Province of Alberta

RESTORING BALANCE IN ALBERTA'S WORKPLACES ACT, 2020

Statutes of Alberta, 2020
Chapter 28

Assented to July 29, 2020

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Bill 32

RESTORING BALANCE IN ALBERTA'S WORKPLACES ACT, 2020

Chapter 28

(Assented to July 29, 2020)

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

(2) Section 1(1) is amended

(a) by repealing clause (b);

(b) by adding the following before clause (c):

(b.1) "averaging arrangement" means an hours of work averaging arrangement under section 23.1;

(b.2) "averaging period" means the period over which hours of work are averaged under an averaging arrangement;

(c) by repealing clause (s.1) and substituting the following:

(s.1) "overtime hours" means

(i) overtime hours determined in accordance with section 21, or

(ii) for the purposes of entitlement to overtime under an averaging arrangement, overtime hours determined in accordance with the regulations;

(3) Section 8(2) is repealed and the following is substituted:

(2) When an employee's employment terminates, the employer must pay the employee's earnings within whichever of the following periods the employer chooses:

(a) 10 consecutive days after the end of the pay period in which the termination of employment occurs;

(b) 31 consecutive days after the last day of employment.

(4) Sections 9 and 10 are repealed.

(5) Section 12 is amended

(a) in subsection (2) by adding the following after clause (a):

(a.1) a recovery of an overpayment of earnings paid to the employee resulting from a payroll calculation error,

(a.2) a recovery of vacation pay paid to the employee in advance of the employee being entitled to it,

(b) by adding the following after subsection (2):

(2.1) An employer must not deduct from the earnings of an employee a sum of money referred to in subsection (2)(a.1) more than 6 months after the overpayment was paid to the employee.

(c) by adding the following after subsection (3):

(4) An employer must give an employee written notice of a deduction from earnings under subsection (2)(a.1) or (a.2) before making the deduction.

(6) Section 14(4)(f.2) is amended by striking out "hours of work averaging agreements" **and substituting** "averaging arrangements".

(7) Section 16 is amended by adding the following after subsection (2):

(3) This section does not apply if different hours of work confinement provisions are agreed to under a collective agreement.

(8) Section 17 is amended by adding the following after subsection (2):

(3) This section does not apply if different notice or hours of rest provisions are agreed to under a collective agreement.

(9) Section 18 is repealed and the following is substituted:

Rest periods

18(1) Subject to subsection (3), an employer must provide an employee who works a shift that exceeds 5 hours but is less than 10 hours with at least one rest period of at least 30 minutes, whether paid or unpaid.

(2) Subject to subsection (3), an employer must provide an employee who works a shift of 10 hours or more with at least 2 rest periods of at least 30 minutes each, whether paid or unpaid.

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

(4) A rest period under this section may be taken at a time agreed to by an employer and an employee.

(5) If an employer and an employee do not agree on a rest period schedule for a shift,

(a) the employer must provide a rest period of at least 30 minutes, at a time chosen by the employer, within or immediately following the first 5 hours of the shift, and

(b) if required under subsection (2), the employer must provide a 2nd rest period of at least 30 minutes, at a time chosen by the employer, after the first 5 hours of the shift.

(6) This section does not apply if

(a) an accident occurs, urgent work is necessary or other unforeseeable or unpreventable circumstances occur,

(b) different rest provisions are agreed to under a collective agreement, or

(c) it is not reasonable for the employee to take a rest period.

(10) Section 19 is amended by adding the following after subsection (2):

(3) This section does not apply if different days of rest provisions are agreed to under a collective agreement.

(11) Section 23.1 is amended

(a) in subsection (1)

(i) by striking out "an employee or a group of employees may enter into an hours of work averaging agreement" **and substituting** "if an employer and an employee or a group of employees are not bound by a collective agreement, the employer may require or permit the employee or group of employees to work an averaging arrangement";

(ii) by striking out "12" **and substituting** "52";

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

(1.1) An employer must give at least 2 weeks' written notice of a requirement to work an averaging arrangement to each employee to whom the requirement applies unless the employer and the employee agree otherwise.

(1.2) Subsection (1.1) does not apply in respect of an employee if the employer gave written notice of the requirement to work the averaging arrangement to the employee before the employee's employment began.

(1.3) Subject to the regulations, an employer or an employer's organization and a bargaining agent may agree to an averaging arrangement as part of a collective agreement.

(c) by repealing subsection (2) and substituting the following:

(2) If there is no collective agreement, an averaging arrangement under this section must be a written arrangement applying to an employer and an employee or a group of employees.

(d) in subsection (3)

(i) in the portion preceding clause (a) by striking out "agreement under subsection (1)" **and substituting** "averaging arrangement";

(ii) by repealing clause (b);

(iii) in clause (c) by striking out "12 weeks unless authorized by a permit issued by the Director" **and substituting** "52 weeks unless authorized by a variance or exemption under section 74 or 74.1";

(iv) by repealing clause (d) and substituting the following:

(d) unless a collective agreement provides otherwise, include a schedule setting out the daily and weekly hours of work for the averaging period and, if the averaging arrangement specifies the matters set out n subsection (4), a statement that the employer may amend the schedule in accordance with the averaging arrangement, and

(e) by repealing subsection (4) and substituting the following:

(4) Despite the requirement for at least 24 hours' written notice in section 17(2), if an averaging arrangement specifies the manner in which an employer may amend the schedule of daily and weekly hours of work in respect of an employee, the notice required to be given to the employee and the manner in which the notice must be given, the employer may amend the schedule in accordance with the averaging arrangement.

(f) in subsection (5) by striking out "every employee to which the agreement applies a copy of the agreement" **and substituting** "each employee to whom an averaging arrangement applies a copy of the averaging arrangement";

(g) in subsection (6)

(i) by striking out "who is a party to an agreement under subsection (1)" **and substituting** "to which an averaging arrangement applies";

(ii) by striking out "the agreement" **wherever it occurs and substituting** "the averaging arrangement";

(h) in subsection (7) by striking out "agreement under subsection (1)" **and substituting** "averaging arrangement".

(12) The following is added before section 25:

Average daily wage

24.1 In this Division, the average daily wage of an employee, in relation to a general holiday, is calculated by averaging the employee's total wages in whichever of the following periods the employer chooses over the number of days worked by the employee in the period:

(a) the 4-week period immediately preceding the general holiday;

(b) the 4-week period ending on the last day of the pay period immediately preceding the general holiday.

(13) Section 34 is amended

(a) by renumbering it as section 34(1);

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

(2) For greater certainty, a period during which an employee is on leave under Divisions 7 to 7.6 is included when calculating the employee's years of employment for the purposes of subsection (1).

(14) Section 55(1)(a) is amended by striking out "a termination notice of at least the period of notice required under section 137(1) if that section applies, or in any other case,".

(15) Section 62(2) is repealed.

(16) Section 63 is amended

(a) in subsection (1) by striking out "60 days within a 120-day period is deemed to have been terminated" **and substituting** "90 days within a 120-day period terminates, and termination pay is payable,";

(b) by adding the following after subsection (2):

(3) For the purposes of determining the amount of termination pay payable under subsections (1) and (2), the amount is to be calculated as if section 57(1) applies.

(c) by adding the following after subsection (3):

(4) Subsections (1) and (2) do not apply if different provisions for termination after temporary layoff are agreed to under a collective agreement.

(17) Section 63.1(2) is repealed and the following is substituted:

(2) Notwithstanding section 63, with respect to an employee who is laid off for reasons related to COVID-19, the reference in that section to "one or more periods exceeding, in total, 90 days within a 120-day period" is to be read as "more than 180 consecutive days".

(18) Section 74 is amended

(a) in subsection (1)

(i) in the portion preceding clause (a) by adding ", an employer association or a group of employers" **after** "an employer";

(ii) in clause (a) by striking out "that employer and the employees" **and substituting** "the employer or employers, and the employee or employees,";

(iii) in clause (b) by striking out "that employer" **and substituting** "the employer or employers";

(b) by repealing subsection (2);

(c) in subsection (3)

(i) in clause (a) by striking out "and";

(ii) by repealing clause (b);

(d) in subsection (4) by adding ", employer association or group of employers" **after** "the employer";

(e) in subsection (5)(b) by striking out "the employer and the employees of the employer" **and substituting** "the employer, employers or group of employers, and the employee or employees,";

(f) by repealing subsection (6) and substituting the following:

(6) On the issuance of a variance or exemption, an employer to whom the variance or exemption applies must provide a copy of the variance or exemption to each employee to whom the variance or exemption applies.

(g) in subsection (7) by striking out "The employer and the employees affected by the variance or exemption" **and substituting** "An employer or employee to whom a variance or exemption applies";

(h) in subsection (9) by adding ", employer association or group of employers to whom the variance or exemption applies" **after** "the employer";

(i) by repealing subsection (10) and substituting the following:

(10) An employer to whom a variance or exemption applies must provide a copy of an amendment or revocation of the variance or exemption to each employee to whom the variance or exemption applies.

(19) Section 74.1 is amended

(a) by repealing subsection (1) and substituting the following:

Minister's variance or exemption

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

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

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

(b) in subsection (2)

(i) in clause (b) by striking out "the employer and the employees" **and substituting** "the employer or employers, and the employee or employees,";

(ii) by repealing clause (c);

(c) by repealing subsection (3);

(d) in subsection (4) by striking out "The employers and the employees affected by an order" **and substituting** "An employer or employee to whom an order made under subsection (1) applies";

(e) in subsection (5) by striking out "this section" **and substituting** "subsection (1)";

(f) in subsection (6) by striking out "the affected employers and employees" **and substituting** "each employer and employee to whom the order, amendment or revocation applies".

(20) Section 82 is amended

(a) in subsection (2) by adding ", other than a complaint referred to in subsection (2.1)," **after** "A complaint";

(b) by adding the following after subsection (2):

(2.1) A complaint by an employee to whom an averaging arrangement applies that an employer failed to pay wages or overtime pay, or both, to which the employee is entitled may be made

(a) if the averaging arrangement ceases to apply to the employee before the end of the averaging period to which the complaint relates, at any time up to 6 months after the date on which the averaging arrangement ceases to apply to the employee, or

(b) if clause (a) does not apply, at any time up to 6 months after the end of the averaging period to which the complaint relates.

(21) Section 90(3)(b) is amended

(a) in subclause (i) in the portion preceding paragraph (A) by adding "if no averaging arrangement applies," **after** "or both,";

(b) by adding the following after subclause (i):

(i.1) in the case of determining the payment of wages or overtime pay, or both, to an employee to whom an averaging arrangement applies, the period

(A) commencing on the beginning of the earliest averaging period to which the claim relates, and

(B) ending on a date before the date of the order, as determined appropriate by the officer;

(c) in subclause (ii) by adding "or determining whether the deduction of a sum of money was authorized under section 12(2)(a.1) or (a.2)," **after** "or both,".

(22) Section 137 is repealed and the following is substituted:

Group termination

137(1) Subject to the regulations, an employer who intends to terminate the employment of 50 or more employees at a single location within a 4-week period must give the Minister written notice at least 4 weeks before the date on which the first termination is to take effect unless the employer is unable to do

so, in which case the employer must provide written notice as soon as is reasonable and practicable in the circumstances.

(2) A notice under subsection (1) must include

(a) the number of employees whose employment will be terminated, and

(b) the effective dates of the terminations.

(3) This section does not apply in respect of the termination of employees who are employed on a seasonal basis or for a definite term or task.

(23) Section 138(1) is amended

(a) in clause (b.3)

(i) in the portion preceding subclause (i) by striking out "hours of work averaging agreements" **and substituting** "averaging arrangements,";

(ii) in subclause (iii) by striking out "agreement" **and substituting** "averaging arrangement";

(iii) by repealing subclause (iv);

(iv) in subclause (v) by striking out "agreement" **and substituting** "averaging arrangement";

(v) in subclause (vi) by striking out "the circumstances under which the Director may cancel an agreement" **and substituting** "respecting the circumstances under which the Director may cancel an averaging arrangement";

(vi) by adding the following after subclause (vi):

(vii) respecting the circumstances under which, and the process by which, an employer may cancel or amend an averaging arrangement, or cancel an averaging arrangement and require an employee or group of employees to work a different averaging arrangement, and respecting the notice required to be given to the employee or group of employees;

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

(d.11) respecting additional circumstances in which the employment of an employee who is temporarily laid off is terminated;

(c) by repealing clause (d.3) and substituting the following:

(d.3) providing for circumstances in which a notice under section 137 is not required to be given to the Minister;

(d) by adding the following after clause (q):

(q.1) respecting notices, statements and other documents referred to in this Act or the regulations, including the form and contents of a notice, statement or other document, the methods or additional methods of providing a notice, statement or other document to an employee or an employer and additional requirements respecting the provision of a notice, statement or other document;

(24) The following is added after section 138:

Transitional regulation-making authority

139(1) In this section,

(a) "former provision" means a provision of the *Employment Standards Code* as the provision read immediately before being amended by the *Restoring Balance in Alberta's Workplaces Act, 2020*;

(b) "M.O. 18.2020" means the order of the Minister of Labour and Immigration numbered M.O. 18.2020;

(c) "M.O. 2020-26" means the order of the Minister of Labour and Immigration numbered M.O. 2020-26.

(2) The Minister may make regulations respecting the transition to this Act as amended by the *Restoring Balance in Alberta's Workplaces Act, 2020* or by the *COVID-19 Pandemic Response Statutes Amendment Act, 2020* of anything under a former provision, the *COVID-19 Pandemic Response Statutes Amendment Act, 2020*, M.O. 18.2020 or M.O. 2020-26, including regulations

(a) respecting the transitional application of any amendment made to this Act by the *Restoring Balance in Alberta's Workplaces Act, 2020* or the *COVID-19 Pandemic Response Statutes Amendment Act, 2020* and the interpretation of any provision amended;

(b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act, including the interpretation or application of any

transitional provision in the *Restoring Balance in Alberta's Workplaces Act, 2020*.

(3) A regulation made under subsection (2)

(a) 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;

(b) may be made retroactive to the extent set out in the regulation.

(4) A regulation made under subsection (2) and any action or decision taken under or in accordance with the regulations made under subsection (2) apply despite anything in this Act to the contrary, except that no regulation overrides section 2 or 2.1.

(5) This section is repealed on June 30, 2021.

Transitional Provisions

Interpretation

2 In sections 5, 7 and 9, "amended Act" means the *Employment Standards Code* as amended by this Act.

Average daily wage

3 Section 1(1)(b) of the *Employment Standards Code* as it read immediately before the coming into force of this section continues to apply with respect to the calculation of general holiday pay for a general holiday that occurs before the coming into force of this section.

Termination of employment — payment of earnings

4(1) Section 9(1) of the *Employment Standards Code* as it read immediately before the coming into force of this subsection continues to apply with respect to the payment of earnings to an employee whose employment is terminated by the employee's employer before the coming into force of this subsection.

(2) Section 10 of the *Employment Standards Code* as it read immediately before the coming into force of this subsection continues to apply with respect to the payment of earnings to an employee who terminates employment before the coming into force of this subsection.

Deductions from earnings

5 Section 12(2)(a.1) and (a.2) of the amended Act apply only with respect to an overpayment of earnings, or a vacation pay advance, paid to an employee after the coming into force of this section.

Hours of work averaging agreements

6(1) In this section, "averaging agreement" means an hours of work averaging agreement entered into under subsection 23.1(1) of the *Employment Standards Code* before the coming into force of this section that is in effect when this section comes into force.

(2) Section 23.1 of the *Employment Standards Code* as it read immediately before the coming into force of this section continues to apply with respect to an averaging agreement until the averaging agreement ceases to be valid under subsection (3).

(3) An averaging agreement remains valid until the earliest of the following:

(a) if the averaging agreement is not part of a collective agreement, the earlier of

(i) the day the averaging agreement terminates under section 23.1(3)(b) of the *Employment Standards Code* as it read immediately before the coming into force of this section, and

(ii) the day the averaging agreement is cancelled by a party to the averaging agreement under subsection (4) or by the Director under section 23.1(7) of the *Employment Standards Code* as it read immediately before the coming into force of this section;

(b) if the averaging agreement is part of a collective agreement, the earlier of

(i) the day a subsequent collective agreement is entered into, and

(ii) the day the averaging agreement is cancelled by a party to the averaging agreement under subsection (4), by the Director under section 23.1(7) of the *Employment Standards Code* as it read immediately before the coming into force of this section or in accordance with a collective agreement.

(4) Either party to an averaging agreement may cancel the averaging agreement by giving 30 days' notice to the other party.

(5) If an averaging agreement is between an employer and a group of employees, the group of employees may cancel the averaging agreement under subsection (4) only if a majority of the group consents.

(6) The cancellation of an averaging agreement under subsection (4) is effective at the end of the 30-day notice period.

(7) Where a collective agreement provides otherwise, the cancellation of the averaging agreement must be in accordance with the collective agreement.

Termination pay after temporary layoff

7 Section 63 of the amended Act applies only with respect to

(a) an employee who, on the coming into force of that section, is on a layoff, and

(b) an employee who is laid off on or after the coming into force of that section.

Termination pay after temporary layoff for reasons related to COVID-19

8 Section 63.1 of the *Employment Standards Code* as it read immediately before the coming into force of this section continues to apply with respect to an employee who, on the coming into force of this section, is on a layoff, until

(a) the employee is served with a recall notice under section 64 of the *Employment Standards Code*,

(b) the employee's employment is deemed to have been terminated under section 63(1) of the *Employment Standards Code* as it read immediately before the coming into force of this section, or

(c) the employee's employment terminates under section 63(2) of the *Employment Standards Code*.

Minister's variance or exemption

9 An order made under section 74.1 of the *Employment Standards Code* at any time before the coming into force of this section or under section 74.1 of the *Employment Standards Code*, as modified by order of the Minister of Labour and Immigration numbered M.O. 18.2020, before the coming into force of this section, that is in effect on the coming into force of this section may be renewed under the amended Act despite any provision to the contrary in the order.

Coming into force

10(1) This Part, except sections 1(14), (16)(a) and (b), (17), (18), (19), (22), (23)(b) and (c) and (24), 7, 8, 9 and 10, has effect on November 1, 2020.

(2) Sections 1(14), (16)(a) and (b), (17), (18), (19), (22) and (23)(b) and (c), 7 and 9 have effect on August 15, 2020.

(3) Section 8 comes into force on the repeal of section 63.1 of the *Employment Standards Code*.

Part 2

Labour Relations Code

Amends RSA 2000 cL-1

11(1) The *Labour Relations Code* is amended by this section.

(2) The preamble is amended in the 4th recital by striking out "and equitable" **and substituting** ", equitable and expedient".

(3) Section 1(1) is amended

(a) in clause (g)(ii) by adding ", except in Divisions 1.1 and 8 of Part 3" **after** "maintenance work";

(b) in clause (l) by adding "or" **at the end of subclause (ii) and repealing subclause (iii);**

(c) by repealing clause (s.1).

(4) Section 9 is amended by repealing subsection (10) and substituting the following:

(10) Notwithstanding subsection (6), the Chair or a vice-chair may sit alone to hear and decide a question

(a) under section 12(3)(b), (d), (l), (m), (n) or (o), 14(2), 76(4) or 145(2), or

(b) if the Chair is of the opinion that it is necessary due to an emergency.

(5) Section 16(4)(e) is repealed and the following is substituted:

(e) where the Board is of the opinion that the matter is without merit, or is frivolous, trivial, vexatious, filed with improper motives or an abuse of process, reject the matter summarily.

(6) Section 17(1) is amended

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

(c.1) may, notwithstanding any other provision of this Act, if a prohibited practice contrary to Division 23 of Part 2 results in a representation vote that does not reflect the true wishes of the employees in a unit,

(i) order that another representation vote be conducted and do anything to ensure that the representation vote reflects the true wishes of the employees in the unit,

(ii) certify the trade union as the bargaining agent for the employees in the unit that the Board considers appropriate for collective bargaining only if no other remedy or remedies would be sufficient to counteract the effects of the prohibited practice, or

(iii) refuse to certify the trade union as the bargaining agent for the employees in the unit only if no other remedy or remedies would be sufficient to counteract the effects of the prohibited practice;

(b) by repealing clause (d)(i).

(7) The following is added after section 24:

Financial statement

24.1(1) Every trade union shall, as soon as possible after the end of the trade union's fiscal year, provide to each member in accordance with the regulations

(a) a financial statement, meeting any requirements set out in the regulations, of the trade union's affairs for the preceding fiscal year, and

(b) any information prescribed by the regulations.

(2) The financial statement must contain information in sufficient detail to accurately disclose the financial condition and operation of the trade union for its preceding fiscal year.

(3) If a member makes a complaint to the Board that the trade union has failed to comply with subsection (1), the Board may order the trade union to provide to the member a financial statement or the information prescribed by the regulations.

(4) If the member makes a complaint to the Board that the financial statement or the prescribed information is inadequate,

the Board may order the trade union to prepare another financial statement or to provide the prescribed information in a form and containing the particulars that the Board considers appropriate.

(5) The Minister may make regulations

(a) respecting requirements that financial statements must meet for the purposes of subsection (1)(a), including requirements that apply to different classes of trade unions or particular trade unions;

(b) respecting the manner and form in which financial statements or prescribed information is to be provided to a member or members by a trade union;

(c) prescribing information for the purposes of subsection (1)(b), including information that must be provided by different classes of trade unions or particular trade unions;

(d) establishing different classes of trade unions for the purposes of this section.

(8) Section 26 is amended by striking out "dues" **and substituting** "union dues".

(9) The following is added after section 26:

Deduction election

26.1(1) In setting union dues, assessments or initiation fees, a trade union must indicate

(a) the amount or percentage of the union dues, assessments or initiation fees that relates to political activities and other causes, including

(i) general social causes or issues,

(ii) charities or non-governmental organizations,

(iii) organizations or groups affiliated with or supportive of a political party, and

(iv) any activities prescribed by the regulations,

and

(b) the amount or percentage of the union dues, assessments or initiation fees that directly relates to

(i) activities under this Act, including activities relating to collective bargaining and representation of members, and

(ii) other activities that do not fall under subclause (i) or clause (a), including any activities prescribed by the regulations.

(2) A trade union, before charging any union dues, assessments or initiation fees, or before changing the amount or percentage of the union dues, assessments or initiation fees to be charged, shall provide to each person required to pay the union dues, assessments or initiation fees

(a) information respecting the amount or percentage of the union dues, assessments or initiation fees that relates to activities referred to in subsection (1)(a) and the amount or percentage of the union dues, assessments or initiation fees that directly relates to activities referred to in subsection (1)(b),

(b) subject to the regulations, information required or reasonably requested by the person to make an informed decision for the purpose of making an election under subsection (3) or a revocation under subsection (4), and

(c) any other information required by the regulations.

(3) Effective on and after the date prescribed by the regulations, a person is not required to pay the amount or percentage of the union dues, assessments or initiation fees that relates to activities referred to in subsection (1)(a) unless the person makes an election in accordance with the regulations.

(4) An election under subsection (3) may be revoked in accordance with the regulations.

(5) Where an employee makes an election under subsection (3) or revokes an election under subsection (4), the trade union representing the employee in a unit must notify the employee's employer of the employee's election or revocation if the union dues are deducted in accordance with section 27.

(6) Notwithstanding section 26, no trade union shall expel or suspend a member or take disciplinary action against or impose any form of penalty on a member

(a) because the member has not made an election under subsection (3) or has revoked an election under subsection (4), or

(b) because the member does not pay the amount or percentage of the union dues, assessments or initiation fees that relates to activities referred to in subsection (1)(a) unless the member has made an election under subsection (3).

(7) No trade union shall collect union dues, assessments or initiation fees from an employee or use union dues, assessments or initiation fees collected from an employee for activities referred to in subsection (1)(a) unless the employee has made an election under subsection (3).

(8) No trade union shall use union dues, assessments or initiation fees collected for activities referred to in subsection (1)(b) for any activities other than those referred to in subsection (1)(b).

(9) If there is a dispute

(a) as to whether the union dues, assessments or initiation fees relate to an activity referred to in subsection (1)(a) or directly relate to an activity referred to in subsection (1)(b),

(b) as to whether an election was made under subsection (3) or revoked under subsection (4) in accordance with the regulations,

(c) as to whether the information required by the regulations to be provided by a trade union is sufficient to enable a person to make an informed decision for the purpose of making an election under subsection (3) or revoking an election under subsection (4), or

(d) with respect to any other matter under this section,

a party to the dispute may apply to the Board to resolve the dispute.

(10) Where an application has been made under subsection (9), the Board may make any order it considers appropriate to resolve the dispute, including an order

(a) that the trade union produce any necessary information required for the purpose of this section,

(b) adjusting the amount or percentage of the union dues, assessments or initiation fees that relates to an activity referred to in subsection (1)(a) or directly relates to an activity referred to in subsection (1)(b),

(c) that the collection or use of union dues, assessments or initiation fees for activities referred to in subsection (1)(a) in contravention of subsection (7) is to cease,

(d) for restitution to employees of union dues, assessments or initiation fees that have been collected or used for activities referred to in subsection (1)(a) in contravention of subsection (7), or

(f) suspending the trade union's ability to collect union dues from employers or employees.

(11) The Lieutenant Governor in Council may make regulations

(a) prescribing activities for the purposes of subsection (1)(a)(iv) or (b)(ii);

(b) respecting factors for the purpose of determining whether the union dues, assessments or initiation fees relate to an activity referred to in subsection (1)(a) or directly relate to an activity referred to in subsection (1)(b);

(c) respecting the timing and frequency for the setting or charging of union dues, assessments or initiation fees by a trade union, including the making of changes to an amount or percentage referred to in subsection (1) and the information required under subsection (2);

(d) respecting the timing, circumstances and procedure for making an election under subsection (3) or revoking an election under subsection (4);

(e) respecting the information required to be provided by a trade union so that a person can make an informed decision for the purpose of making an election under subsection (3) or revoking an election under subsection (4), including the form and manner of providing the information;

(f) respecting the information to be provided to employers in a notice under subsection (5), including the form and manner of providing the notice;

(g) whether or not the term is already defined in this Act, defining any term used in

(i) this section,

(ii) section 42.1 of the *Police Officers Collective Bargaining Act*,

(iii) section 5.1(4) of the *Public Education Collective Bargaining Act*, or

(iv) section 22.1 of the *Public Service Employee Relations Act*,

for the purpose of any of those sections and any other provision related to those sections;

(h) prescribing the effective dates for the purposes of subsection (3) and section 27(6) of this Act, section 42.1(4) of the *Police Officers Collective Bargaining Act*, section 5.1(4) of the *Public Education Collective Bargaining Act* and sections 22(2) and 22.1(3) of the *Public Service Employee Relations Act*;

(i) respecting any other matter the Lieutenant Governor in Council considers necessary to carry out the intent and purposes of this section.

(12) Subsections (1) to (11) and sections 27, 29(2), 149(1)(a)(iii) and 151(g) as amended by the *Restoring Balance in Alberta's Workplaces Act, 2020* do not apply in respect of membership fees and union dues charged by

(a) academic staff associations,

(b) graduate students associations, or

(c) postdoctoral fellows associations

in their roles as bargaining agents under Division 9.1 until a Proclamation is issued fixing the date of the application of those provisions to the academic staff associations, graduate students associations or postdoctoral fellows associations.

(13) Proclamations may be issued at different times in respect of the application of the provisions referred to in subsection (12) to academic staff associations, graduate students associations and postdoctoral fellows associations.

(10) Section 27 is amended

(a) in subsection (3)(a) by striking out "dues" **and substituting** "union dues";

(b) in subsection (5)(a) by striking out "regular union dues" **and substituting** "union dues";

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

(6) Notwithstanding subsections (1) to (5), effective on and after the date prescribed by the regulations, an employer shall not deduct the amount or percentage of union dues, assessments or initiation fees that relates to an activity referred to in section 26.1(1)(a) unless the employee has made an election under section 26.1(3).

(11) Section 28 is amended by striking out "dues" **wherever it occurs and substituting** "union dues".

(12) Section 29(2) is amended

(a) by striking out "fees, dues or other assessments" **and substituting** "fees, union dues or assessments described in section 26.1(1)(b)";

(b) in clause (b) by striking out "dues" **and substituting** "union dues".

(13) Section 34 is repealed and the following is substituted:

Inquiry into certification application

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

(e) the application is not prohibited by section 38.

(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) Subject to subsections (4) and (5), the Board shall conduct any representation vote and complete its inquiries into and consideration of the application for certification as soon as possible.

(4) The Board shall make its final decision whether to grant the application for certification no later than 6 months after the date of the application.

(5) Notwithstanding subsection (4), the Chair may, in exceptional circumstances, approve an extension of the time referred to in subsection (4).

(14) Section 37 is amended by adding the following after subsection (3):

(4) Notwithstanding subsection (2), no application for certification in respect of the collective agreement referred to in subsection (2)(d) shall be made if

(a) the employer and the bargaining agent for the employees in the unit enter into a new collective agreement at any time prior to the 2 months immediately preceding the end of the term of the collective agreement referred to in subsection (2)(d), and

(b) the Board is satisfied that

(i) the employees in the unit were informed by the bargaining agent that no applications for certification shall be permitted if the employees vote to enter into the new collective agreement, and

(ii) a majority of the employees in the unit voted to enter into the new collective agreement.

(5) Notwithstanding subsection (2), no application for certification in respect of a collective agreement referred to in subsection (2)(e) shall be made if

(a) the employer and the bargaining agent for the employees in the unit enter into a new collective agreement at any time prior to

(i) the 11th or 12th month of the 2nd or any subsequent year of the term of the collective agreement referred to in subsection (2)(e), or

(ii) the 2 months immediately preceding the end of the term of the collective agreement referred to in subsection (2)(e),

and

(b) the Board is satisfied that

(i) the employees in the unit were informed by the bargaining agent that no applications for certification shall be permitted if the employees vote to enter into the new collective agreement, and

(ii) a majority of the employees in the unit voted to enter into the new collective agreement.

(6) The Board may, on the application of any person, employer or trade union, resolve any dispute or decide any question arising under subsection (4) or (5) and make any order it considers appropriate in the circumstances.

(7) An application under subsection (6) must be made before

(a) the end of the period referred to in subsection (2)(d), with respect to a dispute or question arising under subsection (4), or

(b) the end of the period referred to in subsection (2)(e)(i) or (ii) immediately following when the new collective agreement is entered into, with respect to a dispute or question arising under subsection (5).

(15) Section 40 is amended by adding the following after subsection (4):

(5) Subsection (3)(b) does not apply to a trade union that becomes certified for employees in a unit who are engaged in construction in respect of that unit.

(6) The Board may, on the application of a trade union that becomes a certified bargaining agent or on the application of an employer in respect of whose employees a trade union becomes a certified bargaining agent, decide any question arising under this section and may, to the extent that the Board considers necessary for the trade union to function effectively as a bargaining agent,

(a) vary or amend a collective agreement referred to in subsection (3)(a) with respect to the employees covered by the agreement, and

(b) determine and declare that the collective agreement as varied or amended is in force or remains in effect and binds the parties.

(16) Section 52 is amended by adding the following after subsection (4):

(4.01) Notwithstanding subsection (3), no application for revocation shall be made in respect of a collective agreement referred to in subsection (3)(c) if

(a) the employer and the bargaining agent for the employees in the unit enter into a new collective agreement at any time prior to the 2 months immediately preceding the end of the term of the collective agreement referred to in subsection (3)(c), and

(b) the Board is satisfied that

(i) the employees in the unit were informed by the bargaining agent that no applications for revocation shall be permitted if the employees vote to enter into the new collective agreement, and

(ii) a majority of the employees in the unit voted to enter into the new collective agreement.

(4.02) Notwithstanding subsection (3), no application for revocation shall be made in respect of a collective agreement referred to in subsection (3)(d) if

(a) the employer and the bargaining agent for the employees in the unit enter into a new collective agreement at any time prior to

(i) the 11th or 12th month of the 2nd or any subsequent year of the term of the collective agreement referred to in subsection (3)(d), or

(ii) the 2 months immediately preceding the end of the term of the collective agreement referred to in subsection (3)(d),

and

(b) the Board is satisfied that

(i) the employees in the unit were informed by the bargaining agent that no applications for revocation shall be permitted if the employees vote to enter into the new collective agreement, and

(ii) a majority of the employees in the unit voted to enter into the new collective agreement.

(4.03) The Board may, on the application of any person, employer or trade union, resolve any dispute or decide any question arising under subsection (4.01) or (4.02) and make any order it considers appropriate in the circumstances.

(4.04) An application under subsection (4.03) must be made before

(a) the end of the period referred to in subsection (3)(c), with respect to a dispute or question arising under subsection (4.01), or

(b) the end of the period referred to in subsection (3)(d)(i) or (ii) immediately following when the new collective agreement is entered into, with respect to a dispute or question arising under subsection (4.02).

(17) Section 53 is repealed and the following is substituted:

Inquiry into revocation application

53(1) 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,

(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 at least 40% of the employees within the unit indicated in writing their support for the application for revocation.

(3) Subject to subsections (4) and (5), the Board shall conduct any representation vote and complete its inquiries into and consideration of the application for revocation of bargaining rights as soon as possible.

(4) The Board shall make its final decision whether to grant the application for revocation no later than 6 months after the date of the application.

(5) Notwithstanding subsection (4), the Chair may, in exceptional circumstances, approve an extension of the time referred to in subsection (4).

(18) Section 57 is amended by renumbering it as section 57(1) and adding the following after subsection (1):

(2) Notwithstanding anything in this Act, if

(a) an application for certification as a bargaining agent is refused by the Board or withdrawn by the applicant or remains before the Board but without being actively pursued by the applicant,

(b) a complaint is made with respect to the applicant, and

(c) the Board satisfies itself that the applicant failed to comply with the Act in respect of the complaint,

the applicant shall not, without the consent of the Board, make the same or substantially the same application until after the expiration of 6 months from the date of the refusal or withdrawal.

(3) In this section, "complaint" means a complaint in respect of a prohibited practice relating to an application for certification, in respect of

(a) the period beginning when a trade union begins seeking to be certified as the bargaining agent for the employees in a unit and ending when the Board makes a decision in respect of the application for certification, and

(b) the employees in the unit for which the trade union is applying for certification.

(19) Section 58.1(4) is amended by adding "or" **at the end of clause (a), striking out** "or" **at the end of clause (b) and repealing clause (c).**

(20) The following is added after section 58.6:

Binding arbitration void or terminated

58.61(1) If a collective agreement between the academic staff association and the board of a public post-secondary institution is in force on or after the day on which the Bill to enact the *Restoring Balance in Alberta's Workplaces Act, 2020* receives first reading but before it receives Royal Assent, and that collective agreement contains a provision that requires or permits a dispute arising during the negotiation of the next collective agreement to be resolved by binding arbitration, the provision is void.

(2) If, on or after the day on which the Bill to enact the *Restoring Balance in Alberta's Workplaces Act, 2020* receives first reading but before it receives Royal Assent, a dispute arises between the academic staff association and the board of a public post-secondary institution during the negotiation of the next collective agreement between the parties, and the dispute is referred to binding arbitration, the binding arbitration is terminated and any award made is void.

(3) If, before the day on which the Bill to enact the *Restoring Balance in Alberta's Workplaces Act, 2020* receives Royal Assent, a dispute arises between the academic staff association and the board of a public post-secondary institution during the negotiation of the next collective agreement between the parties, and binding arbitration or the process relating to binding arbitration has been initiated and is ongoing in respect of the dispute, the binding arbitration or binding arbitration process is terminated and any award made is void.

(21) Section 75(3) is repealed and the following is substituted:

(3) No strike or lockout vote shall be conducted under supervision until

(a) a mediator has been appointed under section 65, or

(b) a mediator has been appointed under section 92.2(6)(c) to provide enhanced mediation,

and the cooling-off period referred to in section 65(7) has expired.

(22) Section 78(1)(b) and (2)(b) are amended by adding "or 92.2(6)(c)" **after** "under section 65".

(23) Section 84 is amended

(a) in subsection (1) by adding "and section 84.1" **after** "Subject to subsection (5)";

(b) by adding the following after subsection (3):

(3.1) Obstructing or impeding a person who wishes to cross a picket line from crossing the picket line is a wrongful act.

(c) by adding the following after subsection (6):

(7) Picketing in connection with a labour dispute or difference shall only be conducted in accordance with this section and section 84.1.

(24) The following is added after section 84:

Secondary picketing

84.1(1) A person or trade union shall not picket at the premises referred to in section 84(2) unless permitted to do so pursuant to an order of the Board made under subsection (2) and subject to any determinations or declarations made by the Board in the order.

(2) On the application of a person or trade union wishing to picket at any premises referred to in section 84(2), the Board may

(a) permit picketing at the premises,

(b) determine the location or locations on the premises at which the picketing may be conducted, and

(c) make any other declarations with respect to picketing at the premises that the Board considers advisable.

(25) Section 86 is amended by striking out "section 84 or 85" **wherever it occurs and substituting** "section 84, 84.1 or 85".

(26) Section 88 is repealed and the following is substituted:

Effect of directive or order

88(1) A directive or interim directive to cease a strike or lockout that is not permitted under this Act, an order made under section 84 or 84.1 or a directive or interim directive made under section 86 or 87 is binding on the employer, employers' organization, employee, trade union or other person to whom it is directed with respect to the strike or lockout referred to in the directive, interim

directive or order and to any future strike or lockout that occurs for the same or substantially the same reason.

(2) Notwithstanding section 18(6),

(a) on the request of a party, the Board shall forthwith file a copy of the directive, interim directive or order referred to in subsection (1) with the Court, and

(b) in the absence of such a request, the Board may file a copy of the directive, interim directive or order referred to in subsection (1) with the Court,

and, on filing, the directive, interim directive or order is enforceable as a judgment or order of the Court.

(3) Service of a directive, interim directive or order made under section 84, 84.1, 86 or 87 in accordance with this Act or any rules or directives of the Board, in addition to being service of the directive, interim directive or order, is deemed to be service of the judgment or order of the Court under subsection (2) when that directive, interim directive or order is filed with the Court.

(27) Section 92.3 is repealed and the following is substituted:

Declaration

92.3 If the efforts by the Board to resolve the dispute under section 92.2 are unsuccessful, the Board may declare that the dispute be resolved by arbitration in accordance with section 92.4 if

(a) the Board is satisfied that arbitration is necessary,

(b) the Board is satisfied that the employer or trade union has failed to comply with the Act through

(i) a refusal to meet to bargain collectively,

(ii) a refusal to recognize the authority of the other party to bargain collectively, or

(iii) a failure to make a reasonable effort to conclude a collective agreement,

and

(c) no other remedy or remedies would be sufficient to counteract the effects of the failure to comply with the Act.

(28) The following is added after section 113:

Division 19
Measures During Illegal Strike or Illegal Lockout

Suspension of dues check-off

114(1) If a strike that is prohibited by Division 15.1, 16 or 18 of this Part commences, the Board may direct the employer to suspend the deduction and remittance of union dues, assessments or other fees payable to the bargaining agent by the employees in the bargaining unit that is on strike.

(2) The suspension under subsection (1) shall continue for a period of one to 6 months, as directed by the Board, from the date on which the employer commences the suspension.

(3) When the Board directs the employer to commence the suspension, it shall serve the bargaining agent with a copy of the directive.

(4) The bargaining agent that is served with a copy of the directive under subsection (3) may apply to the Board within 72 hours after service of the directive, but not afterwards, for a determination as to whether a strike has occurred.

(5) If the bargaining agent does not make an application under subsection (4), the employer shall suspend the deduction and remittance of union dues, assessments or other fees in accordance with the directive of the Board.

(6) If the bargaining agent makes an application under subsection (4), the employer shall not suspend the deduction and remittance of union dues, assessments or other fees unless and until the Board makes a determination under subsection (7)(b) that a strike has occurred.

(7) If the bargaining agent makes an application under subsection (4), the Board may,

(a) if it determines that no strike has occurred, cancel the directive under subsection (1), or

(b) if it determines that a strike has occurred, confirm the directive under subsection (1) and order that the suspension shall take place for the period specified in the directive, and the employer shall then suspend the deduction and remittance of union dues, assessments and other fees in accordance with the directive.

(8) Notwithstanding any collective agreement or this Act, an employee does not become ineligible for employment with an employer only because the employee fails to pay union dues, assessments or other fees, the deduction and remittance of which have been suspended under this section.

(9) At the end of the suspension period the employer shall resume the deduction and remittance of union dues, assessments and other fees in accordance with the collective agreement, but the employer shall not deduct and remit union dues, assessments and other fees with respect to the suspension period.

(10) No provision may be made in a collective agreement in substitution for the suspension of the deduction and remittance of union dues, assessments and other fees under this section.

Payment of union dues during illegal lockout

115(1) If a lockout that is prohibited by Division 15.1, 16 or 18 of this Part commences, the Board may direct the employer who locks out the employer's employees to pay the union dues, assessments and other fees payable by the employees to any bargaining agent that represents them.

(2) The payment under subsection (1) shall continue for a period directed by the Board of one to 6 months from the date on which the lockout commences.

(3) The employer may apply to the Board within 72 hours after receiving the directive under subsection (1), but not afterwards, for a determination as to whether a lockout has occurred.

(4) If the employer does not make an application under subsection (3), the employer shall make the payments in accordance with this section.

(5) After hearing an application under subsection (3), the Board may

(a) if it determines that no lockout has occurred, direct that the employer need not comply with the directive under subsection (1), or

(b) if it determines that a lockout has occurred, direct the employer to make the payments referred to in this section.

(6) Payments required to be made under this section are a debt owing to the bargaining agent and may be collected from the employer by civil action.

(29) Section 142 is amended

(a) in subsection (1) by striking out "Subject to subsections (2), (3) and (4)" **and substituting** "Subject to subsections (2) and (4)";

(b) by repealing subsections (3) and (5).

(30) Section 143(1) is amended by striking out "and within the principles of Canadian labour arbitration".

(31) Section 145(3) is repealed and the following is substituted:

(3) On an application under subsection (2), the Board may

(a) set aside the decision or award,

(b) 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

(c) stay the proceedings before the arbitrator, arbitration board or other body.

(3.1) Notwithstanding section 12(2)(i), the Board may award any costs it considers appropriate in the circumstances with respect to an application under subsection (2).

(32) Section 149 is amended

(a) in subsection (1)

(i) in clause (a)(iii) by striking out "periodic dues, assessments and initiation fees" **and substituting** "union dues, assessments and initiation fees referred to in section 26.1(1)(b)";

(ii) by adding the following after clause (d):

(d.1) suspend, discharge or impose any financial or other penalty on an employee, or take any other disciplinary action against an employee, because the employee has made or refrained from making an election under section 26.1(3) or revoked or refrained from revoking an election under section 26.1(4);

(d.2) deduct union dues, assessments or initiation fees related to activities referred to in section 26.1(1)(a) without the required authorization;

(d.3) seek through coercion, intimidation, threats, promises or undue influence to compel an employee to make or refrain from making an election under section 26.1(3) or to revoke or refrain from revoking an election under section 26.1(4);

(b) in subsection (2) by striking out "subsection (1)(a), (c), (d), (f) or (g)" **and substituting** "subsection (1)(a), (c) in respect of dismissals only, or (d) or (f) in respect of discharges only".

(33) Section 151 is amended

(a) by renumbering it as section 151(1);

(b) in subsection (1)

(i) in clause (f) by adding "including activity relating to making or revoking an election under section 26.1(3) or (4)" **after** "in or for a trade union";

(ii) in clause (g) by striking out "periodic dues, assessments and initiation fees" **and substituting** "union dues, assessments and initiation fees referred to in section 26.1(1)(b)";

(iii) in clause (i)(ii) by adding "if that employment does not threaten the trade union's legitimate interests or" **after** "for engaging in employment with an employer who is not a party to a collective agreement with the trade union";

(c) by adding the following after subsection (1):

(2) For the purposes of subsection (1)(i)(ii), the Board shall consider the following factors in determining whether any proposed employment is reasonable alternate employment:

(a) whether the proposed employment is comparable to the current or former employment in respect of the primary functions and responsibilities of the position, the duration of the position, and the wages and benefits offered;

(b) that a bargaining unit position is not reasonable alternate employment in respect of a managerial position;

(c) that reasonable alternate employment must be in the same industry as the current or former employment;

(d) any other factors the Board considers relevant.

(3) The burden of proof that any trade union or person acting on behalf of a trade union did not act contrary to subsection (1)(f) lies on the trade union or person acting on behalf of the trade union.

(34) Section 153 is amended by adding the following after subsection (3):

(3.1) When a complaint is made in respect of an alleged denial of fair representation by a trade union under subsection (1), the Board may reject the complaint summarily where the complainant has refused to accept a settlement that is fair and reasonable.

(35) Section 163 is amended

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

(1.1) Notwithstanding subsection (1),

(a) Divisions 1.1, 1.2 and 8 apply in respect of all trade unions subject to this Part;

(b) Divisions 2 to 7.1 and 9 apply only in respect of trade unions subject to registration.

(b) in subsection (2) by adding the following after clause (d):

(e) "trade union subject to registration" means a trade union to which Divisions 2 to 7.1 and 9 of this Part apply.

(36) The following is added after section 163:

Division 1.1
Construction and Maintenance Work Bargaining Rights

All-employee and trade-specific bargaining units

163.1(1) Except as modified by this section, Division 5 of Part 2 applies to applications for certification under this section.

(2) Subject to subsection (4), a trade union may apply to the Board to be certified as the bargaining agent for

(a) an all-employee bargaining unit with respect to employees who are employed by the employer

(i) in a sector or in maintenance work, and

(ii) in more than one trade jurisdiction,

or

(b) a trade-specific bargaining unit with respect to employees who are employed by the employer

(i) in a sector or in maintenance work, and

(ii) in a trade jurisdiction.

(3) An all-employee bargaining unit or a trade-specific bargaining unit shall be considered a unit appropriate for collective bargaining in a sector or in maintenance work.

(4) A trade union subject to registration with respect to a sector shall not bring an application for certification under subsection (2)(a) with respect to that sector or maintenance work.

(5) The Board may, where it considers it appropriate to do so, exclude a trade jurisdiction from an all-employee bargaining unit if the employees employed by the employer in the trade jurisdiction in a sector or in maintenance work are represented by a bargaining agent other than the trade union applying for certification.

(6) The Board may refuse an application for certification of an all-employee bargaining unit under subsection (2)(a) if the Board determines, based on what is reasonably known or anticipated at the time of the application, that there will be a substantial and imminent change in the composition of the bargaining unit applied for such that the composition of the bargaining unit at the time of the application is unrepresentative of what its composition will be after the change occurs.

(7) For greater certainty, subsection (6) does not apply in respect of trade-specific bargaining units.

Application for consolidation of bargaining rights

163.2(1) In this section, "consolidating bargaining agent" means a bargaining agent making an application for consolidation under this section or a bargaining agent in respect of which an employer is making an application for consolidation under this section.

(2) Subject to subsections (3) and (4), an employer or a bargaining agent may apply to the Board for the consolidation of existing trade-specific bargaining rights in a sector or in maintenance work into an all-employee bargaining unit.

(3) An application for consolidation must not be made unless a consolidating bargaining agent represents employees in at least 3

trade jurisdictions employed by the employer in a sector or in maintenance work.

(4) An application for consolidation must not be made until after the expiry dates set out in the first collective agreement or collective agreements entered into between the consolidating bargaining agent and employer in respect of at least 3 of the trade jurisdictions that are the subject of the application for consolidation.

(5) The Board shall, where it is appropriate to do so, exclude from the application for consolidation and the consolidated certificate any trade-specific bargaining units that are represented by a bargaining agent other than the consolidating bargaining agent.

Consolidated certificate

163.3(1) If the Board is satisfied that the application for consolidation should be granted, the Board shall issue a consolidated certificate for an all-employee bargaining unit

(a) naming the consolidating bargaining agent as the certified bargaining agent of the consolidated unit,

(b) naming the employer in respect of which the bargaining agent is certified, and

(c) setting out any exclusions from the all-employee bargaining unit.

(2) If one or more collective agreements are in force with respect to a consolidated unit when the consolidated certificate is issued, the Board may

(a) terminate any of the collective agreements,

(b) amend any of the collective agreements with respect to the employees subject to the collective agreements, or

(c) declare that one or more collective agreements are in force or continue in force.

Unrepresented employees

163.4(1) If, at the time of a consolidation application, there are employees in a trade jurisdiction not represented by a trade union, the Board shall conduct a representation vote to determine whether those employees wish to be represented by the consolidating bargaining agent.

(2) If the employees in a trade jurisdiction referred to in subsection (1) vote to select the consolidating bargaining agent as their

bargaining agent, that trade jurisdiction must be included in the consolidated certificate.

(3) If the employees in a trade jurisdiction referred to in subsection (1) vote against selecting the consolidating bargaining agent as their bargaining agent, that trade jurisdiction must be excluded from the consolidated certificate.

Application for certification by trade union subject to registration

163.5 Subject to Division 5 of Part 2, where an all-employee certificate or a consolidated certificate has been granted with respect to an employer, a trade union subject to registration shall not make an application to be certified as the bargaining agent for a trade-specific bargaining unit of the employer in respect of a trade jurisdiction that is included in an all-employee bargaining unit or trade-specific bargaining unit.

Division 1.2
Construction Common Employer Declarations

Construction common employer declarations

163.6(1) On the application of an employer or a trade union affected, when, in the opinion of the Board, associated or related activities or businesses, undertakings or other activities are carried on under common control or direction by or through more than one corporation, partnership, person or association of persons, the Board may declare the corporations, partnerships, persons or associations of persons to be one employer for the purposes of this Act.

(2) If, in an application under subsection (1), the Board considers that activities or businesses, undertakings or other activities are carried on by or through more than one corporation, partnership, person or association of persons in order to avoid a collective bargaining relationship with a trade union in a part of the construction industry, the Board shall make a declaration under subsection (1) with respect to those corporations, partnerships, persons or associations of persons and the Board may grant any relief, by way of declaration or otherwise, that it considers appropriate, effective as of the date on which the application was made or any subsequent date.

(3) Notwithstanding subsection (2), if a trade union makes an application under subsection (1), the Board shall not make a declaration under subsection (1) in respect of a corporation, partnership, person or association of persons that does not employ employees who perform work of the kind performed by members of the applicant trade union.

(37) Section 192 is repealed.

(38) The following is added after section 193:

Division 7.1
Project Agreements

Definition

193.1 In this Division,

(a) "Building Trades of Alberta" means the council of construction unions that has been duly chartered by North America's Building Trades Unions and is known as the Building Trades of Alberta;

(b) "project agreement" means a collective agreement entered into under section 193.3 in respect of a construction project.

Negotiation of terms

193.2(1) The Building Trades of Alberta is deemed to be a bargaining agent for the purposes of this Division.

(2) The authority of the Building Trades of Alberta as a bargaining agent is limited to the extent provided for in this Division.

(3) The Building Trades of Alberta may negotiate with an employer or employers on a voluntary basis the terms to be included in a project agreement.

(4) The negotiations under subsection (3) are not subject to any registration certificates or any collective agreements negotiated under registration certificates.

(5) Upon completion of the negotiations under subsection (3), the Building Trades of Alberta and the employer or employers shall sign the terms agreed to under the negotiations.

Project agreement

193.3(1) When 2 or more trade unions subject to registration agree in writing to adopt the terms negotiated under section 193.2 as a collective agreement, the parties are considered to have entered into a project agreement whose terms are those terms negotiated under section 193.2.

(2) A project agreement is binding on the trade unions that entered into the agreement, the employees on whose behalf the trade unions act and the employer or employers who agreed to the terms under section 193.2.

(3) A project agreement shall be signed by the trade unions that entered into the agreement and the employer or employers who agreed to the terms under section 193.2.

(4) Any employer in respect of the project that has a bargaining relationship with a trade union that has entered into a project agreement may agree in writing to be bound by the project agreement, in which case the employer shall sign the project agreement.

(5) A project agreement binds the parties only for the duration set out in the project agreement.

(6) A project agreement is not subject to any registration certificate.

(7) The trade unions, employees and employers that are bound by a project agreement are, to the extent that they are engaged in the project that is the subject of that project agreement, excluded from:

(a) any registration certificate and the effects of any registration certificate,

(b) any other collective agreement,

(c) if applicable, any application for a registration certificate, any registration certificate issued as a result of the application and any collective agreement entered into afterwards between a registered employers' organization and a trade union, that, but for this section, would have applied to them in respect of the project that is the subject of the project agreement,

(d) if applicable, any application for certification or revocation that, but for this section, would have applied to them in respect of the project that is the subject of the project agreement, and

(e) if applicable, any application under section 46 or 163.6 that, but for this section, would have applied to them in respect of the project that is the subject of the project agreement.

(8) Sections 59 to 83 and 130 do not apply in respect of a project agreement.

Strike or lockout

193.4 Any strike or lockout with respect to a project agreement is unlawful.

Revision or renewal

193.5(1) No trade union shall revise or renew a project agreement.

(2) Only the Building Trades of Alberta and the employer or employers that agreed to the terms under section 193.2 may revise or renew those terms.

(39) Division 8 of Part 3 is repealed and the following is substituted:

Division 8
Collective Agreements Relating to Major Construction Projects

Interpretation

194(1) In this Division,

(a) "plant" means a plant or other works or undertakings for the production or manufacture of petroleum products, natural gas products, pulp and paper products or any other products specified in the regulations;

(b) "principal contractor" means the person, corporation, partnership or group of persons primarily responsible for the construction of a plant or the alteration of or addition to an existing plant;

(c) "project" means the construction of a plant or the alteration of or addition to an existing plant, and includes providing camp or catering facilities;

(d) "project trade union" means a trade union that is a bargaining agent of employees employed or who may be employed in the designated project.

(2) For greater certainty, a principal contractor may be the owner of a plant or a person contracting with the owner for the construction of a plant or the alteration of or addition to an existing plant.

(3) The Lieutenant Governor in Council may make regulations specifying products for the purposes of subsection (1)(a).

Application for authorization

195(1) A person who wishes to engage in a project may apply to the Minister for a designation of the project as a project to which this Division applies, which authorizes a principal contractor to bargain collectively with respect to the project.

(2) An application under subsection (1) shall be in the form and contain the information prescribed by the Minister.

(3) The Minister shall consult with the applicant and persons affected by the application before making a decision.

(4) The Minister shall make a decision on the application no later than 120 days after the date of the application unless the Minister extends, in writing, the time for making a decision or the Minister and the applicant agree to extend the time for making a decision.

Designation of project

196(1) If the Minister is satisfied that

(a) a project in respect of which the Minister has received an application under section 195 is significant to the economy of Alberta, and

(b) it is in the public interest that a person or a principal contractor be authorized to bargain collectively as a principal contractor of the project,

the Minister may by order designate the project as a project to which this Division applies, which authorizes the principal contractor to bargain collectively with any project trade union.

(2) In an order made under subsection (1) or in any subsequent order, the Minister may also

(a) designate the principal contractor,

(b) prescribe the scope of construction to which a collective agreement under this Division shall apply, and

(c) provide for the method by which it shall be determined when the completion of the project occurs for the purposes of section 201.1.

(3) A designation granted with respect to a principal contractor may, with the consent of the Minister in writing, be delegated, in whole or in part, to another principal contractor or another owner or from one principal contractor of the project to another principal contractor of the project.

Collective bargaining between principal contractor and project trade union

197(1) Subject to the order made under section 196, a principal contractor designated under section 196 may engage in collective bargaining with any project trade union.

(2) When a principal contractor referred to in subsection (1) wishes to commence collective bargaining, the principal contractor

may serve a notice to commence collective bargaining on any project trade union.

(3) When a notice to commence collective bargaining has been served under subsection (2), the principal contractor and the project trade union shall meet and commence to bargain collectively in good faith and shall make every reasonable effort to enter into a collective agreement.

(4) No person, principal contractor, employer or project trade union shall strike or lock out or cause a strike or lockout with respect to the negotiation of a collective agreement under this Division.

(5) Sections 59 to 83 and 163 to 193 do not apply to a principal contractor or a project trade union in respect of collective bargaining under this Division.

Compulsory arbitration

198(1) If a dispute relating to collective bargaining under this Division cannot be resolved, a party may require that the matters in dispute be referred to a 3-member compulsory arbitration board under this Division by serving notice on the other party.

(2) Notwithstanding subsection (1), after notice has been served under subsection (1), the parties may agree that the dispute be referred to a one-member compulsory arbitration board instead of a 3-member compulsory arbitration board.

(3) The arbitration board shall consider the position of the parties on each matter in dispute and make an award dealing with each matter within 20 working days after the arbitration board has been established or any longer time that may be agreed to by the parties or fixed by the Minister.

(4) The award of a majority of the members of the 3-member arbitration board shall be the award of the 3-member arbitration board.

(5) The award of the arbitration board is binding on the parties to the dispute and shall be included in the terms of a collective agreement.

Appointment of 3-member arbitration board

199(1) When a notice is served under section 198(1) requiring a dispute to be resolved by 3-member arbitration board, each party shall nominate a member of the arbitration board within 7 working days and provide to the other party the name and contact information of its member.

(2) If a party fails to nominate a member within 7 working days, the other party may request the Minister to nominate a member for that party.

(3) The members shall attempt to select an individual to act as chair and, if they select an individual, that individual shall be appointed as chair.

(4) If the members fail to select an individual to act as chair, either party may request the Minister to appoint a chair.

Appointment of one-member arbitration board

200(1) When the parties agree that a dispute is to be resolved by a one-member arbitration board, the parties shall attempt to agree on an individual to act as member of the arbitration board within 7 working days.

(2) If the parties fail to agree on a member within 7 working days, either party may request the Minister to appoint the member.

Collective agreement

201(1) More than one collective agreement may be entered into and be in effect under this Division in respect of a designated project.

(2) A collective agreement entered into under this Division and in effect with respect to a designated project may be revised or renewed and the negotiation of the revision or renewal of the collective agreement is subject to this Division.

(3) If a dispute with respect to the revision or renewal of a collective agreement cannot be resolved, sections 198 to 200 apply.

(4) If a principal contractor or a project trade union is a party to a collective agreement to which this Division does not apply, the rights of the parties under that collective agreement are unaffected by any collective agreement entered into by any of the parties under this Division, except to the extent that the collective agreement to which this Division does not apply relates to the designated project.

(5) Section 130 does not apply to a collective agreement entered into between a principal contractor and a project trade union under this Division.

Signatures on and duration of collective agreement

201.1(1) If the terms of a collective agreement entered into between a principal contractor and a project trade union under this Division have been settled, the principal contractor and the project trade union shall sign the collective agreement.

(2) If a collective agreement is entered into between a principal contractor and a project trade union under this Division, the following parties are not required to sign the collective agreement:

(a) an employer on whose behalf the principal contractor bargained collectively;

(b) an employer who becomes bound by the collective agreement after it is entered into;

(c) an employee on whose behalf a project trade union bargained collectively or who becomes part of the bargaining unit of the project trade union.

(3) A collective agreement entered into between a principal contractor and a project trade union under this Division is deemed

(a) to be a collective agreement for the purposes of this Act, and

(b) to continue in force until its renewal or expiry, the completion of the designated project or the repeal of the order made under section 196, whichever first occurs.

(4) Notwithstanding subsection (3)(b), if the project occurs in phases, a collective agreement entered into under this Division is deemed to continue in force with respect to any phase of construction until the completion of that phase of construction or the repeal of the order made under section 196, whichever first occurs.

Persons bound by collective agreement

201.2(1) A collective agreement entered into between a principal contractor and a project trade union under this Division is binding on

(a) the principal contractor in the principal contractor's capacity as the principal contractor,

(b) the principal contractor in the principal contractor's capacity as an employer, to the extent that the principal contractor is an employer engaged in the designated project,

(c) the employers engaged in the designated project, to the extent that the employer is engaged in the designated project with employees represented by the project trade union that is a party to the collective agreement,

(d) any other employer who becomes engaged in the designated project after the principal contractor and the project trade union entered into a collective agreement, to the extent that

the employer is an employer engaged in the designated project with employees represented by the project trade union that is a party to the collective agreement,

(e) the project trade union, to the extent that the project trade union is the bargaining agent for employees of the employers referred to in this section and to the extent that those employees are employed in the designated project, and

(f) the employees on whose behalf the project trade union bargained collectively, to the extent that the employees are employed in the designated project by the employers referred to in this section.

(2) A collective agreement entered into under this Division between the principal contractor and a project trade union is binding on another project trade union only if that trade union agrees to be bound.

Effect of collective agreement

201.3 The principal contractor, employers, project trade unions and employees that are bound by a collective agreement under this Division are, only to the extent that they are engaged in the designated project, excluded from

(a) any registration certificate and the effects of any registration certificate,

(b) any other collective agreement, and

(c) if applicable, any application for a registration certificate, any registration certificate issued as a result of the application and any collective agreement entered into afterwards between a registered employers' organization and a project trade union,

that, but for this Division, would have applied to them in respect of the designated project.

Application of other provisions of Act

201.4(1) If a collective agreement is entered into between a principal contractor and a project trade union under this Division, sections 40(3)(b), 54(2)(b) and 129 do not apply to

(a) the principal contractor, employers, project trade unions or employees referred to in and to the extent specified in section 201.1, or

(b) the collective agreement between the principal contractor and the project trade union.

(2) If a conflict arises between the provisions of this Division or the regulations under this Division and any other provisions of this Act, this Division or the regulations under this Division shall prevail.

(40) The heading preceding section 207 is repealed and the following is substituted:

Part 4
Regulations and Transitional Provisions

(41) The following is added before section 207:

Regulation-making authority re M.O. 2020-26

206.1(1) The Lieutenant Governor in Council may make regulations

(a) respecting the transition to the Act as amended by the *Restoring Balance in Alberta's Workplaces Act, 2020* of anything under M.O. 2020-26, and

(b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act, including the interpretation or application of any transitional provision in this Act.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

(3) A regulation made under subsection (1) and any action or decision taken under or in accordance with the regulations made under subsection (1) apply despite anything to the contrary in this Act or any collective agreement.

(42) The following is added after section 208:

Transitional provisions re Restoring Balance in Alberta's Workplaces Act, 2020

209(1) In this section,

(a) "former" means, in respect of a section of the Act, the section as it read immediately before the coming into force of the corresponding new section;

(b) "new" means, in respect of a section of the Act, the section as it reads on the coming into force of the section of the *Restoring Balance in Alberta's Workplaces Act, 2020* that amended the corresponding section.

(2) Notwithstanding the coming into force of the *Restoring Balance in Alberta's Workplaces Act, 2020*,

(a) where a complaint is made to the Board under this Act and the Board has not fully disposed of the complaint on the coming into force of this section, the former section 17 continues to apply in respect of the complaint after this section comes into force,

(b) where an application for certification is made to the Board under section 32 and the Board has not fully disposed of the application on the coming into force of this section, the former section 34 continues to apply in respect of the application after this section comes into force,

(c) where an application for revocation is made to the Board under section 51 and the Board has not fully disposed of the application on the coming into force of this section, the former section 53 continues to apply in respect of the application after this section comes into force,

(d) where a person or trade union is engaged in picketing at the premises referred to in section 84(2) in respect of a labour dispute or difference on the coming into force of this section, section 84.1 does not apply in respect of any picketing at those premises that continues after this section comes into force in respect of the same labour dispute or difference,

(e) where the Board has not made a decision to declare that a dispute under section 92.2 be resolved by arbitration on the coming into force of this section, the former section 92.3 continues to apply in respect of the decision after this section comes into force,

(f) where a matter is before an arbitrator, arbitration board or other body and the arbitrator, arbitration board or other body has not fully disposed of the matter on the coming into force of this section, the former section 142 continues to apply in respect of the matter after this section comes into force,

(g) where a matter is before an arbitrator, arbitration board or other body and the arbitrator, arbitration board or other body has not fully disposed of the matter on the coming into force of this section, the former section 143(1) continues to apply in respect of the matter after this section comes into force,

(h) where an application for review is made to the Board under section 145(2) and the Board has not fully disposed of the application on the coming into force of this section, the former section 145 continues to apply in respect of the application after this section comes into force,

(i) where an application is made to the Board under section 149(1)(a), (c), (d), (f) or (g) and the Board has not fully disposed of it on the coming into force of this section, the former section 149(2) continues to apply in respect of the application after this section comes into force,

(j) where an application is made to the Board under section 151(1)(f) and the Board has not fully disposed of it on the coming into force of this section, section 151(3) does not apply in respect of the application after this section comes into force, and

(k) where an application is made to the Board under section 151(1)(f) on or after the coming into force of this section that is the same or substantially the same as an application made before the coming into force of this section, section 151(3) does not apply in respect of the application.

(3) Notwithstanding the repeal of the former section 196, a regulation made under that section continues in force after the coming into force of this section until the regulation is repealed by the Minister.

(43) Subsections (3)(b) and (c), (7), (8), (9), (10), (11), (12), (14), (16), (19), (23)(a), (24), (25), (31), (32)(a), (33)(b)(i) and (ii), (36), (37), (38) and (42), to the extent that it enacts section 209(2)(d) and (h) of the *Labour Relations Code*, come into force on Proclamation.

(44) Subsection (20) has effect on the day on which the Bill to enact the *Restoring Balance in Alberta's Workplaces Act, 2020* receives first reading.

Part 3

Police Officers Collective Bargaining Act

Amends RSA 2000 cP-18

12(1) The *Police Officers Collective Bargaining Act* is amended by this section.

(2) The following is added after section 40:

Financial statement

40.1(1) Every police association shall, as soon as possible after the end of the police association's fiscal year, provide to each member in accordance with the regulations

(a) a financial statement, meeting any requirements set out in the regulations, of the police association's affairs for the preceding fiscal year, and

(b) any information prescribed by the regulations.

(2) The financial statement must contain information in sufficient detail to accurately disclose the financial condition and operation of the police association for its preceding fiscal year.

(3) If a member makes a complaint to the Board that the police association has failed to comply with subsection (1), the Board may order the police association to provide to the member a financial statement or the information prescribed by the regulations.

(4) If the member makes a complaint to the Board that the financial statement or the prescribed information is inadequate, the Board may order the police association to prepare another financial statement or to provide the prescribed information in a form and containing the particulars that the Board considers appropriate.

(5) The Minister may make regulations

(a) respecting requirements that financial statements must meet for the purposes of subsection (1)(a), including requirements that apply to different classes of police associations or particular police associations;

(b) respecting the manner and form in which financial statements or prescribed information is to be provided to a member or members by a police association;

(c) prescribing information for the purposes of subsection (1)(b), including information that must be provided by different classes of police associations or particular police associations;

(d) establishing different classes of police associations for the purposes of this section.

(3) The following is added after section 42:

Deduction election

42.1(1) In this section, "union dues or assessments" means any fees or other charges charged to its members by a police association.

(2) In setting union dues or assessments, a bargaining agent must indicate

(a) the amount or percentage of the union dues or assessments that relates to political activities and other causes, including

(i) general social causes or issues,

(ii) charities or non-governmental organizations,

(iii) organizations or groups affiliated with or supportive of a political party, and

(iv) any activities prescribed by the regulations,

and

(b) the amount or percentage of the union dues or assessments that directly relates to

(i) activities under this Act or the *Labour Relations Code*, including activities relating to collective bargaining and representation of members, and

(ii) other activities that do not fall under subclause (i) or clause (a), including any activities prescribed by the regulations.

(3) A bargaining agent, before charging any union dues or assessments, or before changing the amount or percentage of the union dues or assessments to be charged, shall provide to each of its members

(a) information respecting the amount or percentage of the union dues or assessments that relates to activities referred to in subsection (2)(a) and the amount or percentage of the union dues or assessments that directly relates to activities referred to in subsection (2)(b),

(b) subject to the regulations, information required or reasonably requested by members to make an informed

decision for the purpose of making an election under subsection (4) or a revocation under subsection (5), and

(c) any other information required by the regulations.

(4) Effective on and after the date prescribed by the regulations, a member is not required to pay the amount or percentage of the union dues or assessments that relates to activities referred to in subsection (2)(a) unless the member makes an election in accordance with the regulations.

(5) An election under subsection (4) may be revoked in accordance with the regulations.

(6) Where a member makes an election under subsection (4) or revokes an election under subsection (5), the bargaining agent representing the member in a unit must notify the member's employer of the member's election or revocation if the union dues are deducted from wages due to the member by the employer.

(7) No bargaining agent shall expel or suspend a member or take disciplinary action against or impose any form of penalty on a member

(a) because the member has not made an election under subsection (4) or has revoked an election under subsection (5), or

(b) because the member does not pay the amount or percentage of the union dues or assessments that relates to activities referred to in subsection (2)(a) unless the member has made an election under subsection (4).

(8) No bargaining agent shall collect union dues or assessments from a member or use union dues or assessments collected from a member for activities referred to in subsection (2)(a) unless the member has made an election under subsection (4).

(9) No bargaining agent shall use union dues or assessments collected for activities referred to in subsection (2)(b) for any activities other than those referred to in subsection (2)(b).

(10) If there is a dispute

(a) as to whether the union dues or assessments relate to an activity referred to in subsection (2)(a) or directly relate to an activity referred to in subsection (2)(b),

(b) as to whether an election was made under subsection (4) or revoked under subsection (5) in accordance with the regulations,

(c) as to whether the information required by the regulations to be provided by a bargaining agent is sufficient to enable a person to make an informed decision for the purpose of making an election under subsection (4) or revoking an election under subsection (5), or

(d) with respect to any other matter under this section,

a party to the dispute may apply to the Board to resolve the dispute.

(11) Where an application has been made under subsection (10), the Board may make any order it considers appropriate to resolve the dispute, including an order

(a) that the bargaining agent produce any necessary information required for the purpose of this section,

(b) adjusting the amount or percentage of the union dues or assessments that relates to an activity referred to in subsection (2)(a) or directly relates to an activity referred to in subsection (2)(b),

(c) that the collection or use of union dues or assessments for activities referred to in subsection (2)(a) in contravention of subsection (8) is to cease,

(d) for restitution to employees of union dues or assessments that have been collected or used for activities referred to in subsection (2)(a) in contravention of subsection (8), or

(e) suspending the trade union's ability to collect union dues or assessments from employers or employees.

(12) Regulations made under section 26.1(11) of the *Labour Relations Code* apply for the purposes of this section.

(4) This section comes into force on Proclamation.

Part 4

Post-secondary Learning Act

Amends SA 2003 cP-19.5

13(1) The *Post-secondary Learning Act* is amended by this section.

(2) Section 86(2) is amended by adding the following after clause (e):

(e.1) in its role as bargaining agent, the charging of union dues and the amount of those dues;

(3) Section 92.2(2) is amended by adding the following after clause (e):

(e.1) in its role as bargaining agent, the charging of union dues and the amount of those dues;

(4) Section 95(2) is amended by adding the following after clause (f.1):

(f.2) in the case of a graduate students association in its role as bargaining agent for academically employed graduate students, the charging of union dues and the amount of those dues;

(5) This section comes into force on Proclamation.

Part 5

Public Education Collective Bargaining Act

Amends SA 2015 cP-36.5

14(1) The *Public Education Collective Bargaining Act* is amended by this section.

(2) The following is added after section 5:

Deduction election

5.1(1) This section applies instead of section 26.1 of the *Labour Relations Code* with respect to employees under this Act.

(2) In setting fees, dues or other levies, ATA must indicate

(a) the amount or percentage of the fees, dues or other levies that relates to political activities and other causes, including

(i) general social causes or issues,

(ii) charities or non-governmental organizations,

(iii) organizations or groups affiliated with or supportive of a political party, and

(iv) any activities prescribed by the regulations,

(b) the amount or percentage of the fees, dues or other levies that directly relates to professional development and professional governance, and

(c) the amount or percentage of the fees, dues or other levies that directly relates to

(i) activities under this Act or the *Labour Relations Code*, including activities relating to collective bargaining and representation of members, and

(ii) other activities that do not fall under subclause (i) or clause (a) or (b), including any activities prescribed by the regulations.

(3) ATA, before charging any fees, dues or other levies, or before changing the amount or percentage of the fees, dues or other levies to be charged, shall provide to each employee

(a) information respecting

(i) the amount or percentage of the fees, dues or other levies that relates to activities referred to in subsection (2)(a),

(ii) the amount or percentage of the fees, dues or other levies that directly relates to activities referred to in subsection (2)(b), and

(iii) the amount or percentage of the fees, dues or other levies that directly relates to activities referred to in subsection (2)(c),

(b) subject to the regulations, information required or reasonably requested by employees to make an informed decision for the purpose of making an election under subsection (4) or a revocation under subsection (5), and

(c) any other information required by the regulations.

(4) Effective on and after the date prescribed by the regulations, an employee is not required to pay the amount or percentage of the fees, dues or other levies that relates to activities referred to in subsection (2)(a) unless the employee makes an election in accordance with the regulations.

(5) An election under subsection (4) may be revoked in accordance with the regulations.

(6) Where an employee makes an election under subsection (4) or revokes an election under subsection (5), ATA shall notify the employee's employer of the employee's election or revocation.

(7) Notwithstanding section 13 of the *Teaching Profession Act*, an employee's employer shall not deduct the amount or percentage of the fees, dues or other levies that relates to activities referred to in subsection (2)(a) from the salary of the employee unless the employee has made an election under subsection (4).

(8) ATA shall not expel or suspend an employee or take disciplinary action against or impose any form of penalty on an employee because the employee has not made an election under subsection (4) or has revoked an election under subsection (5).

(9) ATA shall not collect fees, dues or other levies from an employee or use fees, dues or other levies collected from an employee for activities referred to in subsection (2)(a) unless the employee has made an election under subsection (4).

(10) ATA shall not use fees, dues or other levies collected for activities referred to in subsection (2)(b) or (c) for any activities other than those referred to in subsection (2)(b) or (c).

(11) If there is a dispute

(a) as to whether the fees, dues or other levies relate to an activity referred to in subsection (2)(a) or directly relate to an activity referred to in subsection (2)(b) or (c),

(b) as to whether an election was made under subsection (4) or revoked under subsection (5) in accordance with the regulations,

(c) as to whether the information required by the regulations to be provided by ATA is sufficient to enable an employee to make an informed decision for the purpose of making an election under subsection (4) or revoking an election under subsection (5), or

(d) with respect to any other matter under this section,

a party to the dispute may apply to the Labour Relations Board to resolve the dispute.

(12) Where an application has been made under subsection (11), the Labour Relations Board may make any order it considers appropriate to resolve the dispute, including an order

(a) that ATA produce any necessary information required for the purpose of this section,

(b) adjusting the amount or percentage of the fees, dues or other levies that relates to an activity referred to in subsection (2)(a) or directly relates to an activity referred to in subsection (2)(b) or (c),

(c) that the collection or use of fees, dues, or other levies for activities referred to in subsection (2)(a) in contravention of subsection (9) is to cease,

(d) for restitution to employees of fees, dues, or other levies that have been collected for activities referred to in subsection (2)(a) in contravention of subsection (9), or

(e) suspending ATA's ability to collect dues from employers or employees.

(13) Regulations made under section 26.1(11) of the *Labour Relations Code* apply for the purposes of this section.

(3) Section 6(2) is amended

(a) by adding "fees," **before** "dues" **wherever it occurs;**

(b) by striking out "union representation" **and substituting** "activities under this Act and the *Labour Relations Code*".

(4) This section comes into force on Proclamation.

Part 6

Public Service Employee Relations Act

Amends RSA 2000 cP-43

15(1) The *Public Service Employee Relations Act* is amended by this section.

(2) The following is added after section 4:

Financial statement

4.1(1) Every trade union shall, as soon as possible after the end of the trade union's fiscal year, provide to each member in accordance with the regulations

(a) a financial statement, meeting any requirements set out in the regulations, of the trade union's affairs for the preceding fiscal year, and

(b) any information prescribed by the regulations.

(2) The financial statement must contain information in sufficient detail to accurately disclose the financial condition and operation of the trade union for its preceding fiscal year.

(3) If a member makes a complaint to the Board that the trade union has failed to comply with subsection (1), the Board may order the trade union to provide to the member a financial statement or the information prescribed by the regulations.

(4) If the member makes a complaint to the Board that the financial statement or the prescribed information is inadequate, the Board may order the trade union to prepare another financial statement or to provide the prescribed information in a form and containing the particulars that the Board considers appropriate.

(5) The Minister may make regulations

(a) respecting requirements that financial statements must meet for the purposes of subsection (1)(a), including requirements that apply to different classes of trade unions or particular trade unions;

(b) respecting the manner and form in which financial statements or prescribed information is to be provided to a member or members by a trade union;

(c) prescribing information for the purposes of subsection (1)(b), including information that must be provided by different classes of trade unions or particular trade unions;

(d) establishing different classes of trade unions for the purposes of this section.

(3) Section 7 is amended by striking out "periodic dues" **and substituting** "union dues".

(4) Section 22 is amended

(a) by renumbering section 22 as section 22(1);

(b) in subsection (1)(a)(i) by striking out "trade union dues" **and substituting** "union dues";

(c) by adding the following after subsection (1):

(2) Notwithstanding a collective agreement made under subsection (1)(a), effective on and after the date prescribed by the regulations, an employer shall not deduct the amount or percentage of the union dues referred to in section 22.1(1)(a)

unless the employee has made an election under section 22.1(3).

(5) The following is added after section 22:

Deduction election

22.1(1) In setting union dues, assessments or initiation fees, a trade union must indicate

(a) the amount or percentage of the union dues, assessments or initiation fees that relates to political activities and other causes, including

(i) general social causes or issues,

(ii) charities or non-governmental organizations,

(iii) organizations or groups affiliated with or supportive of a political party, and

(iv) any activities prescribed by the regulations,

and

(b) the amount or percentage of the union dues, assessments or initiation fees that directly relates to

(i) activities under this Act, including activities relating to collective bargaining and representation of members, and

(ii) other activities that do not fall under subclause (i) or clause (a), including any activities prescribed by the regulations.

(2) A trade union, before charging any union dues, assessments or initiation fees, or before changing the amount or percentage of the union dues, assessments or initiation fees to be charged, shall provide to each person required to pay the union dues, assessments or initiation fees

(a) information respecting the amount or percentage of the union dues, assessments or initiation fees that relates to activities referred to in subsection (1)(a) and the amount or percentage of the union dues, assessments or initiation fees that directly relates to activities referred to in subsection (1)(b),

(b) subject to the regulations, information required or reasonably requested by a person to make an informed

decision for the purpose of making an election under subsection (3) or a revocation under subsection (4), and

(c) any other information required by the regulations.

(3) Effective on and after the date prescribed by the regulations, a person is not required to pay the amount or percentage of the union dues, assessments or initiation fees that relates to activities referred to in subsection (1)(a) unless the person makes an election in accordance with the regulations.

(4) An election under subsection (3) may be revoked in accordance with the regulations.

(5) Where an employee makes an election under subsection (3) or revokes an election under subsection (4), the trade union representing the employee in a unit must notify the employee's employer of the employee's election or revocation if the union dues are deducted in accordance with section 22.

(6) Notwithstanding section 7, no trade union shall expel or suspend a member or take disciplinary action against or impose any form of penalty on a member

(a) because the member has not made an election under subsection (3) or has revoked an election under subsection (4), or

(b) because the member does not pay the amount or percentage of the union dues, assessments or initiation fees that relates to activities referred to in subsection (1)(a) unless the member has made an election under subsection (3).

(7) No trade union shall collect union dues, assessments or initiation fees from an employee or use union dues, assessments or initiation fees collected from an employee for activities referred to in subsection (1)(a) unless the employee has made an election under subsection (3).

(8) No trade union shall use union dues, assessments or initiation fees collected for activities referred to in subsection (1)(b) for any activities other than those referred to in subsection (1)(b).

(9) If there is a dispute

(a) as to whether the union dues, assessments or initiation fees relate to an activity referred to in subsection (1)(a) or directly relate to an activity referred to in subsection (1)(b),

(b) as to whether an election was made under subsection (3) or revoked under subsection (4) in accordance with the regulations,

(c) as to whether the information required by the regulations to be provided by a trade union is sufficient to enable a person to make an informed decision for the purpose of making an election under subsection (3) or revoking an election under subsection (4), or

(d) with respect to any other matter under this section,

a party to the dispute may apply to the Board to resolve the dispute.

(10) Where an application has been made under subsection (9), the Board may make any order it considers appropriate to resolve the dispute, including an order

(a) that the trade union produce any necessary information required for the purpose of this section,

(b) adjusting the amount or percentage of the union dues, assessments or initiation fees that relates to an activity referred to in subsection (1)(a) or directly relates to an activity referred to in subsection (1)(b),

(c) that the collection or use of union dues, assessments or initiation fees for activities referred to in subsection (1)(a) in contravention of subsection (7) is to cease,

(d) for restitution to employees of union dues, assessments or initiation fees that have been collected or used for activities referred to in subsection (1)(a) in contravention of subsection (7), and

(e) suspending the trade union's ability to collect union dues from employers or employees.

(11) Regulations made under section 26.1(11) of the *Labour Relations Code* apply for the purposes of this section.

(6) Section 45(3) is amended

(a) in clause (a)(ii) by striking out "periodic dues, assessments and initiation fees" **and substituting** "union dues, assessments and initiation fees referred to in section 22.1(1)(b)";

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

(e.2) suspend, discharge or impose any financial or other penalty on an employee, or take any other disciplinary action against an employee, because the employee has made or refrained from making an election under section 22.1(3) or revoked or refrained from revoking an election under section 22.1(4);

(e.3) collect union dues, assessments or initiation fees related to activities referred to in section 22.1(1)(a) where an employee has not made an election under section 22.1(3);

(e.4) seek through coercion, intimidation, threats, promises or undue influence to compel employees to make or refrain from making an election under section 22.1(3) or to revoke or refrain from revoking an election under section 22.1(4);

(7) Section 47 is amended

(a) in clause (d) by adding ", including activity relating to making an election under section 22.1(3) or to revoking an election under section 22.1(4)" **after** "in or for a trade union";

(b) in clause (e) by striking out "periodic dues, assessments and initiation fees" **and substituting** "union dues, assessments and initiation fees referred to in section 22.1(1)(b)".

(8) This section comes into force on Proclamation.