

2022 Bill 17

Third Session, 30th Legislature, 71 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 17

**LABOUR STATUTES
AMENDMENT ACT, 2022**

THE MINISTER OF LABOUR AND IMMIGRATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 17

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2022

LABOUR STATUTES AMENDMENT ACT, 2022

(Assented to _____, 2022)

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

Employment Standards Code

Amends RSA 2000 cE-9

1(1) The *Employment Standards Code* is amended by this section.

(2) Section 53.2(1)(c) is amended by striking out “, for an amount of up to 20 days in a calendar year”.

(3) Section 53.8 is repealed.

Explanatory Notes

Employment Standards Code

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

(2) Section 53.2(1)(c) presently reads:

53.2(1) Subject to the regulations, an employee who has completed at least 12 consecutive weeks of employment with an employer and is a reservist is entitled to reservist leave without pay to take part in the following operations or activities:

(c) subject to the regulations, annual training, including related travel time, for an amount of up to 20 days in a calendar year;

(3) Section 53.8 presently reads:

53.8 This Division applies only if

(a) the employee's participation in an operation or activity referred to in section 53.2(1) begins on or after the day that subsection comes into force, and

(4) Section 53.9(1)(a) is repealed and the following is substituted:

- (a) “common-law partner” means a person who at the relevant time cohabits in a conjugal relationship with another person for a continuous period of at least one year;

(5) Section 53.983 is repealed and the following is substituted:

Unpaid bereavement leave

53.983(1) In this section,

- (a) “common-law partner” has the same meaning as in section 53.9(1)(a);
 - (b) “parent” has the same meaning as in section 53.95(1)(d).
- (2)** An employee who has been employed by the same employer for at least 90 days is entitled to unpaid bereavement leave on the occurrence of any of the following:
- (a) the death of a family member;
 - (b) the employee has a miscarriage or stillbirth;
 - (c) the employee’s spouse or common-law partner has a miscarriage or stillbirth;
 - (d) a person has a miscarriage or stillbirth and the employee would have been a parent of a child born as a result of the pregnancy.
- (3)** The amount of leave under this section must not exceed 3 days in a calendar year.
- (4)** Before taking a leave under this section, the employee must give the employer as much notice as is reasonable and practicable in the circumstances.

(b) notice under section 53.2(4) or (5) is given on or after the day described in clause (a).

(4) Section 53.9(1)(a) presently reads:

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;

(5) Section 53.983 presently reads:

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.

Labour Relations Code

Amends RSA 2000 cL-1

2(1) The *Labour Relations Code* is amended by this section.

(2) Section 58.2 is repealed and the following is substituted:

Application

58.2 Divisions 5 to 9 and section 156 do not apply

- (a) with respect to the board of a public post-secondary institution while it is acting as the employer of the academic staff members of the public post-secondary institution or with respect to those academic staff members,
- (b) with respect to the board of governors of a university while it is acting as the employer of the academically employed graduate students at the university or with respect to those graduate students, or
- (c) with respect to the board of governors of a comprehensive academic and research university while it is acting as the employer of postdoctoral fellows of the comprehensive academic and research university or with respect to those postdoctoral fellows.

(3) Section 58.3(1)(c) is amended by striking out “, subject to the future effects of the application of Divisions 4 to 9 under section 58.2(2),”.

Labour Relations Code

2(1) Amends chapter L-1 of the Revised Statutes of Alberta 2000.

(2) Section 58.2 presently reads:

58.2(1) Divisions 4 to 9 and section 156 do not apply

- (a) with respect to the board of a public post-secondary institution while it is acting as the employer of the academic staff members of the public post-secondary institution or with respect to those academic staff members,*
- (b) with respect to the board of governors of a university while it is acting as the employer of the academically employed graduate students at the university or with respect to those graduate students, or*
- (c) with respect to the board of governors of a comprehensive academic and research university while it is acting as the employer of postdoctoral fellows of the comprehensive academic and research university or with respect to those postdoctoral fellows.*

(2) Notwithstanding subsection (1), Divisions 4 to 9 apply effective July 1, 2022 unless a later date is determined by the Lieutenant Governor in Council after the Minister has consulted with affected parties.

(3) Section 58.3(1)(c) presently reads:

58.3(1) For the purposes of this Act,

- (c) the academic staff association of a public post-secondary institution is, subject to the future effects of the application of Divisions 4 to 9 under section 58.2(2), the bargaining agent for the academic staff of the public post-secondary institution and has exclusive authority to bargain collectively on behalf of the academic staff and to bind them by a collective agreement.*

(4) Section 58.4(1)(c) is amended by striking out “, subject to the future effects of the application of Divisions 4 to 9 under section 58.2(2),”.

(5) Section 58.5(1)(c) is amended by striking out “, subject to the future effects of the application of Divisions 4 to 9 under section 58.2(2),”.

(6) This section comes into force on July 1, 2022.

(4) Section 58.4(1)(c) presently reads:

58.4(1) For the purposes of this Act,

(c) the graduate students association of a university is, subject to the future effects of the application of Divisions 4 to 9 under section 58.2(2), the bargaining agent for the academically employed graduate students of the university and has exclusive authority to bargain collectively on behalf of the academically employed graduate students and to bind them by a collective agreement.

(5) Section 58.5(1)(c) presently reads:

58.5(1) For the purposes of this Act,

(c) the postdoctoral fellows association of a comprehensive academic and research university is, subject to the future effects of the application of Divisions 4 to 9 under section 58.2(2), the bargaining agent for the postdoctoral fellows of the comprehensive academic and research university and has exclusive authority to bargain collectively on behalf of the postdoctoral fellows and to bind them by a collective agreement.

(6) Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
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