an administrative penalty is commenced, the commencement of that appeal operates to stay the administrative penalty until the appeal body renders its decision on the appeal or the appeal is withdrawn.

**81 Section 125 is repealed and the following is substituted:**

**Adverse effect on employment prohibited**

**125** No employer and no other person may terminate or restrict the employment of or in any manner adversely affect an individual's employment or working conditions because the individual

- (a) has made or is about to make a complaint under this Act,
- (b) has given evidence or may give evidence in any proceeding or prosecution under this Act,
- (c) requests or demands anything to which the person is entitled under this Act, or
- (d) has provided or is about to provide any information to an officer.

**81** Section 125 presently reads:

*125 No employer or any other person may terminate or restrict the employment of or in any manner discriminate against an individual because the individual*

- (a) has made a complaint under this Act,*
- (b) has given evidence or may give evidence at any inquiry or in any proceeding or prosecution under this Act,*
- (c) requests or demands anything to which the person is entitled under this Act, or*
- (d) has made or is about to make any statement or disclosure that may be required under this Act.*

**82 Section 126 is repealed.**

**83 Section 128 is repealed and the following is substituted:**

**Employer prohibitions**

**128** No employer may

- (a) fail to pay earnings to an employee or to provide anything to which an employee is entitled under this Act;
- (b) require an employee to work hours in excess of the hours of work permitted under this Act.

**84 Section 129 is repealed and the following is substituted:**

**Offences**

**129** Any person who contravenes or fails to comply with this Act or the regulations or fails to comply with an authorizing or enforcement instrument is guilty of an offence.

**85 Section 130 is repealed.**

**82** Section 126 presently reads:

*126 No employer, employee or other person may*

- (a) contravene or fail to comply with a notice of an officer or an order, award, permit or certificate under this Act;*
- (b) delay or obstruct an officer in the exercise of a power or performance of a function or duty under this Act;*
- (c) falsify an employment record or give any false or misleading information in respect of employment records;*
- (d) make a complaint to an officer knowing it to be untrue.*

**83** Section 128 presently reads:

*128 No employer may*

- (a) fail to pay earnings to an employee or to provide anything to which an employee is entitled under this Act;*
- (b) require an employee to work hours in excess of the hours of work permitted under this Act;*
- (c) fail to reinstate an employee or provide an employee with alternative work in accordance with section 53, 53.1, 53.5, 53.6, 53.92 or 53.93;*
- (d) fail to keep employment records as required by this Act.*

**84** Section 129 presently reads:

*129 A person who contravenes section 52, 53.4, 53.91, 65, 124, 125, 126, 127 or 128 or a regulation made under section 138(1)(e) is guilty of an offence.*

**85** Section 130 presently reads:

*130(1) If an employee works for less than the minimum wage prescribed by the regulations, both the employer and the employee are guilty of an offence.*

**86 Section 131 is amended by striking out** “offence is guilty of the offence, whether or not the corporation has been prosecuted or convicted” **and substituting** “commission of the offence is guilty of the offence, whether or not the corporation has been prosecuted for or convicted of the offence”.

**87 Section 132 is amended**

(a) **in subsection (1) by striking out** “An employer, employee, director, officer or other” **and substituting** “A”;

(b) **by repealing subsection (2) and substituting the following:**

(2) In addition to any other penalty imposed under subsection (1), the judge who convicts the person may make an order requiring payment, within the time fixed by the judge, to the Director on behalf of each employee affected, of an amount not exceeding the sum that an officer, the Director or an appeal body could have ordered or decided.

**88 Section 133 is repealed and the following is substituted:**

**Prosecutions**

**133** A prosecution for an offence under this Act may be commenced within 2 years after the date on which the alleged offence occurred, but not afterwards.

*(2) If an employee works for less than the overtime rate to which the employee is entitled, both the employer and the employee are guilty of an offence.*

*(3) If an employee directly or indirectly returns to the employer all or part of the employee's wages, so effecting a reduction of the earnings actually received and retained by the employee to an amount less than the minimum wage prescribed by the regulations or less than the overtime rate to which the employee is entitled, both the employee and the employer are guilty of an offence.*

**86** Section 131 presently reads:

*131 When a corporation commits an offence under this Act, every director or officer of the corporation who directed, authorized, assented to, permitted, participated in or acquiesced in the offence is guilty of the offence, whether or not the corporation has been prosecuted or convicted.*

**87** Section 132 presently reads:

*132(1) An employer, employee, director, officer or other person who is guilty of an offence under this Act is liable,*

*(a) in the case of a corporation, to a fine of not more than \$100 000, and*

*(b) in the case of an individual, to a fine of not more than \$50 000.*

*(2) In addition to any other penalty imposed under subsection (1), the judge who convicts the person may make an order requiring payment, within the time fixed by the judge, to the Director on behalf of each employee affected, of an amount not exceeding the sum that an officer, the Director or an umpire could have ordered or awarded.*

**88** Section 133 presently reads:

*133 A prosecution for an offence under this Act may be commenced within one year from the date on which the alleged offence occurred.*

**89 Section 134 is repealed and the following is substituted:**

**Non-compellable witness**

**134(1)** In this section, “adjudicator” means the Court or any other court and includes the Labour Relations Board in matters relating to labour relations or any other board or person having by law or by the consent of the parties authority to hear, receive and examine evidence, but does not include a commissioner making an inquiry under the *Public Inquiries Act* or an appeal body under this Act.

**(2)** The following are not compellable witnesses in a proceeding, other than a prosecution, before an adjudicator respecting any information, material or report obtained by the Minister or any other person under this Act:

- (a) the Minister;
- (b) a person employed or engaged in the administration of this Act;
- (c) any person designated by the Minister or the Director or selected by the parties to endeavour to effect settlement of any matter to which this Act applies.

**90 Section 135 is repealed and the following is substituted:**

**Service of documents**

**135** If anything is required or permitted to be served under this Act it may, in addition to any other method provided by law, be served in accordance with the regulations.



**89** Section 134 presently reads:

*134(1) In this section, “adjudicator” means the Court of Queen’s Bench or any other court and includes the Labour Relations Board or any other board or person having by law or by the consent of the parties authority to hear, receive and examine evidence, but does not include a commissioner making an inquiry under the Public Inquiries Act.*

*(2) The Minister, a person employed or engaged in the administration of this Act or any person designated by the Minister or the Director or selected by the parties to endeavour to effect settlement of any matter to which this Act applies is not a compellable witness in proceedings before an adjudicator respecting any information, material or report obtained by the Minister or person under this Act.*

**90** Section 135 presently reads:

*135(1) If anything is required or permitted to be served under this Act it may, in addition to any other method provided by law, be served*

- (a) in the case of service on an individual,*
  - (i) personally or by being left for the individual at the individual’s last or most usual place of abode with a person who appears to be at least 18 years old, or*
  - (ii) by being sent to the individual by double registered mail or certified mail to the individual’s residence, place of business or last known postal address;*
- (b) in the case of service on a corporation,*



- (i) *personally on a director, officer or the manager or person in charge of a place where the corporation carries on business,*
- (ii) *by being left with a person who appears to be at least 18 years old at, or by sending it by double registered or certified mail to,*
  - (A) *the registered head office of the corporation, or*
  - (B) *the office of the attorney of an extra-provincial corporation,*
- or*
- (iii) *by being sent by double registered or certified mail to a director of the corporation at the director's residence or last known postal address;*
- (c) *in the case of service on a partnership,*
  - (i) *personally or by double registered or certified mail on any one or more of the partners, or a person having, at the time of service, control or management of the partnership business at the principal place of business of the partnership, or*
  - (ii) *by being sent by double registered or certified mail to any one or more of the partners at their residence or last known postal address.*
- (2) *When it is necessary to prove service of anything in the course of any proceeding or prosecution under this Act,*
  - (a) *if service is effected personally, the date on which it is served is the date of service;*
  - (b) *if service is effected by double registered or certified mail, service of it is deemed to occur on*
    - (i) *the date of actual receipt, or*
    - (ii) *7 days after the date of mailing where proof of service is received without evidence of the date received;*
  - (c) *if service is effected by leaving it with a person, service of it is deemed to occur on the date it was so left.*

**91 The following is added after section 136:**

**Publication**

**136.1** Subject to the regulations, the Director must publish

- (a) any permits issued under this Act and the regulations,
- (b) any exemptions or variances issued under section 74 or 74.1, and
- (c) particulars of enforcement action taken under this Act or the regulations.

**92 Section 137 is repealed and the following is substituted:**

**Group termination**

**137(1)** If an employer intends to terminate the employment of 50 or more employees at a single location and the terminations will occur within a 4-week period, the employer must give the Minister at least the following amount of written notice before the date on which the first termination is to take effect:

- (a) 8 weeks, if there are 50 or more but fewer than 100 affected employees;
- (b) 12 weeks, if there are 100 or more but fewer than 300 affected employees;
- (c) 16 weeks, if there are 300 or more affected employees.

**(2)** A notice under subsection (1) must include the following:

- (a) the number of employees whose employment will be terminated,
- (b) the effective dates of the terminations, and
- (c) any other information required by the regulations.

**(3)** An employer giving notice under subsection (1) must immediately

- (a) give a copy of the notice to the bargaining agent for the affected employees, and

**91** Publication.

**92** Section 137 presently reads:

*137 If an employer intends to terminate the employment of 50 or more employees at a single location within a 4-week period, the employer must give the Minister 4 weeks' written notice of intention to do so, specifying the number of employees whose employment will be terminated and the effective date of the terminations, unless the employees are employed on a seasonal basis or for a definite term or task.*

- (b) if any of the affected employees do not have a bargaining agent, give a copy of the notice to the affected employees in accordance with the regulations.

(4) A copy of a notice given by an employer under subsection (3) constitutes termination notice to an employee under section 55 only if the copy of the notice is given to the employee and the employee is identified as an affected employee.

**93 Section 138 is amended**

**(a) in subsection (1)**

**(i) by repealing clauses (a) and (b) and substituting the following:**

- (a) respecting the exemption of any employment, employer or category of employers from any or all of the provisions of Part 2, conditionally or unconditionally;
- (a.1) respecting the exemption of any employee or category of employees from any or all of the provisions of Part 2, conditionally or unconditionally;
- (a.2) respecting the varying or substituting of any provision of Part 2 in respect of any employment, any employer or any employee or any category of employers or employees;
- (a.3) prescribing the period during which a regulation made pursuant to clause (a), (a.1) or (a.2) applies;
- (a.4) respecting terms and conditions that may be imposed with respect to an employment, employer or employee or category of employers or employees exempted pursuant to clause (a) or (a.1);
- (a.5) respecting terms and conditions that may be imposed with respect to the varying or substituting of any provision of Part 2 pursuant to clause (a.2) in respect of any employment, any employer or any employee or any category of employers or employees;

**93** Section 138 presently reads:

*138(1) The Lieutenant Governor in Council may make regulations*

- (a) exempting an employment, employer or employee from Part 2 or any provision of it;*
- (b) modifying or substituting any provision of Part 2 in respect of an employment, employer or employee;*
- (c) respecting fees for the purposes of this Act, including who may establish the fees, who is liable to pay the fees and the manner in which the fees may be recovered;*
- (d) requiring an employer in an employment described in the regulations to provide an amount of money instead of providing an annual vacation and vacation pay or an amount of money instead of giving a general holiday with general holiday pay, the conditions of entitlement, what constitutes vacation pay and general holiday pay, the method of computing them, and when they must be paid, and designating days as general holidays;*
- (e) prohibiting or regulating the employment of individuals under 18 years of age on the basis of their age, nature of employment or other circumstances and authorizing the Director to approve exceptions and to impose conditions on the employment;*
- (f) fixing one or more minimum wages to be paid by employers to employees and authorizing the Director to approve exceptions, prohibiting or permitting deductions from the minimum wage and fixing the maximum amount to be charged for board or lodging, or both, that are provided by employers to employees;*

- (a.6) varying or substituting any provision of Part 2, Divisions 7 to 7.6 to reflect amendments made to the *Employment Insurance Act* (Canada) or the regulations under that Act that relate to an entitlement or any condition of entitlement under any of those Divisions;
- (b) designating a class or classes of persons for the purpose of the definition of “family member” in section 2.1(5), 53.9(1) or 53.98;
  - (b.1) for the purpose of section 12(2), authorizing purposes for which money may be deducted from earnings and for the purpose of section 12(3), specifying other circumstances where deductions from earnings cannot be made;
  - (b.2) respecting further records that must be kept up-to-date by an employer under section 14(1) or (4);
  - (b.3) respecting hours of work averaging agreements including, without limitation, regulations
    - (i) respecting the manner in which overtime is to be calculated;
    - (ii) respecting work schedules;
    - (iii) respecting terms and conditions that must be included in an agreement;
    - (iv) respecting scheduled daily and weekly hours of work;
    - (v) respecting the methods of providing copies of an agreement to, and otherwise informing employees, affected by the agreement;
    - (vi) the circumstances under which the Director may cancel an agreement and the process by which the cancellation is to take place;
  - (b.4) prescribing other purposes for which a domestic violence leave may be taken under section 53.981(4);



- (g) *authorizing an umpire to make an award concerning the imposition of costs specified in regulations, and specifying how those costs are to be recovered;*
  - (h) *authorizing a person who collects money owing to an employee under an order filed in the Court to recover the costs of collection from the person against whom the order was made and respecting the manner in which the costs may be recovered;*
  - (i) *respecting appeals from decisions of the Director on the certification of an individual under section 75 and the circumstances under which a certification under section 75 may be reviewed or revoked;*
  - (j) *respecting the conduct of officers;*
  - (k) *respecting the collection of the fees charged by a person engaged by the Director under section 72, who is liable to pay the fees and the manner in which they may be recovered;*
  - (l) *specifying an operation to be a “primary agricultural operation” for the purpose of section 2.*
- (2) *A regulation may be of particular or general application and applicable at particular times or in particular circumstances, may be subject to conditions and may delegate to or impose on the Director functions, powers or duties.*
- (3) *A regulation under subsection (1)(a) or (b) and any action or decision taken under or in accordance with the regulations under subsection (1)(a) or (b) apply despite anything in the Act to the contrary, except that no regulation overrides section 2.*

- (b.5) specifying what constitutes “health of an employee” and “family responsibilities” for the purpose of section 53.982;

**(ii) by adding the following after clause (d):**

- (d.1) respecting information required to be included in a layoff notice in addition to the information specified in section 62(3)(a) to (c);
- (d.2) respecting variances or exemptions issued by the Director under section 74 or ordered by the Minister under section 74.1, including regulations
  - (i) respecting the process for applying for a variance or exemption,
  - (ii) with respect to a variance or exemption issued by the Director, specifying the provisions of this Act or the regulations in respect of which a variance or exemption may be issued, the extent to which they may be varied or exempted and the criteria required to be met for issuing a variance or exemption,
  - (iii) respecting information to be included in a variance or exemption, and
  - (iv) respecting the method of providing copies of an order or of the amendment or revocation of an order under section 74.1 to affected employers and employees;
- (d.3) respecting the information to be provided in a notice for the purpose of section 137(2)(c) and respecting the method of giving affected employees a copy of the notice;

**(iii) by repealing clause (e) and substituting the following:**

- (e) respecting the employment of individuals under 18 years of age, including defining “artistic endeavours”, the form and content of a permit



required under Division 9, any terms and conditions to be included in a permit and the form and manner of consultation referred to in section 65(2);

**(iv) by repealing clauses (f) and (g) and substituting the following:**

- (f) respecting the establishment of one or more minimum wages to be paid by employers to employees, respecting the wages to be paid for periods of employment of less than 3 consecutive hours and prohibiting or permitting deductions from the minimum wage;
- (f.1) respecting the qualifications for appointment as a member of an appeal body established under section 69(1)(a);
- (g) authorizing the appeal body to make a decision concerning the imposition of costs specified in the regulations, and specifying how those costs are to be recovered;
- (g.1) respecting payment priorities for the purpose of section 120.1;

**(v) by adding the following after clause (i):**

- (i.1) respecting administrative penalties, including regulations
  - (i) respecting notices of administrative penalty, their form and contents and the manner in which they are required to be given;
  - (ii) respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of the system of administrative penalties;

**(vi) by adding the following after clause (k):**

- (k.1) respecting the conducting of an audit of compliance or other examination referred to in section 78.1,



including providing for any other matter to be included in a notice under section 78.1(3);

**(vii) in clause (l) by striking out “section 2” and substituting “section 2.1”;**

**(viii) by adding the following after clause (l):**

- (m) defining any term used but not defined in this Act, including terms required to be defined by the regulations;
- (n) respecting methods of service for the purpose of section 135 and when service by those methods is effected;
- (o) providing with respect to any provision of the regulations that its contravention constitutes an offence and prescribing penalties in respect of any such offence;
- (p) respecting, for the purposes of section 136.1, the publishing of permits, of exemptions and variances issued under section 74 and 74.1 and of the particulars of enforcement actions;
- (q) respecting any other matter the Lieutenant Governor in Council considers necessary to carry out the intent and purposes of this Act.

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

**(3)** A regulation made under subsection (1)(a) to (a.5) and any action or decision taken under or in accordance with the regulations made under subsection (1)(a) to (a.5) apply despite anything in this Act to the contrary, except that no regulation overrides section 2 or 2.1.

**94(1) In the following provisions “umpire” is struck out wherever it occurs and “appeal body” is substituted:**

**94** Change in terminology.

section 70;  
section 80(3);  
section 81;  
section 88(6);  
section 89(4);  
section 98;  
section 99;  
section 100;  
section 102;  
section 103;  
section 106(1);  
section 107(1);  
section 112(5);  
section 136(a).

**(2) In the following provisions “umpire’s” is struck out wherever it occurs and “appeal body’s” is substituted:**

section 102(3) and (4);  
section 107(2) and (3);  
section 108(1);  
section 111(1).

**(3) In the following provisions “award” is struck out wherever it occurs and “decision” is substituted:**

section 106(2);  
section 107(2) and (3);  
section 108(1);  
section 111;  
section 112(4)(a);  
section 136(a) and (c).

### **Transitional Provisions**

#### **Existing collective agreements**

**95(1)** In this section and sections 96 and 97,

- (a) “collective agreement” means a collective agreement that is in effect on the coming into force of this section;
- (b) “former Act” means the *Employment Standards Code* as it read before the coming into force of this section;



## **Transitional Provisions**

**95** Existing collective agreements.

- (c) “amended Act” means the *Employment Standards Code* as amended by this Act;
- (d) “this Act” means the *Fair and Family-friendly Workplaces Act*.

**(2)** Part 2 of the former Act continues to apply with respect to a collective agreement that is in effect on the coming into force of this Act until a new collective agreement is entered into or until January 1, 2019, whichever occurs first.

#### **Umpires**

**96** Persons appointed as umpires under section 69 of the former Act are deemed to be the appeal body for the purposes of the amended Act unless an appeal body is established or designated under section 69 of the *Employment Standards Code* as amended by section 46 of this Act.

#### **Permits and schemes of employment**

**97** Subject to a regulation made under section 98,

- (a) any permit issued under the former Act that is in effect on the coming into force of this section expires on the expiry date set out in the permit or January 1, 2019, whichever occurs first, and
- (b) any scheme of employment approved under section 74 of the former Act that is in effect on the coming into force of this section expires on the expiry date set out in the approval or January 1, 2019, whichever occurs first.

#### **Transitional regulations**

**98** The Lieutenant Governor in Council may make regulations providing for the transitional application of the amendments to the *Employment Standards Code* made by this Act.

### **Consequential Amendment**

#### **Amends SA 2015 c19**

**99(1)** The *Enhanced Protection for Farm and Ranch Workers Act* is amended by this section.

**(2)** Part 1 is repealed.

**96** Umpires.

**97** Permits and schemes of employment.

**98** Transitional regulations.

### **Consequential Amendment**

**99** Amends chapter 19 of the Statutes of Alberta, 2015.

## **Coming into Force**

### **Coming into force of Part 1**

**100(1)** This Part, except section 44, comes into force on January 1, 2018.

**(2)** Section 44 comes into force on Proclamation.

## **Part 2 Labour Relations Code**

### **Amends RSA 2000 cL-1**

**101** The *Labour Relations Code* is amended by this Part.

**102** The preamble is repealed and the following is substituted:

#### **Preamble**

WHEREAS it is recognized that mutually effective relationships between employees and employers are critical to the capacity of Albertans to prosper in the competitive worldwide market economy of which Alberta is a part;

WHEREAS employees and employers are best able to manage their affairs where statutory rights and responsibilities are clearly established and understood;

WHEREAS it is recognized that legislation supportive of freedom of association, and free collective bargaining through trade unions when chosen by employees, are important components of Alberta's social and economic well-being; and

WHEREAS the public interest in Alberta is served by encouraging harmonious, mutually beneficial relations between employers and employees through freely selected bargaining agents, through balanced, fair and constructive collective bargaining, and through fair and equitable resolution of matters arising with respect to terms and conditions of employment;

**103** Section 1 is amended

**(a)** by renumbering it as section 1(1);

## **Coming into Force**

**100** Coming into force.

## **Part 2 Labour Relations Code**

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

**102** The preamble presently reads:

*WHEREAS it is recognized that a mutually effective relationship between employees and employers is critical to the capacity of Albertans to prosper in the competitive world-wide market economy of which Alberta is a part;*

*WHEREAS it is fitting that the worth and dignity of all Albertans be recognized by the Legislature of Alberta through legislation that encourages fair and equitable resolution of matters arising in respect of terms and conditions of employment;*

*WHEREAS the employee-employer relationship is based on a common interest in the success of the employing organization, best recognized through open and honest communication between affected parties;*

*WHEREAS employees and employers are best able to manage their affairs where statutory rights and responsibilities are clearly established and understood; and*

*WHEREAS it is recognized that legislation supportive of free collective bargaining is an appropriate mechanism through which terms and conditions of employment may be established;*

**103** Section 1 presently reads in part:

*1 In this Act,*

**(b) in subsection (1)**

**(i) by adding the following after clause (h):**

- (h.01) “dependent contractor” means a person, whether or not employed under a contract of employment, and whether or not furnishing tools, vehicles, equipment, machinery, material or any other thing owned by the dependent contractor, who performs work or services for another person for compensation or reward on such terms and conditions that the dependent contractor is in a position of economic dependence on, and under an obligation to perform duties for, that person which more closely resembles the relationship of an employee than that of an independent contractor;

**(ii) in clause (k) by striking out “or” at the end of subclause (iii) and adding the following after subclause (iii):**

- (iii.1) an arbitrator or arbitration board referred to in Part 2, Division 14.1, or

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

- (iv) a person employed on a farm or ranch who is a family member of the farm or ranch employer as determined under subsections (2) and (3);

**(c) by adding the following after subsection (1):**

**(2)** For the purposes of subsection (1)(l)(iv), a person is employed on a farm or ranch when the person’s employment is directly related to

- (a) the primary production of eggs, milk, grain, seeds, fruit, vegetables, honey, livestock, diversified livestock animals within the meaning of the *Livestock Industry Diversification Act*, poultry or bees, or
- (b) any other primary agricultural operation specified in the regulations under the *Employment Standards Code*.

- (k) *“disputes resolution tribunal” means*
- (i) *a voluntary arbitration board referred to in Part 2, Division 15,*
  - (ii) *a compulsory arbitration board referred to in Part 2, Division 16,*
  - (iii) *a disputes inquiry board referred to in Part 2, Division 17, or*
  - (iv) *a public emergency tribunal referred to in Part 2, Division 18;*
- (l) *“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,*
  - (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, or*
  - (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;*
- (m) *“employer” means a person who customarily or actually employs an employee;*

**(3)** For the purpose of subsection (1)(1)(iv),

(a) “farm or ranch employer” means

- (i) a corporation engaged in a farming or ranching operation where all shareholders are family members of the same family,
- (ii) a sole proprietor engaged in a farming or ranching operation, and
- (iii) a partnership engaged in a farming or ranching operation where all partners are family members of the same family;

(b) “family member”, in relation to a shareholder, sole proprietor or partner referred to in clause (a), means

- (i) the spouse or adult interdependent partner of the shareholder, sole proprietor or partner, or
- (ii) whether by blood, marriage or adoption or by virtue of an adult interdependent relationship, a child, parent, grandparent, sibling, aunt, uncle, niece, nephew or first cousin of the shareholder, sole proprietor or partner or of the shareholder’s, sole proprietor’s or partner’s spouse or adult interdependent partner,

and includes any other person who is a member of a class of persons designated in the regulations under the *Employment Standards Code*.

**104 Section 4(2)(e) is repealed.**



**104** Section 4(2)(e) presently reads:

*(2) This Act does not apply to*

- (e) employees employed on a farm or ranch whose employment is directly related to*
- (i) the primary production of eggs, milk, grain, seeds, fruit, vegetables, honey, livestock, diversified livestock animals within the meaning of the Livestock Industry Diversification Act, poultry or bees, or*

**105 Section 9 is amended by adding the following after subsection (6):**

**(6.1)** Notwithstanding subsection (6), in the event of the death or incapacity of the person who is presiding over a proceeding in which the evidence and argument have been heard,

- (a) the remaining members may decide the matter, if at least one of the remaining members is the Chair or a vice-chair and there are at least 2 other members on the panel, or
- (b) if clause (a) does not apply, the remaining members, if unanimous in their decision, may decide the matter.

**106 Section 12 is amended**

**(a) in subsection (2) by adding the following after clause (f):**

(f.1) order the pre-hearing production of documents and things relevant to an application before the Board,

**(b) in subsection (3) by adding “or” at the end of clause (t), by striking out “or” at the end of clause (u) and by repealing clause (v).**

*(ii) any other primary agricultural operation specified in the regulations under the Employment Standards Code*

*or to their employer while the employer is acting in the capacity of their employer;*

**105** Section 9 presently reads in part:

*(6) A quorum of the Board or a panel is the Chair or a vice-chair presiding at the meeting and 2 other members.*

**106** Section 12(2)(g) and (3)(v) presently read:

*(2) The Board may for the purposes of this Act*

*(g) make rules*

*(i) of procedure for the conduct of its business, including inquiries and hearings,*

*(ii) for the giving of notice and the service of documents,*

*(iii) for the charging of fees for services or materials provided by or at the direction of the Board in a proceeding before it or in an application under section 19(2), and*

*(iv) for any other matters it considers necessary,*

*(3) The Board may decide for the purposes of this Act whether*

*(v) a majority of employees, or an employer and a majority of employees, have confirmed that they accept being bound by a*

**107 Section 14 is amended by adding the following after subsection (6):**

(7) When the Board receives information in confidence the disclosure of which would, in the opinion of the Board, be likely to harm labour relations, the Board may by order protect against the disclosure of the information to any person, other than the parties to the Board's proceedings, until the Board is of the opinion that the disclosure of the information would no longer harm labour relations.

*collective agreement, and the date of that confirmation, for the purposes of section 52(4.1),*

*and the Board's decision is final and binding.*

**107** Section 14 presently reads:

*14(1) For the purposes of this Act, officers and members of the Board may administer oaths.*

*(2) Subject to subsection (3), the Board may, by order, summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce the documents and things the Board considers requisite to the full investigation and consideration of matters within its jurisdiction in the same manner as a court of record may in civil cases.*

*(3) If any person fails to comply with a Board order made under subsection (2), or conducts himself or herself in a manner that may be in contempt of the Board or its proceedings, the Board may apply to the Court for an order directing compliance with the Board's order, or restraining any conduct found by the Court to be in contempt of the Board or its proceedings.*

*(4) On an application under subsection (3), the Court may grant any order that, in the opinion of the Court, is necessary to enable the Board to carry out its duties.*

*(5) The Board*

*(a) may accept any oral or written evidence that it, in its discretion, considers proper, whether admissible in a court of law or not, and*

*(b) is not bound by the law of evidence applicable to judicial proceedings.*

*(6) The Board is not required to divulge any information as to whether a person*

*(a) is or is not a member of a trade union,*

*(b) has or has not applied for membership in a trade union, or*

**108 Section 16 is amended**

**(a) by adding the following after subsection (7):**

**(7.1)** The Board shall give priority to and expedite the resolution of any complaints before it in which it is alleged that an employee has been discharged from employment as a result of an unfair labour practice.

**(7.2)** The Board may decline to dismiss an application on a preliminary motion alleging a lack of a sufficient prima facie case, or insufficient particulars or evidence, if in the opinion of the Board, it would be inappropriate to dismiss the application prior to the pre-hearing disclosure of relevant documents or other pre-hearing procedures.

**(7.3)** In exercising its discretion under subsection (7.2), the Board shall consider whether information relevant to the application is peculiarly within the knowledge of the respondent or other persons and not generally available.

**(b) by repealing subsection (8) and substituting the following:**

**(8)** When the Board makes a decision with respect to a complaint, reference or application, the Board may by order or directive, for the purpose of ensuring the fulfilment of the purposes of this Act, in respect of any contravention of or failure to comply with any provision to which section 17 applies, in addition to or instead of any other order that the Board is authorized to make under that section, require an employer, employers' organization, employee, trade union or other person to do or refrain from doing anything that it is equitable to require the employer, employers' organization, employee, trade union or other person to do or refrain from doing in order to remedy or counteract any consequence of the contravention or failure to comply that is adverse to the fulfilment of the purposes of this Act.

*(c) has or has not indicated in writing the person's selection of a trade union to be, or the person's opposition to the trade union's being, the bargaining agent on the person's behalf.*

**108** Section 16(8) presently reads:

*(8) Subject to section 17(2), when the Board makes a decision with respect to a complaint, reference or application, it may by order or directive give any remedy that is appropriate to the matter or necessary to ensure compliance with and enforcement of this Act.*

**109 Section 17 is amended**

- (a) in subsection (1) by adding “and of section 16(8)” after “foregoing”;**
- (b) in subsection (1)(d) by striking out “subject to subsection (2) but”;**
- (c) by repealing subsection (2).**

**110 Section 19(2) is amended by adding “, except a decision made under section 145(3),” after “proceeding of the Board”.**



**109** Section 17(1)(d) presently reads:

*17(1) When the Board is satisfied after an inquiry that an employer, employers' organization, employee, trade union or other person has failed to comply with any provision of this Act that is specified in a complaint, the Board may issue a directive to rectify the act in respect of which the complaint was made and, without restricting the generality of the foregoing,*

- (d) may, subject to subsection (2) but notwithstanding any other provision of this Act,*
  - (i) certify or refuse to certify a trade union as the bargaining agent for a unit of employees;*
  - (ii) revoke or refuse to revoke the certification of a bargaining agent;*
  - (iii) revoke or refuse to revoke the bargaining rights of a bargaining agent voluntarily recognized;*
  - (iv) register or refuse to register an employers' organization as an agent for collective bargaining on behalf of employers in a trade jurisdiction and sector in the construction industry;*
  - (v) cancel or refuse to cancel the registration certificate of a registered employers' organization.*

*(2) Subsection (1)(d) and section 16(8) do not authorize the Board to certify a trade union or to revoke the certification of a trade union unless the majority of employees voting at a representation vote conducted by the Board vote in favour of the certification or revocation of certification, as the case may be.*

**110** Section 19(2) presently reads:

*(2) A decision, order, directive, declaration, ruling or proceeding of the Board may be questioned or reviewed by way of an application for judicial review seeking an order in the nature of certiorari or mandamus if the application is filed with the Court and served on the Board no later than 30 days after the date of the decision, order, directive, declaration, ruling or proceeding, or reasons in respect of it, whichever is later.*

**111 Section 27 is amended by adding the following after subsection (4):**

(5) On the request of a trade union representing employees in a unit, a collective agreement must contain a provision requiring the employer to deduct from the wages of each employee in the unit affected by the collective agreement, whether or not the employee is a member of the union,

- (a) the amount of the regular union dues, and to remit the amount to the trade union forthwith, and
- (b) any amounts referred to in section 29(2), if applicable, and to remit the amount to a charitable organization agreed on by the employer and the trade union.

**112 Section 33(a)(ii) is amended by striking out “90 days” and substituting “6 months”.**

**111** Section 27 presently reads:

*27(1) An employee may, in writing, authorize the employee's employer to deduct from wages due to the employee an amount payable by that employee to a trade union for*

- (a) union dues, and*
- (b) initiation fees not exceeding an amount equivalent to one month's union dues.*

*(2) The employer shall, from wages due to the employee, make the deductions authorized by the employee, and the authorization*

- (a) is effective only for the amount or the percentage of the wages specified in it, and*
- (b) continues in force for at least 3 months and afterwards until revoked in writing by the employee.*

*(3) The employer shall by the 15th day of each month remit to the trade union named in the authorization*

- (a) the dues deducted for the preceding month, and*
- (b) a written statement of the name of the employee for whom the deduction was made and of the amount or percentage of the employee's wages of each deduction,*

*until the authorization is revoked in writing by the employee and the revocation is delivered to the employer.*

*(4) On receipt of a revocation of an authorization to deduct union dues, the employer shall immediately give a copy of the revocation to the trade union concerned.*

**112** Section 33(a) presently reads:

*33 An application for certification shall be supported by evidence, in a form satisfactory to the Board, that*

- (a) at least 40% of the employees in the unit applied for, by*
  - (i) maintaining membership in good standing in the trade union, or*

**113(1) Section 34 is repealed and the following is substituted:**

**Inquiry into certification application**

**34(1)** In this section, “working day” means any day other than a Saturday, a Sunday or any other holiday as defined in the *Interpretation Act*.

**(2)** Before granting an application for certification, the Board shall satisfy itself, after any investigation that it considers necessary, that

- (a) the applicant is a trade union,
- (b) the application is timely,
- (c) the unit applied for, or a unit reasonably similar to it, is an appropriate unit for collective bargaining,
- (d) subject to subsection (8), the employees in the unit the Board considers an appropriate unit for collective bargaining have voted, at a representation vote conducted by the Board, to select the trade union as their bargaining agent, and
- (e) the application is not prohibited by section 38.

**(3)** The Board shall provide the employer with notice of the application for certification forthwith after receipt of the application.

**(4)** Forthwith, and no later than 5 working days after the date of the application for certification, the employer shall provide to the Board information it requires for the purpose of determining

- (a) the employees to be included in the bargaining unit applied for or a reasonably similar unit,

- (ii) *applying for membership in the trade union and paying on their own behalf a sum of not less than \$2 not longer than 90 days before the date the application for certification was made,*

*or both, have indicated their support for the trade union, or*

**113** Section 34 presently reads:

*34(1) Before granting an application for certification, the Board shall satisfy itself, after any investigation that it considers necessary, that*

- (a) the applicant is a trade union,*
- (b) the application is timely,*
- (c) the unit applied for, or a unit reasonably similar to it, is an appropriate unit for collective bargaining,*
- (d) the employees in the unit the Board considers an appropriate unit for collective bargaining have voted, at a representation vote conducted by the Board, to select the trade union as their bargaining agent, and*

*(2) Before conducting a representation vote the Board shall satisfy itself, on the basis of the evidence submitted in support of the application and the Board's investigation in respect of that evidence, that at the time of the application for certification the union had the support, in the form set out in section 33(a) or (b), of at least 40% of the employees in the unit applied for.*

*(3) The Board shall conduct any representation vote and shall complete its inquiries into and consideration of an application for certification as soon as possible.*

- (b) the appropriateness of the unit or a reasonably similar unit for collective bargaining, and
- (c) the timeliness of the application.

**(5)** Before conducting a representation vote, the Board shall satisfy itself, on the basis of the evidence submitted in support of the application and the Board's investigation in respect of the application, that at the time of the application for certification the trade union had the support, in the form set out in section 33(a) or (b), of at least 40% of the employees in the unit applied for.

**(6)** Subject to subsection (8), the Board shall give notice of a vote within 10 working days of the date of application for certification, and the vote must commence within 3 working days of the notice.

**(7)** In cases requiring a mail-in vote, the Board shall commence the mail-in voting process no later than 14 working days after the date of the application for certification.

**(8)** A representation vote is not required if, on the basis of the evidence submitted in support of the application and the Board's investigation in respect of that evidence, the Board is satisfied that at the time of the application for certification the trade union had the support, in the form set out in section 33(a), of more than 65% of the employees in the unit the Board determines to be an appropriate unit for collective bargaining under section 35(1).

**(9)** At any time after the Board begins assessing an application referred to in subsection (8), the trade union may elect to waive its right to certification under subsection (8) and to proceed with the application based on the results of a representation vote.

**(10)** If the Board determines under subsection (8) that the trade union lacks the necessary 65% support of the employees in the unit applied for or a reasonably similar unit found to be appropriate for collective bargaining, but has the 40% support required by subsection (5), or if there is a waiver under subsection (9), the Board shall within 3 working days of that determination or waiver, give notice of a representation vote.



**(11)** In accordance with any rules made by the Board, the Board may prohibit, as of the time of giving the notice of the representation vote referred to in subsection (6) or (10), any electioneering or issuing of propaganda that may influence employees in their voting decision.

**(12)** The Board shall conduct any representation vote and shall complete its investigations and inquiries into and consideration of an application for certification as soon as possible and no later than 20 working days after receipt of the application for certification, or 25 working days in the case of a mail-in vote.

**(13)** Unless the Chair approves an extension, the Board shall make every effort to meet the timelines in this section, but a failure to meet any of the timelines does not invalidate the proceedings or prevent the completion of the certification process.

**(2) Subsection (1) applies to an application for certification made on or after the day this section comes into force.**

**114 Section 34.1 is repealed.**



**114** Section 34.1 presently reads:

*34.1 A person is not eligible to vote in a representation vote referred to in section 34(1)(d) in respect of the certification of a trade union as bargaining agent with respect to employees and their employer who are engaged in work in the construction industry unless all of the following apply:*

- (a) the person was an employee of that employer for at least the 30-day period immediately preceding the date of the application for certification;*
- (b) the person has not quit or abandoned the person's employment between the date of the application for certification and the date of the vote;*
- (c) the person meets any requirements with respect to eligibility to vote established in rules made by the Board pursuant to section 15(4)(a).*

**115 The following is added before section 35.1:**

**Dependent contractors transitional**

**35.01(1)** If an application for certification is made for a unit consisting of, or including, dependent contractors, and the application meets the requirements of sections 32 to 34, the Board shall

- (a) if there is no other unit of employees certified by a bargaining agent with respect to the same employer, determine whether the unit applied for is appropriate for collective bargaining and, if so, certify that unit, or
- (b) if there is a unit of employees certified by a bargaining agent with respect to the same employer, determine whether inclusion of the dependent contractors in the existing unit would be more appropriate for collective bargaining and, if so, require that an application be made under section 45 to modify the description of the unit.

**(2)** If the Board has determined under subsection (1)(b) that modifications to the existing unit description would be more appropriate for collective bargaining and an application for modification is made, the Board must

- (a) determine what rights, privileges and duties have been acquired or are retained, and for that purpose the Board may make inquiries or direct that a representation vote be taken as it considers necessary or advisable,
- (b) ensure that reasonable procedures have been developed to integrate dependent contractors and employees into a single bargaining unit,
- (c) modify or restrict the operation or effect of a collective agreement in order to determine the seniority rights under it of employees or dependent contractors, and
- (d) give directions that the Board considers necessary or advisable as to the interpretation, application or operation of a collective agreement affecting the employees and dependent contractors in a unit determined under this section to be appropriate for collective bargaining.

**115** Dependent contractors transitional.

- (3)** On the coming into force of this section,
- (a) a person who meets the definition of a dependent contractor and is not covered by an existing collective agreement is only covered by the agreement in a circumstance described as follows:
    - (i) the Board makes a determination that the person or the person's position is a dependent contractor covered by the collective agreement, or
    - (ii) the parties to the collective agreement amend the agreement to address and resolve whether the person or the person's position is a dependent contractor under the collective agreement;
  - (b) a person who meets the definition of a dependent contractor is covered by an existing collective agreement if the agreement includes that person or the person's position using clear and explicit language.
- (4)** A party to an existing certificate, voluntary recognition agreement or collective agreement may apply to the Board for a declaration of whether the person or the person's position is a dependent contractor included within the scope of the existing certificate, voluntary recognition agreement or collective agreement.
- (5)** In determining a matter under subsection (4), the Board shall consider the requirements specified in subsections (1) and (2).
- (6)** If a question arises in an arbitration as to whether a person or the person's position is a dependent contractor covered by a collective agreement, the arbitrator, arbitration board or other body may refer the matter to the Board for a determination.
- (7)** An arbitrator, arbitration board or other body is not required to refer a matter under subsection (6) if the Board has previously made a determination as to whether the person or the person's position is a dependent contractor covered by the collective agreement or if the parties have specifically addressed the question by using clear and explicit language within their collective agreement.



**116 Section 39 is amended by striking out “34(1)” and substituting “34(2)”.**

**117 Section 52(4.1) and (4.2) are repealed.**

**118(1) Section 53 is repealed and the following is substituted:**

**Inquiry into revocation application**

**53(1)** In this section, “working day” means any day other than a Saturday or Sunday or any other holiday as defined in the *Interpretation Act*.

**116** Section 39 presently reads:

*39 When the Board is satisfied with respect to the matters referred to in section 34(1) and satisfied, after considering any other relevant matter, that the trade union should be certified, the Board shall grant a certificate to the applicant trade union naming the employer and describing the unit in respect of which the trade union is certified as the bargaining agent.*

**117** Section 52(4.1) and (4.2) presently read:

*(4.1) Where a trade union is certified as the bargaining agent for employees who are engaged in work in the construction industry, employees in the bargaining unit may make an application for revocation of the bargaining rights at any time before the earliest of the following:*

- (a) the date of the expiry of the 90-day period immediately following the date of certification of the trade union;*
- (b) if a collective agreement is entered into between the employer and the trade union after the date of certification, the date on which a majority of the employees in the bargaining unit confirm that they accept being bound by that collective agreement;*
- (c) if the employer and the employees are bound by a collective agreement entered into under Part 3, Division 3, the date on which the employer and a majority of the employees in the bargaining unit confirm that they accept being bound by that collective agreement.*

*(4.2) The right to make an application for revocation of bargaining rights under subsection (4.1) is in addition to any right the employees have under subsection (3) to make an application for revocation of bargaining rights.*

**118** Section 53 presently reads:

*53(1) Before granting an application for revocation, the Board shall satisfy itself, after any investigation that it considers necessary, that*

**(2)** Before granting an application for revocation, the Board shall satisfy itself, after any investigation that it considers necessary, that

- (a) the application is timely,
- (b) in the case of an application by an employer or by the employees in the unit, the employees have voted, at a representation vote conducted by the Board, in favour of the revocation of bargaining rights of the trade union as their bargaining agent, and
- (c) in the case of an application by a former employer,
  - (i) the bargaining agent has abandoned its bargaining rights, or
  - (ii) there have been no employees in the unit represented by the trade union for a period of at least 3 years.

**(3)** The Board shall provide the employer with notice of the application for revocation forthwith after receipt of the application.

**(4)** Forthwith, and no later than 5 working days after the date of the application, the employer shall provide to the Board any information it requires for the purpose of determining

- (a) the employees included in the bargaining unit as of the date of the application, and
- (b) the timeliness of the application.

**(5)** Before conducting a vote, the Board shall satisfy itself, on the basis of the evidence submitted in support of the application and the Board's investigation in respect of the application, that at the time of the application the applicants had the support, in the form set out in section 51(2), of at least 40% of the employees in the bargaining unit.

**(6)** Subject to subsection (7), the Board shall give notice of a vote within 10 working days of the date of application for revocation, and the vote must commence within 3 working days of the notice.



- (a) the application is timely,*
  - (b) in the case of an application by an employer or by the employees in the unit, the employees have voted, at a representation vote conducted by the Board, in favour of the revocation of bargaining rights of the trade union as their bargaining agent,*
  - (c) in the case of an application by a former employer*
    - (i) the bargaining agent has abandoned its bargaining rights, or*
    - (ii) there have been no employees in the unit represented by the trade union for a period of at least 3 years.*
- (2) Before conducting a representation vote on an application for revocation brought by employees, the Board shall satisfy itself, on the basis of the evidence submitted in support of the application and the Board's investigation in respect of that evidence, that at the time of the application for revocation 40% of the employees within the unit indicated in writing their support for the application for revocation.*
- (3) The Board shall conduct any representation vote and shall complete its inquiries into and consideration of an application for revocation of bargaining rights as soon as possible.*

(7) In the case of a mail-in vote, the Board shall commence the mail-in voting process no later than 14 working days after the date of the application for revocation.

(8) In accordance with any rules made by the Board, the Board may prohibit, as of the time of giving the notice of vote referred to in subsection (6) any electioneering or issuing of propaganda that may influence employees in their voting decision.

(9) The Board shall conduct any vote and shall complete its investigations and inquiries into and consideration of an application for revocation as soon as possible and no later than 20 working days after receipt of the application, or 25 working days in the case of a mail-in vote.

(10) Unless the Chair approves an extension, the Board shall make every effort to meet the timelines in this section, but a failure to meet any of the timelines does not invalidate the proceedings or prevent the completion of the revocation process.

**(2) Subsection (1) applies to an application for revocation made on or after the day this section comes into force.**

**119 Section 53.1 is repealed.**

**119** Section 53.1 presently reads:

*53.1 A person is not eligible to vote in a representation vote referred to in section 53(1)(b) in respect of the revocation of the bargaining rights of a trade union with respect to employees and their employer who are engaged in work in the construction industry unless all of the following apply:*

- (a) the person was an employee of that employer for at least the 30-day period immediately preceding the date of the application for revocation;*
- (b) the person has not quit or abandoned the person's employment between the date of the application for revocation and the date of the vote;*
- (c) the person meets any requirements with respect to eligibility to vote established in rules made by the Board pursuant to section 15(4)(a).*

**120 Section 54(1) is amended by striking out “53(1)” and substituting “53(2)”.**

**121 Section 57 is amended by adding “or remains before the Board but without being actively pursued by the applicant” after “withdrawn by the applicant”.**

**122 The following is added after section 67:**

**Division 11.1  
Marshalling of Proceedings**

**Marshalling of proceedings**

**67.1(1)** In this section, “proceeding” means any proceeding before the Board, before an arbitrator, arbitration board or other body arising from a collective agreement required to be filed under this Act, or before any other adjudicative body under an enactment dealing with employment matters other than the following:

- (a) a complaint, inquiry, hearing or other disciplinary proceeding of a professional association pursuant to an enactment;

**120** Section 54(1) presently reads:

*54(1) When the Board is satisfied with respect to the matters referred to in section 53(1) and satisfied, after considering any other relevant matter, that the bargaining rights of the trade union should be revoked, the Board shall grant a declaration that the trade union's bargaining rights are revoked, and revoke any certification.*

**121** Section 57 presently reads:

*57 Notwithstanding anything in this Act, if an application for*

- (a) certification as a bargaining agent,*
- (b) revocation of the certification of a bargaining agent,*
- (c) a declaration that a bargaining agent is no longer entitled to bargain collectively,*
- (d) registration of an employers' organization, or*
- (e) cancellation of the registration certificate of an employers' organization,*

*has been refused by the Board or withdrawn by the applicant, the applicant shall not, without the consent of the Board, make the same or substantially the same application until after the expiration of 90 days from the date of the refusal or withdrawal.*

**122** Marshalling of Proceedings.

- (b) a proceeding under the *Provincial Offences Procedure Act*;
  - (c) a proceeding under the *Ombudsman Act*.
- (2)** Any party to a proceeding may apply to the Board for an order to marshal any outstanding or anticipated proceedings.
- (3)** The purpose of a marshalling order is
- (a) to avoid duplicate or unnecessary proceedings,
  - (b) to ensure that any necessary preliminary issues are dealt with first and in the appropriate forum,
  - (c) to avoid the litigation or re-litigation of matters already decided in another forum or that can reasonably and fairly be determined in another forum, and
  - (d) where a trade union that is subject to a duty of fair representation is involved in one or more of the proceedings, to clarify the extent of the trade union's duty of fair representation in relation to the various proceedings in issue as they proceed.
- (4)** This section applies only to proceedings that arise out of common circumstances, including a common set of legal issues or factual circumstances, or both, involving a workplace that is subject to a bargaining relationship between a bargaining agent and an employer or employers' organization.
- (5)** A party applying for a marshalling order shall provide the Board with the following:
- (a) a concise description of the common circumstances giving rise to the proceedings that are the subject of the application;
  - (b) details of the proceedings that are the subject of the application, including a copy of any initiating and responding documents with respect to those proceedings;
  - (c) a list of any other persons or parties that may be affected by the application;



- (d) a description of the relief sought;
- (e) any other information requested by the Board.

**(6)** On receipt of an application under this section, the Board shall forthwith notify the affected persons or parties that an application has been made under this section and, if one or more of the proceedings are governed by another enactment, the adjudicative body under that enactment.

**(7)** If one of the proceedings that is the subject of the application is under the *Alberta Human Rights Act*, the Board shall notify the director under that Act.

**(8)** On receipt of an application, the Chair shall assign the matter to the Chair or a vice-chair to hold an expeditious hearing.

**(9)** The Chair or vice-chair shall on notice to the affected parties or persons hold a hearing for the purpose of determining the following:

- (a) whether and how subsection (3) applies to the proceedings in issue;
- (b) whether there are issues that need to be determined about the scope of a bargaining agent's duty of fair representation if one or more individual employees wish to pursue matters in a forum other than grievance arbitration;
- (c) if a bargaining agent is pursuing an issue through arbitration on behalf of an employee that raises issues or factual matters that may also be the subject of additional proceedings, that
  - (i) the employee understands that a determination in one proceeding may preclude the matter being dealt with in another proceeding;
  - (ii) the bargaining agent has sufficient instructions from the employee to undertake carriage of the proceeding and, if appropriate, to resolve the matters in issue in a manner that fairly represents the employee's interests;





- (d) whether an employee's right to fair representation with respect to any human rights issue, including any duty to accommodate, has been, or will be, appropriately investigated and protected if the matter is to proceed by arbitration rather than through a complaint under the *Alberta Human Rights Act*.

**(10)** At or after the hearing, the Chair or vice-chair may grant an order that may include any one or more of the following:

- (a) a direction that grievances or arbitrations arising out of common circumstances be consolidated and heard in one proceeding;
- (b) where an issue that is the subject of one or more proceedings includes a complaint or other matter before the Board, directions as to which should proceed first or in what forum the issues should be decided, so as to best protect the interests involved while avoiding unnecessary duplicative proceedings;
- (c) conditions under which proceedings will continue, including an order or schedule of proceedings;
- (d) a stay of any proceeding that will be effectively determined by an arbitration or other proceeding;
- (e) any further directions that the parties may agree on or that, in the opinion of the Board, are just and equitable in the circumstances.

**(11)** The Chair or vice-chair, in conducting proceedings and making any orders under this section, shall take into account

- (a) that the purpose of the proceedings is to enhance the fairness, cost and efficiency of the proceedings in issue while ensuring that the interests of the parties are protected;
- (b) that the process under this section should be expeditious and should not be a source of overall delay in the resolution of the proceedings in issue;
- (c) that while the director under the *Alberta Human Rights Act* is not, in a proceeding under section 22 of that Act,



subject to any direction given by the Board, the director may be informed or influenced by the Board's proceedings.

**(12)** Pending the director's decision in relation to any complaint under the *Alberta Human Rights Act*, if it is appropriate to do so, the Board may defer its decision, or give any necessary interim order, under this section.

**123 Section 73(a.1) is amended by striking out “or (b)” and substituting “(b), (d), (e), (f), (g), (h) or (i)”.**

**124 Section 74(a.1) is amended by striking out “or (b)” and substituting “(b), (d), (e), (f), (g), (h) or (i)”.**

**125 Section 75 is amended**

**(a) in subsections (2) and (3) by striking out “supervised” and substituting “conducted under supervision”;**

**(b) by adding the following after subsection (2):**

**123** Section 73(a.1) presently reads:

*73 An employee, bargaining agent or person acting on behalf of a bargaining agent is entitled to strike or cause a strike if*

*(a.1) in the case of an employee and bargaining agent referred to in section 95.2(a) or (b),*

*(i) an essential services agreement has been accepted for filing in accordance with section 95.44 or an exemption has been granted under section 95.21, and*

*(ii) a declaration has not been made under section 95.44(7),*

**124** Section 74(a.1) presently reads:

*74 An employer or employers' organization is entitled to cause a lockout if*

*(a.1) in the case of an employer referred to in section 95.2(a) or (b),*

*(i) an essential services agreement has been accepted for filing in accordance with section 95.44 or an exemption has been granted under section 95.21, and*

*(ii) a declaration has not been made under section 95.44(7),*

**125** Section 75 presently reads:

*75(1) A bargaining agent that is a party to a dispute may apply to the Board to supervise a strike vote, and an employer or employers' organization that is a party to a dispute may apply to the Board to supervise a lockout vote.*

**(2.1)** In anticipation that a supervised vote will be required, an application under subsection (1) may be made, and preparations undertaken for the vote, before a time referred to in subsection (3).

**126 Section 84 is repealed and the following is substituted:**

**Picketing**

**84(1)** Subject to subsection (5), during a strike or lockout that is permitted under this Act anyone may, at the striking or locked-out employees' place of employment, in connection with any labour relations dispute or difference, peacefully engage in picketing to persuade or endeavour to persuade anyone not to

- (a) enter the employer's place of business, operations or employment,
- (b) deal in or handle the products of the employer, or
- (c) do business with the employer.

**(2)** For purposes of subsection (1), premises

- (a) at which work that is normally done by striking or locked-out employees is done during a strike or lockout,
- (b) the employer uses to further a lockout or resist a strike, or
- (c) at which a third party assists the employer in furthering a lockout or in resisting a strike by performing services for the employer that it does not normally provide,

are deemed to be a place of employment of the striking or locked-out employees, and a person or business undertaking that work or providing those services is deemed to be the employer.

**(3)** Picketing in connection with a labour dispute or difference must be conducted without wrongful acts.

*(2) No strike or lockout vote shall be supervised while a collective agreement is in force unless that agreement is in force pursuant to section 130.*

*(3) No strike or lockout vote shall be supervised until a mediator has been appointed under section 65 and the cooling-off period referred to in subsection (7) of that section has expired.*

**126** Section 84 presently reads in part:

*84(1) Subject to subsection (2), during a strike or lockout that is permitted under this Act anyone may, at the striking or locked-out employees' place of employment and not elsewhere, in connection with any labour relations dispute or difference and without acts that are otherwise unlawful, peacefully engage in picketing to persuade or endeavour to persuade anyone not to*

- (a) enter the employer's place of business, operations or employment,*
- (b) deal in or handle the products of the employer, or*
- (c) do business with the employer.*

*(2) On the application of any person affected by the strike or lockout the Board may, in addition to and without restricting any other powers under this Act including the powers of the Board with respect to section 154,*

- (a) determine whether any premises are the place of employment for the purposes of subsection (1), and*
- (b) regulate persons and trade unions who act in respect of activities under subsection (1) and by order declare what number of persons may act under that subsection, determine the location and time of that action and make any other declarations that the Board considers advisable.*

*(3) When the Board makes a determination or order under subsection (2) it shall consider the following:*

- (a) the directness of the interest of persons and trade unions acting under subsection (1),*

(4) For greater certainty, persuasion and attempts to persuade authorized by subsection (1) or under a determination or order of the Board under subsection (5) are not themselves wrongful acts.

(5) On the application of any person affected by the strike or lockout the Board may, in addition to and without restricting any other powers under this Act, including the powers of the Board with respect to section 154,

- (a) determine whether the picketing is lawful and whether any premises are a place of employment for the purposes of subsections (1) and (2), and
- (b) regulate persons and trade unions who picket in respect of a labour dispute or difference and by order declare what number of persons may picket, determine the location and time of picketing and make any other declarations that the Board considers advisable.

(6) When the Board makes a determination or order under subsection (5) it shall consider the following:

- (a) the directness of the interest of persons and trade unions picketing in respect of a labour dispute or difference;
- (b) violence or the likelihood of violence in connection with picketing in respect of a labour dispute or difference;
- (c) the desirability of restraining picketing in respect of a labour dispute or difference so that the conflict, dispute or difference will not escalate;
- (d) the right to peaceful free expression of opinion.

**127 The following is added after section 92:**

#### **Division 14.1 First Contract Arbitration**

**Definition**

**92.1** In this Division, “employer” includes an employers’ organization.



- (b) violence or the likelihood of violence in connection with actions under subsection (1),*
  - (c) the desirability of restraining actions under subsection (1) so that the conflict, dispute or difference will not escalate, and*
  - (d) the right to peaceful free expression of opinion.*
- (4) Except in accordance with subsection (1) and any determination or order of the Board under subsection (2), no person shall in connection with a labour relations dispute or difference engage in picketing.*

**127** Adds Division 14.1, First Contract Arbitration.

**First contract**

**92.2(1)** If a dispute relating to concluding a first collective agreement has not been resolved, one or both parties to the dispute may apply to the Board for its assistance in settling the terms of the first collective agreement.

**(2)** An application may be made under subsection (1) only if

- (a) a bargaining agent and an employer have failed to conclude their first collective agreement after having bargained collectively for at least 90 days from the day on which
  - (i) notice to commence collective bargaining was served, or
  - (ii) collective bargaining commenced, if no notice was served,

or

- (b) a strike or lockout notice has been served, whether or not a strike or lockout has begun.

**(3)** No application may be made under subsection (1) if an application is pending under section 95.45(1).

**(4)** On receipt of an application, if the 120-day period referred to in section 147(2) has not expired, the Board shall direct that the period be extended until the processes under this Division have concluded or the Board directs otherwise.

**(5)** On or after receipt of an application, if a strike or lockout notice has been served or a strike or lockout is occurring, the Board may by order or interim order

- (a) terminate any strike or lockout as of a date set by the Board,
- (b) allow the parties to exercise or continue to exercise their right to strike or to lock out, or
- (c) amend any order or interim order, if it is appropriate to do so.



- (6) The Board may, after considering the circumstances,
- (a) direct that each party provide the Board with its last proposal,
  - (b) direct the parties to continue collective bargaining and prescribe any conditions under which that collective bargaining is to take place,
  - (c) appoint any person as a mediator to provide enhanced mediation to assist the parties in resolving the dispute and prescribe the conditions under which that mediation is to take place, or
  - (d) provide any other directions or supervise or conduct any votes, including strike votes or lockout votes, as are appropriate in the circumstances.

**Declaration**

**92.3(1)** If the efforts by the Board to resolve the dispute under section 92.2 are unsuccessful and the Board is satisfied that arbitration is otherwise appropriate, the Board may declare that the dispute be resolved by arbitration in accordance with section 92.4.

**(2)** In making its decision under subsection (1), the Board shall consider whether

- (a) any extreme bargaining positions have been taken by one or both parties,
- (b) any unfair labour practices have occurred, or
- (c) the employer failed to recognize and negotiate with the bargaining agent,

and may take into account any other factors that it considers relevant to the dispute.

**Appointment of arbitrator or arbitration board**

**92.4(1)** When the Board makes a declaration under section 92.3(1), the Board shall

- (a) if the Board is willing to do so, and the parties agree, arbitrate the matter itself, in which case a reference to an



arbitrator or arbitration board under this Division includes the Board, or

- (b) after consulting with the parties, appoint an arbitrator or the members of an arbitration board and provide the arbitrator or arbitration board with a list of the items remaining in dispute.

(2) The arbitrator or arbitration board under subsection (1) shall conduct the arbitration expeditiously and make a final and binding award resolving all items remaining in dispute.

(3) The arbitrator or arbitration board shall provide in the award for a method of resolving any discipline or discharge disputes that arose during the dispute and if any strike or lockout has occurred, for an orderly return to work.

(4) The arbitrator or arbitration board shall not in its award, except with the parties' consent, alter any previously agreed item.

(5) If the parties have not already agreed on a term for the collective agreement, the arbitrator or arbitration board shall provide for a term not exceeding 18 months, which must not commence on or be made retroactive to a date earlier than the date on which notice to commence collective bargaining was served or, if no notice was served, when collective bargaining actually commenced.

(6) The arbitrator or arbitration board shall give the parties directions as are necessary to compile and execute the collective agreement, following which the arbitrator or arbitration board shall certify that the collective agreement is in effect.

(7) When the Board makes a declaration under section 92.3(1) or gives an order or a direction to terminate a strike or lockout under section 92.2(5)(a), any strike or lockout becomes illegal and an offence under this Act, and

- (a) no employer who is a party to the dispute shall lock out,
- (b) no employees who are parties to the dispute shall strike,
- (c) any strike or lockout that is in effect shall terminate, and



- (d) the relationship of employer and employee continues uninterrupted by the dispute or anything arising from the dispute and, unless the parties agree otherwise, the terms and conditions of employment that existed immediately prior to the dispute shall not be altered.

**(8)** When the Board makes a declaration under section 92.3(1), the following applies to an arbitrator or arbitration board:

- (a) section 120(3) and (4) and sections 121 to 127 apply except that any reference to the Minister in any of those provisions is deemed to be a reference to the Board;
- (b) the remuneration and expenses of any mediators or arbitrators appointed by the Board under this Division must be shared equally by the parties except if an arbitration board member is appointed by the Board as a representative of a party, in which case that arbitration board member shall be paid by the party for whom the representative is appointed.

**128 Section 95.2 is repealed and the following is substituted:**

**Application of Division**

**95.2(1)** This Division applies to the following:

- (a) employers who operate approved hospitals as defined in the *Hospitals Act*, all the employees of those employers and the bargaining agents for those employees;
- (b) employers that are regional health authorities, all of their employees to whom clauses (a), (e) and (f) do not apply and the bargaining agents for those employees;
- (c) employers to whom the *Public Service Employee Relations Act* applies, all the employees of those employers and the bargaining agents for those employees;
- (d) employers described in section 58.2(1)(a) to (c), all the employees of those employers and the bargaining agents for those employees;



**128** Section 95.2 presently reads:

*95.2 This Division applies to the following:*

- (a) employers who operate approved hospitals as defined in the Hospitals Act, all the employees of those employers and the bargaining agents for those employees;*
- (b) employers that are regional health authorities, all of their employees to whom clause (a) does not apply and the bargaining agents for those employees;*
- (c) employers to whom the Public Service Employee Relations Act applies, all the employees of those employers and the bargaining agents for those employees.*

- (e) employers who operate nursing homes as defined in the *Nursing Homes Act*, all the employees of those employers and the bargaining agents for those employees;
- (f) employers who are licensed or required to be licensed under the *Supportive Living Accommodation Licensing Act*, all the employees of those employers and the bargaining agents for those employees;
- (g) employers who under a contract with a regional health authority provide health care services or support services authorized under the *Co-ordinated Home Care Program Regulation* under the *Public Health Act*, all the employees of those employers and the bargaining agents for those employees;
- (h) employers who are subsidiary health corporations of a regional health authority, all the employees of those employers and the bargaining agents for those employees;
- (i) employers whose primary operations are the provision of medical laboratory diagnostic services under a contract with a regional health authority, other than employers that are professional corporations within the meaning of the *Health Professions Act*, all the employees of those employers and the bargaining agents for those employees;
- (j) Canadian Blood Services and any of its agents and successors, all their employees and the bargaining agents for those employees.

**(2)** With respect to the parties referred to in subsection (1)(e) to (j), if before the day on which the Bill to enact the *Fair and Family-friendly Workplaces Act* receives first reading,

- (a) a mediator has been appointed under section 65, and
- (b) the dispute has not been resolved,

the parties must, subject to receiving an exemption under section 95.21, enter into an essential services agreement within 120 days after the Bill to enact the *Fair and Family-friendly*



*Workplaces Act* receives Royal Assent or any longer period agreed on by the parties.

(3) For the purpose of subsection (2), section 95.42 applies if the parties are unable at any time to agree on an essential services agreement.

**129 Section 96 is amended**

**(a) in subsection (1) by repealing clauses (c) and (d) and substituting the following:**

- (c) employers who operate approved hospitals as defined in the *Hospitals Act* and all the employees of those employers,
- (d) employers that are regional health authorities and all of their employees to whom clauses (c), (f) and (g) do not apply,
- (e) employers described in section 58.2(1)(a) to (c) and all the employees of those employers,
- (f) employers who operate nursing homes as defined in the *Nursing Homes Act* and all the employees of those employers,
- (g) employers who are licensed or required to be licensed under the *Supportive Living Accommodation Licensing Act* and all the employees of those employers,
- (h) employers who under a contract with a regional health authority provide health care services or support services authorized under the *Co-ordinated Home Care Program Regulation* under the *Public Health Act* and all the employees of those employers,
- (i) employers who are subsidiary health corporations of a regional health authority and all the employees of those employers,
- (j) employers who provide medical laboratory diagnostic services under a medical laboratory diagnostic services

**129** Section 96 presently reads:

*96(1) Subject to subsections (2), (3) and (4), this Division applies, notwithstanding any other provision of this Act, to*

- (a) firefighters and, to the extent that they bargain collectively with firefighters, municipalities and Metis settlements,*
  - (b) employers who are ambulance operators as defined in the Emergency Health Services Act and their employees who act as ambulance attendants as defined in that Act to whom neither clause (c) nor (d) applies,*
  - (c) employers who operate approved hospitals as defined in the Hospitals Act and all the employees of those employers, and*
  - (d) employers that are regional health authorities and all of their employees not referred to in clause (c).*
- (2) No employees or employers referred to in subsection (1)(a) or (b) shall strike, lock out, cause a strike or lockout or threaten to cause a strike or lockout.*
- (3) Section 98.1 applies only to employees and employers referred to in subsection (1)(c) and (d).*
- (4) Sections 97, 98 and 99 apply only to employees and employers referred to in subsection (1)(a) and (b).*

contract with a regional health authority and all the employees of those employers, and

- (k) Canadian Blood Services and any of its agents and successors and all their employees.

**(b) in subsection (3) by striking out “subsection (1)(c) and (d)” and substituting “subsection (1)(c) to (k)”.**

**130 Section 112(1) is repealed and the following is substituted:**

**Emergencies**

**112(1)** If in the opinion of the Lieutenant Governor in Council, after considering the state of collective bargaining and the prospects for settlement, an emergency arising out of a dispute exists or may occur in such circumstances that

- (a) damage to health or property is being caused or is likely to be caused because
  - (i) a sewage system, plant or equipment or a water, heating, electric or gas system, plant or equipment has ceased to operate or is likely to cease to operate, or
  - (ii) health services have been reduced, have ceased or are likely to be reduced or to cease,
- (b) unreasonable hardship is being caused or is likely to be caused to persons who are not parties to the dispute, or
- (c) harm to livestock or irreversible damage to crops is being caused or is likely to be caused,

the Lieutenant Governor in Council may, by order, declare that on and after a date fixed in the order all further action and procedures in the dispute are to be replaced by the procedures under this section.

**130** Section 112(1) presently reads:

*112(1) If in the opinion of the Lieutenant Governor in Council an emergency arising out of a dispute exists or may occur in such circumstances that*

- (a) damage to health or property is being caused or is likely to be caused because*
  - (i) a sewage system, plant or equipment or a water, heating, electric or gas system, plant or equipment has ceased to operate or is likely to cease to operate, or*
  - (ii) health services have been reduced, have ceased or are likely to be reduced or to cease,*

*or*

- (b) unreasonable hardship is being caused or is likely to be caused to persons who are not parties to the dispute,*

*the Lieutenant Governor in Council may, by order, declare that on and after a date fixed in the order all further action and procedures in the dispute are to be replaced by the procedures under this section.*

**131 Division 19 of Part 2 is repealed.**

**132 Section 136 is amended by adding the following after clause (j):**

- (k) Where the arbitrator determines that an employee has been discharged or disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject of the arbitration, the arbitrator may substitute for the discharge or discipline some other penalty that in the arbitrator's opinion is just and reasonable in the circumstances.*
- (l) The arbitrator may interpret, apply and give relief in accordance with an enactment relating to employment matters notwithstanding any conflict between the enactment and the collective agreement.*



**131** Repeals Division 19, Measures During Illegal Strike or Illegal Lockout.

**132** Section 136 presently reads:

*136 If a collective agreement does not contain the provisions required under section 135, the collective agreement is deemed to contain those of the following provisions in respect of which it is silent:*

- (a) If a difference arises between the parties to or persons bound by this collective agreement as to the interpretation, application, operation or contravention or alleged contravention of this agreement or as to whether such a difference can be the subject of arbitration, the parties agree to meet and endeavour to resolve the difference.*
- (b) If the parties are unable to resolve a difference referred to in clause (a), either party may notify the other in writing of its desire to submit the difference to arbitration.*
- (c) The notice referred to in clause (b) shall*
  - (i) contain a statement of the difference, and*
  - (ii) specify the name or a list of names of the person or persons it is willing to accept as the single arbitrator.*
- (d) On receipt of a notice referred to in clause (b), the party receiving the notice,*
  - (i) if it accepts the person or one of the persons suggested to act as arbitrator, shall, within 7 days, notify the other party accordingly, and the difference shall be submitted to the arbitrator, or*
  - (ii) if it does not accept any of the persons suggested by the party sending the notice, shall, within 7 days, notify the other party accordingly and send the name or a list of names of the person or persons it is willing to accept as the single arbitrator.*
- (e) If the parties are unable to agree on a person to act as the single arbitrator, either party may request the Director in writing to appoint a single arbitrator.*

**133 Section 139 is repealed.**

**134 Section 142 is repealed and the following is substituted:**

**Effect of award on collective agreement**

**142(1)** Subject to subsections (2), (3) and (4), no arbitrator, arbitration board or other body shall by its award alter, amend or change the terms of a collective agreement.

**(2)** Where an arbitrator, arbitration board or other body determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject of the arbitration, the arbitrator, arbitration board or other body may substitute for the discharge or

- (f) *The arbitrator may, during the arbitration, proceed in the absence of any party or person who, after notice, fails to attend or fails to obtain an adjournment.*
- (g) *The arbitrator shall inquire into the difference and issue an award in writing, and the award is final and binding on the parties and on every employee affected by it.*
- (h) *The parties agree to share equally the expenses of the arbitrator.*
- (i) *Except as permitted in clause (j), the arbitrator shall not alter, amend or change the terms or conditions of the collective agreement.*
- (j) *If the arbitrator by the arbitrator's award determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator may substitute any penalty for the discharge or discipline that to the arbitrator seems just and reasonable in all the circumstances.*

**133** Section 139 presently reads:

*139 Except in the case of a chair, no person shall be disqualified from acting as a member of an arbitration board or other body unless that member is directly affected by the difference or has been involved in an attempt to negotiate or settle the difference.*

**134** Section 142 presently reads:

*142(1) Subject to subsection (2), no arbitrator, arbitration board or other body shall by its award alter, amend or change the terms of a collective agreement.*

*(2) If an arbitrator, arbitration board or other body determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator, arbitration board or other body may substitute some other penalty for the discharge or discipline that to*

discipline some other penalty that, in its opinion, is just and reasonable in the circumstances.

(3) Where an arbitrator, arbitration board or other body determines that there are reasonable grounds for extending the time for taking any step in a grievance process or arbitration procedure set out in a collective agreement, the arbitrator, arbitration board or other body may, notwithstanding the terms of the collective agreement, grant an extension, even after the expiration of the time, if, in its opinion, the other party would not be unduly prejudiced by the extension.

(4) An arbitrator, arbitration board or other body may interpret, apply and give relief in accordance with an enactment relating to employment matters notwithstanding any conflict between the enactment and the collective agreement.

(5) Subsection (3) only applies to arbitrators, arbitration boards or other bodies appointed on or after the day this section comes into force.

**135 Section 143 is repealed and the following is substituted:**

**Powers of arbitrator**

**143(1)** An arbitrator, arbitration board or other body has the authority necessary to provide a final and binding settlement of a dispute having regard to the substance of the matters in dispute and the merit of the positions of the parties, in a manner consistent with the provisions of this Act and within the principles of Canadian labour arbitration.

(2) Without restricting the authority in subsection (1), an arbitrator, arbitration board or other body may

- (a) require any party to furnish particulars before or during a hearing;
- (b) require any party to produce documents or things that may be relevant to the matter and to do so before or during the hearing;
- (c) determine its own procedure and fix dates for the commencement and continuation of hearings;

*the arbitrator, arbitration board or other body seems just and reasonable in all the circumstances.*

**135** Section 143 presently reads:

*143(1) The arbitrator or the chair of the arbitration board or other body may*

- (a) at any reasonable time enter any premises, other than a private dwelling, where work is being done or has been done by employees or in which an employer carries on business or where anything is taking place or has taken place concerning any difference submitted to the arbitrator or the chair of the arbitration board or other body and inspect and view any work, material, machinery, appliance or article in the premises and question any person under oath in the presence of the parties or their representatives concerning any matter connected with the difference;*
- (b) authorize any person to do any things that the arbitrator or chair of the arbitration board or other body may do under clause (a) and to report to the arbitrator or arbitration board on them;*
- (c) correct in any award any clerical mistake, error or omission.*

- (d) summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath in the same manner as a court of record in civil cases;
- (e) administer oaths and affirmations;
- (f) give directions or make orders as appropriate to expedite proceedings and to prevent abuse of the arbitration process;
- (g) make an interim order, other than an interim order made prior to the conclusion of evidence and argument on the point, for the reinstatement of an employee to active employment where the employee has been discharged for cause;
- (h) determine any preliminary or jurisdictional issue at the outset or, without prejudice to any such objection, at any stage of the proceedings;
- (i) at any reasonable time enter any premises, other than a private dwelling, where work is being done or has been done by employees or in which an employer carries on business or where anything is taking place or has taken place concerning any difference submitted to the arbitrator, arbitration board or other body and inspect and view any work, material, machinery, appliance or article in the premises and question any person on oath in the presence of the parties or their representatives concerning any matter connected with the dispute;
- (j) authorize any person to do any things that the arbitrator, arbitration board or other body may do under clause (i) and to report to the arbitrator, arbitration board or other body on them;
- (k) receive and accept evidence and information on oath, affidavit or otherwise, including in videoconference or electronic form, as the arbitrator, arbitration board or other body in its discretion considers appropriate, whether admissible in a court of record in civil cases or not;
- (l) correct any clerical mistake, error or omission in any award;

*(2) An arbitrator, arbitration board or other body*

- (a) may accept any oral or written evidence that it considers proper, whether admissible in a court of law or not,*
- (b) is not bound by the law of evidence applicable to judicial proceedings, and*
- (c) may summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce the documents and things that the arbitrator, arbitration board or other body considers requisite to the full investigation and consideration of matters within the arbitrator's or its jurisdiction in the same manner as a court of record in civil cases.*

*(3) If any person fails to comply with an order of an arbitrator, arbitration board or other body under subsection (2)(c), or conducts himself or herself in a manner that may be in contempt of the arbitrator, arbitration board or other body or the arbitrator's or its proceedings, the arbitrator, arbitration board or other body may apply to the Court for an order directing compliance with the order of the arbitrator, arbitration board or other body, or restraining any conduct found by the Court to be in contempt of the arbitrator, arbitration board or other body or the arbitrator's or its proceedings.*

*(4) On an application under subsection (3), the Court may grant any order that, in the opinion of the Court, is necessary to enable the arbitrator, arbitration board or other body to carry out the arbitrator's or its duties.*

- (m) at any stage of a proceeding, if the parties agree, assist the parties in resolving the matter in dispute without prejudice to the power of the arbitrator, arbitration board or other body to continue the proceedings with respect to the issues that have not been resolved.

(3) If any person fails to comply with an order of an arbitrator, arbitration board or other body, except as contained in a final award, or conducts himself or herself in a manner that may be in contempt of the arbitrator, arbitration board or other body or its proceedings, the arbitrator, arbitration board or other body may apply to the Court for an order directing compliance with the order of the arbitrator, arbitration board or other body, or restraining any conduct found by the Court to be in contempt of the arbitrator, arbitration board or other body or its proceedings.

(4) The chair of an arbitration board or other body has the authority to exercise the powers referred to in subsection (2)(a), (b), (c), (d), (e), (i), (j) and (l).

**136(1) Section 145 is repealed and the following is substituted:**

**Review of award**

**145(1)** Subject to subsection (2), no award or proceeding of an arbitrator, arbitration board or other body shall be questioned or reviewed in any court by application for judicial review or otherwise, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, prohibition, quo warranto or otherwise, to question, review, prohibit or restrain the arbitrator, arbitration board or other body in any of the proceedings of the arbitrator, arbitration board or other body.

(2) A decision, order, directive, declaration, ruling or proceeding of an arbitrator, arbitration board or other body may be questioned or reviewed by way of an application for review to the Board seeking an order under subsection (3) if the application is filed with the Board no later than 30 days after the date of the decision, order, directive, declaration, ruling or proceeding or reasons in respect of it, whichever is later.



**136** Section 145 presently reads:

*145(1) Subject to subsection (2), no award or proceeding of an arbitrator, arbitration board or other body shall be questioned or reviewed in any court by application for judicial review or otherwise, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, prohibition, quo warranto or otherwise, to question, review, prohibit or restrain the arbitrator, arbitration board or other body in any of the arbitrator's or its proceedings.*

*(2) A decision, order, directive, declaration, ruling or proceeding of an arbitrator, arbitration board or other body may be questioned or reviewed by way of an application for judicial review seeking an order in the nature of certiorari or mandamus if the application is filed with the Court no later than 30 days after the date of the proceeding, decision, order, directive, declaration or ruling or reasons in respect of it, whichever is later.*

*(3) The Court may, in respect of an application under subsection (2),*

*(a) determine the issues to be resolved on the application, and*

(3) On an application under subsection (2), the Board may set aside the decision or award, remit the matters referred to it back to the arbitrator, arbitration board or other body, or to another arbitrator, arbitration board or other body, or stay the proceedings before the arbitrator, arbitration board or other body on the grounds that

- (a) a party to the arbitration was denied a fair hearing, or
- (b) the award is unreasonable because of a lack of intelligibility or transparency, or because it falls outside the range of possible acceptable outcomes that are defensible in respect of the facts and law.

(4) An application to the Board under subsection (2) must be on the record and made in accordance with the Board's rules of procedure.

#### **Appeal to the Court of Appeal**

**145.1(1)** Subject to subsection (2), an appeal lies from a decision of the Board under section 145(3) to the Court of Appeal on a question of jurisdiction or law after permission to appeal has been obtained.

(2) An application for permission to appeal must be filed and served within 30 days from the day that the decision sought to be appealed from was made, or within a further period of time granted by the judge where, in the opinion of the judge, the circumstances warrant it.

(3) Notice of an application for permission to appeal must be given to the parties affected by the appeal and to the Board.

(4) Within 30 days from the date that the permission to appeal is obtained, the Board must forward to the Registrar of the Court of Appeal the record of the hearing, and its reasons for the decision.

(5) On permission to appeal being granted by a judge of the Court of Appeal, the appeal must proceed in accordance with the practice and procedure of the Court of Appeal.

**(2) Subsection (1) applies in respect of an award or proceeding of an arbitrator, arbitration board or other body made on or after the day this section comes into force.**

- (b) *limit the contents of the return from the arbitrator or arbitration board to those materials necessary for the disposition of those issues.*

**137 Section 147(2) is amended by striking out “60 days” and substituting “120 days”.**

**138 Sections 148.1 and 148.2 are repealed.**

**139(1) Section 149 is amended by renumbering it as section 149(1) and adding the following after subsection (1):**

**(2)** The burden of proof that any employer or employers’ organization or person acting on behalf of an employer or employers’ organization did not act contrary to subsection (1) (a), (c), (d), (f) or (g) lies on the employer or employers’ organization or person acting on behalf of the employer or employers’ organization.

**(2) Subsection (1) does not apply to an application that, in the opinion of the Board, is the same or substantially the same as an application made before the day this section comes into force.**

**137** Section 147(2) presently reads:

*(2) If a notice to commence collective bargaining has been served pursuant to section 59(1) within 30 days after the date of certification of the bargaining agent, no employer affected by the notice shall, except*

- (a) in accordance with an established custom or practice of the employer,*
- (b) with the consent of the bargaining agent, or*
- (c) in accordance with a collective agreement in effect with respect to the bargaining agent,*

*alter the rates of pay, a term or condition of employment or a right or privilege of any employee represented by the bargaining agent or of the bargaining agent itself until 60 days after the date on which the notice is served.*

**138** Repeals provisions dealing with market enhancement recovery funds.

**139** Section 149 presently reads in part:

*149 No employer or employers' organization and no person acting on behalf of an employer or employers' organization shall*

- (a) refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because the person*
  - (i) is a member of a trade union or an applicant for membership in a trade union,*
  - (ii) has indicated in writing the person's selection of a trade union to be the bargaining agent on the person's behalf,*
  - (iii) has been expelled or suspended from membership in a trade union for a reason other than a failure to pay the periodic dues, assessments and initiation fees uniformly required to be paid by all members of the trade union as a condition of acquiring or retaining membership in the trade union,*



- (iv) *has testified or otherwise participated in or may testify or otherwise participate in a proceeding under this Act,*
- (v) *has made or is about to make a disclosure that the person may be required to make in a proceeding under this Act,*
- (vi) *has made an application or filed a complaint under this Act,*
- (vii) *has participated in any strike that is permitted by this Act, or*
- (viii) *has exercised any right under this Act;*
- (c) *seek by intimidation, dismissal, threat of dismissal or any other kind of threat, by the imposition of a pecuniary or other penalty or by any other means, to compel an employee to refrain from becoming or to cease to be a member, officer or representative of a trade union;*
- (d) *suspend, discharge or impose any financial or other penalty on an employee, or take any other disciplinary action against an employee, by reason of that employee's having refused to perform an act prohibited by this Act;*
- (f) *suspend, discharge or impose any financial or other penalty on an employee, or take any other disciplinary action against an employee, by reason of the employee's refusal to perform all or some of the duties and responsibilities of another employee who is participating in a strike that is permitted under this Act;*
- (g) *discriminate against a person in regard to employment or membership in a trade union or intimidate or threaten to dismiss or in any other manner coerce a person or impose a pecuniary or other penalty on a person, because the person*
  - (i) *has testified or otherwise participated in or may testify or otherwise participate in a proceeding authorized or permitted under a collective agreement or a proceeding under this Act,*
  - (ii) *has made or is about to make a disclosure that the person may be required to make in a proceeding authorized or*

**140 The following is added after section 150:**

**Prohibited practice — failure to file collective agreement**

**150.1(1)** No employer, employers' organization or bargaining agent shall fail or neglect to file a collective agreement with the Director as required by section 132 within 30 days after entering into the agreement.

**(2)** An employer, employers' organization or bargaining agent does not contravene subsection (1) if the employer, employers' organization or bargaining agent has received confirmation from the Director that the agreement has already been filed with the Director within the required time.

**141 Section 151 is amended**

- (a) in clause (d) by adding "subject to section 151.1," before "except";**
- (b) by repealing clause (h.1).**

**142 The following is added after section 151:**

**Access to property by union representatives**

**151.1(1)** If employees reside on their employer's property or on property to which the employer or another person has the right to control access or entry, the Board may, on application by a trade union, direct the employer or other person to permit



*permitted under a collective agreement or a proceeding under this Act, or*

- (iii) has made an application or filed a complaint under this Act.*

**140** Prohibited practice — failure to file collective agreement.

**141** Section 151(d) and (h.1) presently read:

*151 No trade union and no person acting on behalf of a trade union shall*

- (d) except the consent of the employer of an employee, attempt, at an employee's place of employment during the working hours of the employee, to persuade the employee to become, to refrain from becoming or to cease to be a member of a trade union;*
- (h.1) expel or suspend a person from membership in a trade union or take disciplinary action against or impose any form of penalty on a person by reason of the person having refused to authorize a deduction referred to in section 148.1(3);*

**142** Remote site access.

one or more representatives authorized in writing by the trade union to enter the property to attempt to persuade the employees to join a trade union and, if the trade union acquires bargaining rights, after that to enter the property to conduct business of the trade union.

(2) A direction under subsection (1) may include a requirement that the employer, if there is no reasonable alternative available at or near the property, provide the representatives with food and lodging at the current price and of a similar kind and quality as that provided to the employees.

**Access to property by Board and Board officers**

**151.2(1)** An employer, or a person on whose premises work is being carried out by an employer, or any person controlling access to those premises, shall

- (a) grant officers or members of the Board reasonable access to the premises for the purpose of carrying out any investigation, taking a vote, holding a meeting or carrying out any direction of the Board, and
- (b) provide a suitable portion of the employer's premises or the premises where employees are working at the disposal of the officers or members of the Board for a purpose referred to in clause (a).

(2) Where employees reside on the employer's property or on property to which the employer or another person has the right to control access or entry, the employer or other person must comply with subsection (1)(a) and (b) with respect to that property.

(3) An employer or another person referred to in subsection (2) must if there is no reasonable alternative available at or near the property, provide the officers or members of the Board with food and lodging at the current price and of a similar kind and quality as that provided to the employees.

(4) No person shall impede an officer or member of the Board in carrying out the officer's or member's duties in accordance with this section.



**143 Section 153 is amended by adding the following after subsection (3):**

**(4)** Where a trade union has established or adopted an appeal or review process over representation issues that has been approved by the Board under subsection (6), no complaint shall be made except with the prior consent of the Board in respect of an alleged denial of fair representation by a trade union or a person acting on behalf of a trade union under subsection (1) unless

- (a) the complainant presented an appeal or application for review under an approved appeal or review process, and
- (b) the appeal or application for review remains outstanding for longer than is reasonable in the circumstances following the making of the complaint or if, on the conclusion of an appeal or application for review, the applicant still alleges a denial of fair representation and files a complaint with the Board within 45 days of being notified of the conclusion of the appeal or application for review.

**(5)** Where an appeal or application for review has concluded, the Board shall consider the results of the appeal or application for review process and its conclusions or results in assessing any complaint under subsection (1).

**(6)** The Board may approve an internal or external appeal or review process established or adopted by a trade union for the purpose of subsection (4) if the appeal or review process is sufficiently robust to

- (a) assess fairly the merits of any grievance,
- (b) investigate the grievance, and the sufficiency and quality of any prior investigation, and
- (c) assess an employee's rights
  - (i) under the *Alberta Human Rights Act*, including any duty to accommodate, or
  - (ii) under an enactment relating to employment matters.

**143** Section 153 presently reads:

*153(1) No trade union or person acting on behalf of a trade union shall deny an employee or former employee who is or was in the bargaining unit the right to be fairly represented by the trade union with respect to the employee's or former employee's rights under the collective agreement.*

*(2) Subsection (1) does not render a trade union liable to an employee for financial loss to the employee if*

*(a) the trade union acted in good faith in representing the employee, or*

*(b) the loss was as the result of the employee's own conduct.*

*(3) When a complaint is made in respect of an alleged denial of fair representation by a trade union under subsection (1), the Board may extend the time for the taking of any step in the grievance procedure under a collective agreement, notwithstanding the expiration of that time, subject to any conditions that the Board may prescribe, if the Board is satisfied that*

*(a) the denial of fair representation has resulted in loss of employment or substantial amounts of work by the employee or former employee,*

*(b) there are reasonable grounds for the extension, and*

*(c) the employer will not be substantially prejudiced by the extension, either as a result of an order that the trade union compensate the employer for any financial loss or otherwise.*

**144 The following is added after section 175:**

**Related trade unions**

**175.1(1)** In this section, “registration collective agreement” means a collective agreement entered into in accordance with this Part as provided for in section 178.

**(2)** This section applies where

- (a) a local trade union is subject to a registration certificate in respect of a registered employers’ organization, and
- (b) the parent trade union of the local trade union referred to in clause (a), or another local trade union of that same parent trade union, enters into an agreement providing terms and conditions of employment to apply to employees for work within the trade or craft jurisdiction, and within the territorial jurisdiction, of the local trade union referred to in clause (a).

**(3)** Subject to a declaration under subsection (4), the parties to an agreement referred to in subsection (2)(b), including the parent trade union or the other local trade union of the parent trade union, are bound by the registration certificate and the terms of the registration collective agreement in the same manner as if the local trade union referred to in subsection (2)(a) had entered into the agreement referred to in subsection (2)(b) on its own behalf.

**(4)** The Board may, on the application of any affected person or party, declare that subsection (3) does not apply to the agreement referred to in subsection (2)(b), if the Board is satisfied that the agreement is an agreement whose terms would not undermine registration bargaining or the registration collective agreement.

**Repeal**

**145** Section 4 of the *Enhanced Protection for Farm and Ranch Workers Act* is repealed.

**144** Related trade unions.

**145** Repeals section 4 of chapter 19 of the Statutes of Alberta, 2015.

**Coming into force of Part 2**

**146(1)** Sections 113, 116, 118, 120 and 136 come into force on September 1, 2017.

**(2)** Sections 103(b)(iii) and (c), 104 and 145 come into force on January 1, 2018.

**(3)** Section 128 with respect to the enactment of section 95.2(2) of the *Labour Relations Code* is deemed to have come into force on the day the Bill to enact the *Fair and Family-friendly Workplaces Act* received first reading.



**146** Coming into force.





# RECORD OF DEBATE

Stage	Date	Member	From	To

	Questions and Comments	From	To

Stage	Date	Member	From	To

	Questions and Comments	From	To

Stage	Date	Member	From	To

	Questions and Comments	From	To

Stage	Date	Member	From	To

	Questions and Comments	From	To