

2018 Bill 29

Fourth Session, 29th Legislature, 67 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 29

PUBLIC SERVICE EMPLOYEE RELATIONS AMENDMENT ACT, 2018

THE MINISTER OF LABOUR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 29

BILL 29

2018

PUBLIC SERVICE EMPLOYEE RELATIONS AMENDMENT ACT, 2018

(Assented to , 2018)

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

Amends RSA 2000 cP-43

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

2 Section 1(a) is repealed.

3 Section 12(1)(f) is repealed.

Explanatory Notes

1 Amends chapter P-43 of the Revised Statutes of Alberta 2000.

2 Section 1(a) presently reads:

1 In this Act,

(a) “arbitral item” means a matter that may be referred to a compulsory arbitration board under this Act;

3 Section 12(1)(f) presently reads:

12(1) A person employed by an employer

(f) in a position classified under the Public Service Act as

(i) a budget officer,

(ii) a systems analyst,

(iii) an auditor,

(iv) a disbursement control officer, or

4 Section 30 is repealed.

5 The Schedule is amended by adding the following after section 4:

5(1) The board of governors of each university as defined in the *Post-secondary Learning Act* while it is acting as the employer of its non-academic staff as defined in the *Post-secondary Learning Act*.

(2) The non-academic staff, as defined in the *Post-secondary Learning Act*, of each university.

6(1) The board of governors of each comprehensive community college as defined in the *Post-secondary Learning Act* while it is acting as the employer of its non-academic staff as defined in the *Post-secondary Learning Act*.

(v) *a hearing officer who hears matters under the Provincial Offences Procedure Act,*

or performing for an employer substantially similar duties to a person employed in any of those positions,

4 Section 30 presently reads:

30(1) A compulsory arbitration board may only consider, and an arbitral award may only deal with, those matters that may be included in a collective agreement.

(2) Notwithstanding subsection (1), none of the following matters may be referred to a compulsory arbitration board and provisions in respect of the following matters shall not be contained in the arbitral award of a compulsory arbitration board:

- (a) the organization of work, the assignment of duties and the determination of the number of employees of an employer;*
- (b) the systems of job evaluation and the allocation of individual jobs and positions within the systems;*
- (c) selection, appointment, promotion, training or transfer;*
- (d) pensions.*

5 The Schedule presently reads in part:

2(1) The board of governors of each university as defined in the Post-secondary Learning Act while it is acting as the employer of its

- (a) academic staff,*
- (b) academically employed graduate students, and*
- (c) postdoctoral fellows,*

as defined in the Post-secondary Learning Act.

(2) The academic staff, as defined in the Post-secondary Learning Act, of each university.

(2) The non-academic staff, as defined in the *Post-secondary Learning Act*, of each comprehensive community college.

7(1) The board of governors of each polytechnic institution as defined in the *Post-secondary Learning Act* while it is acting as the employer of its non-academic staff as defined in the *Post-secondary Learning Act*.

(2) The non-academic staff, as defined in the *Post-secondary Learning Act*, of each polytechnic institution.

Related and Consequential Amendments

Amends RSA 2000 cL-1

6(1) The *Labour Relations Code* is amended by this section.

(2) Section 73(a.1) is amended by striking out “95.2(a), (b), (d),” and substituting “95.2(1)(a), (b), (d), (d.1),”.

(3) Section 74(a.1) is amended by striking out “95.2(a), (b), (d),” and substituting “95.2(1)(a), (b), (d), (d.1),”.

(3) The academically employed graduate students, as defined in the Post-secondary Learning Act, employed by the board of governors of each university.

(4) The postdoctoral fellows, as defined in the Post-secondary Learning Act, employed by the board of governors of each university.

3(1) The board of each public college as defined in the Post-secondary Learning Act while it is acting as the employer of its academic staff as defined in the Post-secondary Learning Act.

(2) The academic staff, as defined in the Post-secondary Learning Act, of each public college.

4(1) The board of governors of a technical institute as defined in the Post-secondary Learning Act while it is acting as the employer of its academic staff as defined in the Post-secondary Learning Act.

(2) The academic staff, as defined in the Post-secondary Learning Act, of each technical institute.

6(1) Amends chapter L-1 of the Revised Statutes of Alberta 2000.

(2) Section 73 presently reads in part:

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) (b), (d), (e), (f), (g), (h) or (i),

(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),

(3) Section 74 presently reads in part:

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) (b), (d), (e), (f), (g), (h) or (i),

(4) Section 95.2(1) is amended by adding the following after clause (d):

- (d.1) employers referred to in sections 5(1), 6(1) and 7(1) of the Schedule to the *Public Service Employee Relations Act*, all the employees of those employers and the bargaining agents for those employees;

(5) Section 96(1) is amended by adding the following after clause (e):

- (e.1) employers referred to in sections 5(1), 6(1) and 7(1) of the Schedule to the *Public Service Employee Relations Act* and all the employees of those employers;

(6) The following is added after section 208:

Transitional provisions for non-academic staff of public post-secondary institutions

209(1) In this section,

- (a) “Amending Act” means the *Public Service Employee Relations Amendment Act, 2018*;
- (b) “effective date” means July 1, 2022.

(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),*

(4) Section 95.2(1) presently reads in part:

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;*

(5) Section 96(1) presently reads in part:

96(1) Subject to subsections (2), (3) and (4), this Division applies, notwithstanding any other provision of this Act, to

(e) *employers described in section 58.2(1)(a) to (c) and all the employees of those employers,*

(6) Transitional provisions for non-academic staff of public post-secondary institutions.

(2) On the effective date, the following applies:

- (a) a bargaining agent under the *Public Service Employee Relations Act* for a unit of employees referred to in sections 5(2), 6(2) and 7(2) of the Schedule to the *Public Service Employee Relations Act* is deemed to be on the effective date a bargaining agent under this Act for those employees, and the Labour Relations Board shall issue a certificate under this Act as a replacement for the certificate held by that bargaining agent under the *Public Service Employee Relations Act*;
- (b) collective agreements under the *Public Service Employee Relations Act* with respect to the employees referred to in clause (a) that were entered into before the effective date, and any grievances arising under those collective agreements, shall be governed by this Act;
- (c) applications and complaints filed under the *Public Service Employee Relations Act* before the effective date shall continue to their conclusion under the *Public Service Employee Relations Act*;
- (d) subject to clause (e), any collective bargaining commenced pursuant to a notice to bargain given under section 20 of the *Public Service Employee Relations Act* before the effective date shall continue as if the notice to bargain had been given under section 59 of this Act;
- (e) if a collective bargaining dispute has been referred to a compulsory arbitration board established pursuant to section 32 of the *Public Service Employee Relations Act* before the effective date, that arbitration shall continue to its conclusion as if section 5 of the Amending Act had not come into force, and the collective agreement resulting from that arbitration shall be treated as if it were a collective agreement entered into under this Act.

(3) If any dispute arises about

- (a) the operation of subsection (2), or
- (b) any other matter relating to the amendment of the Schedule referred to in section 5 of the Amending Act,

a party to the dispute may refer the dispute to the Labour Relations Board for resolution and the Board's decision is final and binding.

Amends SA 2003 cP-19.5

7(1) The *Post-secondary Learning Act* is amended by this section.

(2) Section 1(k) is repealed and the following is substituted:

- (k) “non-academic staff association” means a bargaining agent, as defined in the *Labour Relations Code*, representing non-academic staff;

Coming into Force

Coming into force

8(1) This Act, except sections 5 to 7, comes into force on June 1, 2019.

(2) Sections 5 to 7 come into force on July 1, 2022.

7(1) Amends chapter P-19.5 of the Statutes of Alberta, 2003.

(2) Section 1(k) presently reads:

1 In this Act,

(k) “non-academic staff association” means a bargaining agent, as defined in the Public Service Employee Relations Act, representing non-academic staff;

Coming into Force

8 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