New Alberta Employment Standards and Labour Code

Brendan Van Alstine and Nancy Furlong

A lot of things have changed in Alberta since 1988; the Calgary Olympics came and went, computers and cellphones have become increasingly ubiquitous, the provincial population has almost doubled and 44 years of Conservative rule finally gave way to a new government. Two things that hadn’t changed until very recently are Alberta’s Employment Standards and the Labour Relations Code. It goes without saying that much like the rest of the world, workplaces have evolved since the legislation was last updated in the late 80s and in May the Government of Alberta introduced Bill 17, *the Fair and Family-friendly Workplaces Act*. Bill 17 received royal assent in early June, and most of the new act is expected to come into force in time for the new year. The majority of the changes to the law are far from radical or cutting edge, "there are some novel things in here that are new, hopefully add efficiency, but it brings us up into the mainstream of Canadian legislation” according to Labour Minister Christina Gray.

While the changes to Employment Standards touch on many areas, including clarifying hours of work and overtime pay requirements, tightening up rules around employment of minors and clarifying the rules around farm and ranch employees, some of the biggest changes revolve around leaves of absence; Albertans who have worked for an employer for 90 days or more are now allowed to take unpaid leave to look after themselves and loved ones without fear of losing their jobs. Some may recall a news story from May of this year in which a Lethbridge mother was let go from her job after taking a leave of absence to care for her son with cancer. The reason? She had not worked a full year (52 weeks) - the former minimum qualifying period for compassionate care leave. Under the updated code, she would have been eligible for compassionate or unpaid leave, and while going from 52 weeks to 90 days might seem like a big jump, it actually just brings Alberta’s laws into closer alignment with the rest of Canada.

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For many workers out there who are unionized, the new Employment Standards may have little impact on day to day work, as many collective agreements already go above and beyond the code, but a lot of the changes being brought in will help workers in jobs who don’t have the benefit of collective agreements and union protection. Amendments to the Employment Standards Code have significant impact on employers’ policies, HR practices, and many of our friends, family and colleagues, whether unionized or not, will be directly affected by the changes.

Changes specific to unions are coming too, in the form of a new Labour Code. Among the changes coming forward, the province has proposed simplifying the process by which workplaces can become unionized by allowing workplaces where over 65% of employees have signed union cards to skip a board-conducted vote. They’re also reversing the onus of proving unfair labour practices from being the responsibility of employee to that of the employer, and including continuing care facilities and health care labs in the essential services provisions of the new labour code. Restrictions that hampered unionization in the construction industry have also been reduced. The new legislation also awards new and expanded powers to the Labour Board. The Board will now have the power to require a party to produce all relevant documents prior to a hearing, and to manage proceedings that come before it, including the ability to defer disputes where other remedies may be available, and prohibiting parties from making the same (or similar) applications. It will also have the power to review arbitration awards, to decide how and whether to publish decisions and to restrict disclosure of sensitive commercial or labour relations information it received. This move to more quasi-judicial board powers is expected to save time and increase efficiency as it will help to keep cases out of the courts that previously would have had to be referred to the judicial system for resolution.

So why does this matter for NASA? We’re not even covered under the affected legislation, but instead fall under the Public Service Employee Relations Act (PSERA), the same act that governs direct Government of Alberta employees. Why are we under that Act? PSERA was created to govern public sector employees who had a direct tie to the provincial government structure. It initially covered all government employees and all boards and agencies of the government, as well as all hospital employees and post-secondary education non-academic workers. Over time the government privatized many of its boards and agencies (remember the Alberta Liquor Control Board), and when privatization happened the new employers fell under the Alberta Labour Code rather than PSERA. Over the 40 years of the existence of the Act most organizations related to the Government have been moved and now only a few groups are left over. There are about 9 individual and unusual groups related to the government, like Alberta Innovates, Treasury Branches, the Gaming Commission and Workers Compensation Board; then the government’s own employees and finally, post secondary sector non-academic employees.

The post secondary sector remains the only group where some employees of our employer are under one labour act and other employees are under a different one. This creates unfair conditions since our Academic, Postdoctoral Fellows and Graduate Student organizations on campus have the advantage of the new and improved legislative framework of the Labour Code, and we remain disadvantaged in a law that was created primarily for a different time and a different type of bargaining relationship.
Employment Standards and Labour Code

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This will become an important area to work on this fall. The government should turn it’s attention to fixing this inequity. If the systems outlined in the new code are good for workers in the province, truly intended to create “Fair and Family-Friendly workplaces”, then it begs the question why our government would not want that same thing for us. NASA will be embarking on a campaign intended to correct this inequity. We hope that you will help us to convince them. Stay tuned.

New Mental Health Action Plan for Edmonton

Brendan Van Alstine, Acting NASA Communications Officer

It’s a little known fact that one in five of us will, at some point in our lives, experience mental illness. Over half of us that do won’t seek out the help we need, often because of the stigma that’s still associated with poor mental health. Even when we do seek out help, it can be hard to find; the system can be confusing and overwhelming at the best of times, and often times services can be expensive or involve long wait times. One in three Canadian workplace disability claims are related to mental health problems, and the estimated cost to Canada’s economy is over $50 billion.

In October 2016 the Community Mental Health Action Plan for Edmonton and Area was released. This initiative aims to ensure that all residents in our community have access to mental health supports when and where they need them, and to ensure that everyone in the Edmonton area has easier access to services and supports for individuals and families struggling with poor mental health, mental illness and addiction. In developing the Community Mental Health Action Plan, many community organizations and key government decision makers were brought together, and the plan was created in collaboration with health professionals, volunteers, families and people with lived experience of mental health problems and mental illnesses. The plan calls for better system integration, including incentivizing collaboration, improving information sharing across organizations and working with Alberta Health Services to create a single point of entry to services through community agencies, as well as improvements to service delivery and developing an evidence-based business case to promote the Action Plan.

Although one in five of us will, at some point, experience mental illness, when mental health issues are identified and help is readily available and accessible, it makes a big difference. The evidence shows us that the vast majority of people who are able to access assistance and supports for their mental health will see positive results, and so helping to facilitate access and making the system easier to navigate is a critical step.

The full Mental Health Action plan can be found at http://ow.ly/fDGL30ceSkq
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