

# Red tape reduction

## Labour Relations

### Information for Albertans

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#### Objective

The Restoring Balance in Alberta's Workplaces Act supports economic recovery, restores balance in the workplace and gets Albertans back to work.

We are reducing red tape for businesses by ensuring processes are streamlined and not used in unnecessary circumstances.

#### Changes

What is changing	What it means	Effective date
Union finances are becoming more transparent.	Unions must provide financial statements to their members, as soon as possible after the end of every fiscal year. This makes it easier for members to see how unions are spending their money.	Not yet in effect
First contract arbitration.	The Labour Relations Board will only order first contract arbitration if a certain threshold is met, rendering first contract arbitration as an option of last resort.	July 29, 2020
Remedial certification.	Legislation specifies when remedial certification can be used, such as when no other remedy is sufficient to counteract the impacts of the employer's misconduct and the true wishes of employees can't be determined.	July 29, 2020
Reverse onus rules.	Use of reverse onus provisions will be limited to the employer in cases of termination. Reverse onus will	July 29, 2020

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	also apply to unions in cases where they have used coercion or intimidation in organizing campaigns.	
Early renewal of collective agreements.	This will cut red tape for employers and unions by allowing early renewal of existing agreements, so long as employees consent.	February 10, 2021
Consequences for prohibited practices conducted by union.	Unions can be refused certification if they conduct certain prohibited practices which interferes with a certification campaign. Unions wishing to re-apply for certification will have to wait six months instead of 90 days.	July 29, 2020
Union disciplinary powers.	Workers will get greater job mobility. Unions will be restricted from disciplining members who take a materially different position with a different employer.	July 29, 2020
Protection for nurse practitioners.	Nurse practitioners are now allowed to organize and collectively bargain under the <i>Labour Relations Code</i> .	October 30, 2020
The status of collective agreements after successful union raids.	Existing collective agreements will remain in force after a successful union raid in the construction industry. The new union will, in most cases, have to adapt to the terms of the existing agreement, unless they file an application with the Labour Relations Board to amend certain terms of the agreement because they cannot meet them.	July 29, 2020
The approval process for major projects.	These changes will cut red tape for businesses working on major projects and get workers back on the job faster.  The approval process for projects applications has shifted from Cabinet to Ministerial level, with a 120-day timeline for a response.	July 29, 2020

	<p>New provisions also allow for:</p> <ul style="list-style-type: none"> <li>• Project owners to serve as principal contractors for negotiating major project agreements.</li> <li>• More than one project agreement per project.</li> <li>• Project owners to delegate authority for bargaining, in whole or part.</li> <li>• Inclusion of maintenance in major project designations, without the right to strike or lockout.</li> <li>• Replacement of voluntary collective bargaining with arbitration to resolve disputes.</li> <li>• Renegotiation of major project agreements, with disputes to be settled by arbitration.</li> </ul>	
<p>The creation of all-employee bargaining units for construction and maintenance work.</p>	<p>This will cut red tape as industrial unions can certify an entire construction or maintenance workforce with an employer under one application, and consolidation applications of existing bargaining units will also be permitted if certain criteria is met.</p> <p>The Labour Relations Board will be able to apply the build-up principle to account for if a larger workforce is expected in the future.</p> <p>The all-employee application will generally be for “all employees” but may be for less than the full complement of employees These circumstances would include</p>	<p>February 10, 2021</p>

	<p>employees that are not represented by a union, or are represented by a different union.</p> <p>In situations where the unit applied for has employees who are unrepresented, a representation vote will take place with a positive vote resulting in their inclusion in the “all-employee” unit and a negative vote resulting in them being excluded from the unit. Employees represented by a different union will also be excluded from the “all-employee” unit.</p>	
The Building Trades of Alberta can negotiate project agreements with construction employers.	Construction employers can carry out projects using employees represented by the Building Trades of Alberta by negotiating agreements.	February 10, 2021
Rules for strikes, lockouts and picketing.	<p>Immediate filing of the Board’s ruling of a strike, lockout or picketing is required at the request of one of the parties.</p> <p>In the event of an illegal strike, union dues will be suspended, and in the event of an illegal lockout, employers will be required to pay employees’ union dues.</p> <p>The Board will have additional extra criteria to determine whether picketing is lawful.</p> <p>Parties will need permission from the Labour Relations Board to picket somewhere other than their workplace.</p>	<p>July 29, 2020</p> <p>July 29, 2020</p> <p>July 29, 2020</p> <p>February 10, 2021</p>

<p>Arbitrator powers.</p>	<p>Arbitrators no longer have the express power to provide relief from time limits under the <i>Labour Relations Code</i>. Arbitrators are not explicitly directed to make decisions in accordance with the <i>Labour Relations Code</i> and the principles of Canadian labour arbitration.</p>	<p>July 29, 2020</p>
<p>Labour Relations Board powers.</p>	<p>The Board's ability to dismiss applications without a hearing is expanded with new reasons for abuse of process or filings without proper motive.</p> <p>The Board has the power to dismiss a duty of fair representation application once the applicant has rejected a reasonable settlement offer.</p> <p>All certification and revocation timelines are removed. The Board must complete an application within six months, other than in exceptional circumstances.</p> <p>The revised preamble language in the <i>Labour Relations Code</i> encourages the effective and efficient resolution of matters to reduce costs and support economic recovery.</p>	<p>July 29, 2020</p>
<p>Rules for review of decisions.</p>	<p>The Labour Relations Board has the power to decide whether review of a grievance arbitrator's decision should be handled by a single Chair or Vice-Chair without the parties' consent. The Board also has the power to order costs for reviews of these decisions.</p>	<p>July 29, 2020</p>

	The legislated standard of review will be repealed, allowing for the Board to use the standard of review established by the courts when reviewing arbitrators' decisions.	February 10, 2021
Labour Relations Board Emergency powers.	The Board is able to hear any matter in an emergency by a single Chair or Vice-Chair without parties' consent.	July 29, 2020
Emergency regulatory powers.	Government has enhanced regulation-making authority to retroactively continue any Ministerial Orders that were issued during the pandemic to deal with labour issues.	July 29, 2020

## More information

If you have questions or concerns about these changes, you can contact government.

For questions relating to rules that involve Alberta's labour relations legislation for unionized workplaces, you may contact the Employee Labour Relations Support program:

<https://www.alberta.ca/employee-labour-relations-support-program.aspx>