FIXED

Red tape reduction

Labour Relations

Information for Albertans

Objective

The proposed Restoring Balance in Alberta's Workplaces Act will support economic recovery, restore balance in the workplace and get Albertans back to work.

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

Translation: The Restoring Balance in Alberta's Workplaces Act will make it easier for bad employers to take advantage of workers who are desperate for work.

We are creating more red tape for unions and making it more difficult for workers to unionize.

Proposed Changes

What is changing	**What it means**	***What it REALLY means for workers***
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.	*Union members have always been able to get the financial statements from their unions. Changes like this are often used to make it seem like unions are trying to hide their financials.*

First contract arbitration.	Changes to the Code will ensure the Board will only order first contract arbitration if a certain threshold is met, rendering first contract arbitration as an option of last resort.	*This is an attempt to prevent first contractor arbitration which tends to be successful and gives workers more gains.*
Remedial certification.	Legislation will specify 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.	*This is another barrier to prevent workers from being able to unionize when their employer engages in illegal interference.*
Reverse onus rules.	Use of reverse onus provisions will be limited to the employer in cases of termination. Reverse onus will also apply to unions in cases where they have used coercion or intimidation in organizing campaigns, or they have breached provisions related to opt-in.	*If an employer tries to illegally prevent workers from unionizing the union will have to prove the employer did this on purpose with this goal. The union also will have to prove it did not intimidate workers into supporting the union if they are accused of it by an employer. Basically, unions have to prove when they didn't do things wrong and also have to prove when the employer did do things wrong. This creates more red tape for unions and workers.*

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.	*Associations that are employer-oriented, reject basic union principles and sacrifice the best interests of its members but call themselves unions, like CLAC, will be able to try to renew collective bargaining agreements with an employer to prevent an "open period" when workers could switch to an actual good union.*
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.	*This puts more red tape in place for workers looking to unionize and attempts to lock unions out of certain worksites.*
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.	*The government is encouraging bad employers to actively undermine union policies that are voted on by union members.*
Protection for nurse practitioners.	Nurse practitioners will now be allowed to organize and collectively bargain under the *Labour Relations Code*.	*Nurse practitioners will have protections under the labour relations and employment standards codes!*
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 Board to amend certain terms of the agreement because they cannot meet them.	*Workers who select a new union will still have to operate under an old collective agreement.*

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 will shift from Cabinet to Ministerial level, with a 120-day timeline for a response. New provisions also allow for: • Project owners to serve as principal contractors for negotiating major project agreements. • More than one project agreement per project. • Project owners to delegate authority for bargaining, in whole or part. • Inclusion of maintenance in major project designations, without the right to strike or lockout.Replacement of voluntary collective bargaining with arbitration to resolve disputes. • Renegotiation of major project agreements, with disputes to be settled by arbitration.	*Shorter timelines for approval means less opportunity for Albertans affected by projects to raise concerns.* *Minister's approval instead of Cabinet means less oversight and accountability for these decisions.*

The creation of all-employee bargaining units for construction and maintenance work.	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. 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. The all-employee application will generally be for "all employees" but may be for less than the full complement of employees in certain circumstances. These circumstances would include employees that are not represented by a union, or are represented by a different union. In circumstances 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.	*This whole change is to help an association called the Christian Labour Association of Canada (CLAC) get workers in areas they don't currently exist. CLAC calls itself a union but is employer-oriented, rejects basic union principles and sacrifices the best interests of its members. Employers are increasingly favouring CLAC in order to keep their workplaces union-free, leaving employees with little input into their working conditions.* *Also, if workers decide to vote against CLAC they are not allowed to unionize with any other union. This takes away workers' choice to pick their own unions.*

Rules for strikes, lockouts and picketing..	The law will change to require immediate filing of the Board's ruling of a strike, lockout or picketing at the request of one of the parties. 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. The Board will have additional extra criteria to determine whether picketing is lawful. Unions will need permission from the Labour Relations Board to picket somewhere other than their workplace.	*The government wants to stop the constitutional right to freedom of expression by limiting any picketing in Alberta.* *This creates more red tape for workers and actually makes picketing illegal if a person is stopped for even one second.*
Arbitrator powers.	Arbitrators will no longer have the power to provide relief from time limits under the *Labour Relations Code*. Arbitrators will not be explicitly directed to make decisions in accordance with the *Labour Relations Code* and the	*With no ability to extend time limits, arbitrators will have to rush decisions without all the evidence available.*
Board powers.	The Board's ability to dismiss applications without a hearing will expand with new reasons for abuse of process or filings without proper motive. The Board will have the power to dismiss a duty of fair representation application once the applicant has rejected a reasonable settlement offer. All certification and revocation timelines will be removed. The Board must complete an application within six months, other than in exceptional circumstances. The revised preamble language in the *Labour Relations Code* encourages the effective and efficient resolution of matters to reduce costs and support economic recovery.	*These changes affect which cases will actually get in front the board, help create more barriers and red tape for workers who want to unionize by giving more time for employer interference, and the board will be forced to consider the economic impact of worker action on business costs when considering remedies.*

Rules for review of decisions.	The Board will have 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 will also have the power to order costs for reviews of these decisions. The legislated standard of review will be repealed, allowing for the courts to determine the standard of review the Board should use when reviewing arbitrators' decisions.	*The legislated standard of review leveled the playing field between unions and wealthy employers. Forcing unions to go to court is expensive and time consuming.*
Board Emergency powers.	The Board will be able to hear any matter in an emergency by a single Chair or Vice-Chair without parties' consent.	*While the Chair or a Vice-Chair can sit alone in any of these cases, panels are often used. For contentious matters, the advantages of a full panel normally outweigh the efficiency of a single person deciding the case alone.*
Emergency regulatory powers.	Government will have enhanced regulation-making authority to retroactively continue any Ministerial Orders that were issued during the pandemic to deal with labour issues.	*The government will have "enhanced" authority to make more red tape for workers and their unions and create more flexibility for employers on the backs of Alberta's workers.*

Missing: *Workers will need to opt-in to pay a portion of their union dues. This is the first step to right-to-work legislation that often results in no union or worker power, lower wages, and less occupational health and safety. It is purely designed to prevent unions from standing up for workers and advocating for good legislation like the workers' compensation system and occupational health and safety.*

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

Join the Defend Worker Rights Campaign

Together, we can help all Albertans understand that a healthy economy and a healthy democracy depends on regular working people having rights, both in the workplace and on the political stage! Sign our Defend Worker Rights petition to join the fight!