

2017 Bill 7

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 7

**AN ACT TO ENHANCE
POST-SECONDARY
ACADEMIC BARGAINING**

THE MINISTER OF ADVANCED EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 7

2017

AN ACT TO ENHANCE POST-SECONDARY ACADEMIC BARGAINING

(Assented to _____, 2017)

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

Labour Relations Code

Amends RSA 2000 cL-1

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

(2) The following is added after section 58:

Division 9.1 Post-secondary Academic Bargaining

Interpretation

58.1(1) In this Division, “board of a public post-secondary institution” means

- (a) the board of governors of a university,
- (b) the board of governors of a public college, and
- (c) the board of governors of a technical institute.

(2) Definitions in section 1 of the *Post-secondary Learning Act* of terms used in this Division apply to this Division.

Explanatory Notes

Labour Relations Code

- 1**(1) Amends chapter L-1 of the Revised Statutes of Alberta 2000.
- (2) Adds Division 9.1, Post-secondary Academic Bargaining.

(3) An agreement entered into under section 87 or 96 of the *Post-secondary Learning Act* before the Bill to enact *An Act to Enhance Post-secondary Academic Bargaining* receives Royal Assent is a collective agreement for the purposes of this Act.

(4) For the purposes of this Division, an employee referred to in sections 58.3(1)(b), 58.4(1)(b) and 58.5(1)(b) is an employee notwithstanding that the person

- (a) performs managerial functions,
- (b) is a member of the medical, dental, architectural, engineering or legal profession qualified to practise under the laws of Alberta and is employed in the person's professional capacity, or
- (c) is a nurse practitioner employed in the professional capacity as a nurse practitioner in accordance with the *Public Health Act* and the regulations under that Act.

Application

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

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

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

Boards, academic staff and bargaining agents

58.3(1) For the purposes of this Act,

- (a) the board of a public post-secondary institution is an employer while it is acting as the employer of its academic staff,
- (b) the academic staff members of a public post-secondary institution are employees of the board of the public post-secondary institution, and
- (c) the academic staff association of a public post-secondary institution is, subject to the future effects of the application of Divisions 4 to 9 under section 58.2(2), the bargaining agent for the academic staff of the public post-secondary institution and has exclusive authority to bargain collectively on behalf of the academic staff and to bind them by a collective agreement.

(2) The academic staff association of a public post-secondary institution is deemed to be a trade union for the purposes of acting as bargaining agent for the public post-secondary institution's academic staff members.

Boards, graduate students and bargaining agents

58.4(1) For the purposes of this Act,

- (a) the board of governors of a university is an employer while it is acting as the employer of its academically employed graduate students,
- (b) the academically employed graduate students of a university are employees of the board of governors of the university, and
- (c) the graduate students association of a university is, subject to the future effects of the application of Divisions 4 to 9 under section 58.2(2), the bargaining agent for the academically employed graduate students of the university and has exclusive authority to bargain collectively on behalf of the academically employed graduate students and to bind them by a collective agreement.

(2) The graduate students association of a university is deemed for the purposes of this Act to be a trade union for the purposes of acting as bargaining agent for the academically employed graduate students at the university.

Boards, postdoctoral fellows and bargaining agents

58.5(1) For the purposes of this Act,

- (a) the board of governors of a university is an employer while it is acting as the employer of its postdoctoral fellows,
- (b) the postdoctoral fellows of a university are employees of the board of governors of the university, and
- (c) the postdoctoral fellows association of a university is, subject to the future effects of the application of Divisions 4 to 9 under section 58.2(2), the bargaining agent for the postdoctoral fellows of the university and has exclusive authority to bargain collectively on behalf of the postdoctoral fellows and to bind them by a collective agreement.

(2) The postdoctoral fellows association of a university is deemed for the purposes of this Act to be a trade union for the purposes of acting as bargaining agent for the postdoctoral fellows of the university.

Application respecting academic staff designations

58.6(1) A person or bargaining agent affected by a designation or change in designation made under section 5(2), 42(2) or 60(2) of the *Post-secondary Learning Act*, or a failure to designate, may apply to the Labour Relations Board to decide whether a category of employees or individual employees are academic staff members.

(2) On considering an application under subsection (1), the Labour Relations Board may decide whether a category of employees or individual employees are academic staff members, and in deciding may take into account any of the following:

- (a) the history of, and the employer's policies concerning, designations within the public post-secondary institution;
- (b) the results of any consultation referred to in section 5(2), 42(2) or 60(2) of the *Post-secondary Learning Act*;
- (c) the potential for significant conflict with the managerial responsibilities of the category of employees or individual employees, in the context of a collegial governance structure;
- (d) any arrangements made for any transition in status of categories of employees or individual employees;
- (e) the submissions and interests of any other bargaining agent representing employees of the public post-secondary institution affected by the designation;
- (f) any other factor the Board considers relevant.

(3) A decision of the Board under subsection (2) is final and binding.

(4) This section applies whether a designation or change in designation or a failure to designate by the board of governors occurred before or after the coming into force of this section.

Transitional provisions

58.7(1) On the coming into force of this section, collective bargaining that commenced under an agreement entered into under section 87 or 96 of the *Post-secondary Learning Act* continues subject to the *Labour Relations Code*.

(2) If before the day the Bill to enact *An Act to Enhance Post-secondary Academic Bargaining* receives first reading a dispute that arises during the negotiation of an agreement is referred to binding arbitration pursuant to an agreement under section 87 or 96 of the *Post-secondary Learning Act* or referred to binding arbitration under section 88 of that Act, the arbitration continues as the dispute resolution process for that dispute unless the parties agree to terminate the arbitration.

(3) If, on or after the day on which the Bill to enact *An Act to Enhance Post-secondary Academic Bargaining* receives first

reading but before it receives Royal Assent, a dispute that arises during the negotiation of an agreement is referred to binding arbitration pursuant to an agreement under section 87 or 96 of the *Post-secondary Learning Act* or referred to binding arbitration under section 88 of that Act, the arbitration is terminated and any award made is void.

(4) Effective on the day on which the Bill to enact *An Act to Enhance Post-secondary Academic Bargaining* receives first reading, a provision in an agreement under section 87 or 96 of the *Post-secondary Learning Act* that requires disputes that arise during the negotiation of a future agreement to be resolved by binding arbitration is unenforceable.

(5) An agreement under section 87 or 96 of the *Post-secondary Learning Act* that operates for an unspecified term is deemed, despite section 129 of this Act, to provide for its operation for a term of 3 years beginning on the date the Bill to enact *An Act to Enhance Post-secondary Academic Bargaining* receives Royal Assent or for a shorter period agreed on by the parties.

(6) For greater certainty, nothing in this section prevents the parties from referring matters in dispute to voluntary arbitration under section 93.

(7) A party to an agreement affected by this section may apply to the Board for a determination respecting the application of this section, and the Board's decision is final and binding.

(3) Section 95.2 is amended by adding the following after clause (c):

- (d) employers described in section 58.2(1)(a) to (c), all the employees of those employers and the bargaining agents for those employees.

(3) Section 95.2 presently reads:

95.2 This Division applies to the following:

- (a) employers who operate approved hospitals as defined in the Hospitals Act, all the employees of those employers and the bargaining agents for those employees;*
- (b) employers that are regional health authorities, all of their employees to whom clause (a) does not apply and the bargaining agents for those employees;*
- (c) employers to whom the Public Service Employee Relations Act applies, all the employees of those employers and the bargaining agents for those employees.*

Post-secondary Learning Act

Amends SA 2003 cP-19.5

2(1) The *Post-secondary Learning Act* is amended by this section.

(2) Section 1 is amended

(a) in clause (c) by striking out “under this Act” and substituting “in accordance with this Act”;

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

(c.1) “academically employed graduate student” includes a graduate student employed as a teaching or research assistant;

(c) by repealing clause (j) and substituting the following:

(j) “non-academic staff”, “non-academic staff member” and “member of the non-academic staff” mean an employee of the board of a public college, technical institute or university other than

(i) an academic staff member,

(ii) an academically employed graduate student, or

(iii) a postdoctoral fellow;

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

(k.1) “postdoctoral fellow” means an individual holding a postdoctoral appointment or occupying a postdoctoral position at a university, including any of the following:

(i) postdoctoral fellow;

(ii) postdoctoral associate;

(iii) postdoctoral researcher;

(iv) postdoctoral scholar;

(k.2) “postdoctoral fellows association” means a postdoctoral fellows association established under section 92.1;

Post-secondary Learning Act

2(1) Amends chapter P-19.5 of the Statutes of Alberta, 2003.

(2) Section 1 presently reads in part:

1 *In this Act,*

- (c) *“academic staff member”, “academic staff” and “member of the academic staff” mean an employee of the board of a public college, technical institute or university who, as a member of a category of employees or individually, is designated as an academic staff member under this Act;*
- (j) *“non-academic staff”, “non-academic staff member” and “member of the non-academic staff” mean an employee of the board of a public college, technical institute or university other than an academic staff member;*
- (k) *“non-academic staff association” means a bargaining agent, as defined in the Public Service Employee Relations Act, representing non-academic staff;*

(3) Section 5(2) is repealed and the following is substituted:

(2) Notwithstanding anything in this Act, the initial governing authority of a university

(a) shall, subject to section 58.6 of the *Labour Relations Code*, after consulting with the academic staff association and with any other bargaining agent representing employees of the university affected by the designation, do one or both of the following:

- (i) designate categories of employees as academic staff members of the university;
- (ii) designate individual employees as academic staff members of the university,

(b) shall prescribe procedures respecting the election of

- (i) the first executive of the academic staff association at the university, and
- (ii) the first councils of the student organizations at the university,

and

(c) may, subject to section 58.6 of the *Labour Relations Code*, change a designation made under this subsection after consulting with the academic staff association and with any other bargaining agent representing employees of the university affected by the change in designation.

(3) Section 5 presently reads:

5(1) Notwithstanding anything in this Act and in addition to the powers and duties conferred or imposed on the initial governing authority under section 4(1)(d), the initial governing authority of a university

(a) may exercise the powers and perform the duties of

(i) the chancellor, until the election of the first chancellor,

(ii) the president, until the appointment of the first president,

(iii) the senate, until the commencement of the senate's first meeting,

(iv) the board, until the commencement of the board's first meeting, and

(v) the general faculties council, until the commencement of the general faculties council's first meeting,

and

(b) may exercise the powers and perform the duties referred to in clause (a) either in its own name or in the name of the chancellor, the president, the senate, the board or the general faculties council, as the case may be.

(2) Notwithstanding anything in this Act, the initial governing authority of a university

(a) shall do one or both of the following:

(i) designate categories of employees as academic staff members of the university;

(ii) designate individual employees as academic staff members of the university,

(b) shall prescribe procedures respecting the election of

(i) the first executive of the academic staff association at the university, and

(4) Section 22 is amended

(a) in subsection (3) by striking out “existing agreement” and substituting “collective agreement”;

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

(4) In subsection (3), “collective agreement” includes an agreement between a board and an academic staff association that was made under section 87 before the repeal of section 87 and that is still in effect.

(5) Section 42(2) is repealed and the following is substituted:

(2) Notwithstanding anything in this Act, the initial governing authority of a public college or technical institute

(a) shall, subject to section 58.6 of the *Labour Relations Code*, after consulting with the academic staff association and with any other bargaining agent representing employees of the public college or technical institute affected by the designation, do one or both of the following:

(i) designate categories of employees as academic staff members of the public college or technical institute;

(ii) designate individual employees as academic staff members of the public college or technical institute,

(b) shall prescribe procedures respecting the election of

(i) the first executive of the academic staff association at the public college or technical institute, and

(ii) the first councils of the student organizations at the public college or technical institute,

(ii) *the first councils of the student organizations at the university,*

and

(c) *may, after consultation with the academic staff association, change a designation made by it under this subsection.*

(4) Section 22(3) presently reads:

(3) Subject to any existing agreement, a president may, in the president's discretion, suspend from duty and privileges any member of the academic staff at the university and shall forthwith report the president's action and the reasons for it

(a) to the board, and

(b) to the executive committee of the general faculties council.

(5) Section 42 presently reads:

42(1) Notwithstanding anything in this Act and in addition to the powers and duties conferred or imposed on the initial governing authority under section 41(1)(d), an initial governing authority of a public college or technical institute

(a) may exercise the powers and perform the duties of

(i) the president, until the appointment of the first president,

(ii) the board, until the commencement of the board's first meeting, and

(iii) the academic council, until the commencement of the academic council's first meeting,

and

(b) may exercise the powers and perform the duties referred to in clause (a) either in its own name or in the name of the president, the board or the academic council, as the case may be.

(2) Notwithstanding anything in this Act, the initial governing authority of a public college or technical institute

and

- (c) may, subject to section 58.6 of the *Labour Relations Code*, change a designation made under this subsection after consulting with the academic staff association and with any other bargaining agent representing employees of the public college or technical institute affected by the change in designation.

(6) Section 60(2) is repealed and the following is substituted:

(2) Subject to section 58.6 of the *Labour Relations Code*, the board of a public post-secondary institution other than Banff Centre may, after consulting with the academic staff association of the institution and with any other bargaining agent representing employees of the institution affected by the designation or change in designation, do one or more of the following:

- (a) designate categories of employees as academic staff members of the public post-secondary institution;
- (b) designate individual employees as academic staff members of the public post-secondary institution;
- (c) change a designation made under clause (a) or (b) or under section 5(2) or 42(2).

(7) Section 84 is amended

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

- (a) shall do one or both of the following:
 - (i) designate categories of employees as academic staff members of the public college or technical institute;
 - (ii) designate individual employees as academic staff members of the public college or technical institute,
 - (b) shall prescribe procedures respecting the election of
 - (i) the first executive of the academic staff association at the public college or technical institute, and
 - (ii) the first councils of the student organizations at the public college or technical institute,
- and
- (c) may, after consultation with the academic staff association, change a designation made by it under this subsection.

(6) Section 60(2) presently reads:

(2) The board of a public post-secondary institution other than Banff Centre may, after consultation with the academic staff association of the public post-secondary institution, do one or more of the following:

- (a) designate categories of employees as academic staff members of the public post-secondary institution;*
- (b) designate individual employees as academic staff members of the public post-secondary institution;*
- (c) change a designation made under clause (a) or (b) or under section 5(2) or 42(2).*

(7) Section 84 presently reads:

84(1) In this section and in sections 85 to 92, "agreement" means an agreement between the board and an academic staff association under section 87.

Academic staff

84(1) In this section, “collective agreement” includes an agreement between a board and an academic staff association that was made under section 87 before the repeal of section 87 and that is still in effect.

(b) in subsection (3) by striking out “existing agreement” and substituting “collective agreement”.

(8) Section 85(3) is repealed.

(9) Sections 87 to 89 are repealed.

(2) The board of a public post-secondary institution other than Banff Centre shall employ any persons it considers necessary to serve as academic staff members at the public post-secondary institution.

(3) A board shall, subject to any existing agreement,

(a) determine the remuneration of academic staff members,

(b) prescribe the duties of academic staff members, and

(c) prescribe the term of employment and the terms and conditions of employment of academic staff members.

(8) Section 85(3) presently reads:

(3) Each academic staff association shall have the exclusive authority, on behalf of the academic staff members, to negotiate and enter into an agreement with the board of the public post-secondary institution.

(9) Sections 87 to 89 presently read:

87(1) The board and the academic staff association of a public post-secondary institution shall enter into negotiations for the purpose of concluding or renewing an agreement.

(2) An agreement must be in writing.

(3) An agreement between the board and the academic staff association of a university shall, with respect to the employment of academic staff members, contain provisions respecting at least the following matters:

(a) establishment of salary rate and wage rate schedules for the purpose of setting the salaries or wages payable;

(b) procedures respecting the settlement of differences between the parties arising from the interpretation, application or operation of the agreement;

(c) procedures respecting the negotiation of future agreements.

(4) An agreement between the board and the academic staff association of a public college shall, with respect to the employment

of academic staff members, contain provisions respecting at least the following matters:

- (a) terms and conditions of employment;*
- (b) teaching responsibilities;*
- (c) vacation leaves, leaves of absence and sick leaves to be allowed;*
- (d) salaries and remuneration to be paid and the establishment of salary and wage schedules for that purpose;*
- (e) procedures respecting the settlement of differences between the parties arising from the interpretation, application or operation of the agreement;*
- (f) conditions and procedures governing reassignment, suspension or dismissal by the board;*
- (g) procedures respecting the negotiation of future agreements, including procedures for the final resolution, by compulsory binding arbitration, of disputes that may arise during the negotiation of future agreements.*

(5) An agreement between the board and the academic staff association of a technical institute shall, with respect to the employment of the academic staff members, contain provisions respecting at least the following matters:

- (a) the establishment of salary rate and wage rate schedules for the purpose of setting the salaries or wages payable;*
- (b) procedures for fixing sick leave, vacation leave, leave of absence or other leave to be allowed;*
- (c) procedures for determining conditions governing probation, term of employment, performance review, promotions, reassignment of duties, suspension and dismissal;*
- (d) procedures respecting the settlement of differences between the parties arising from the interpretation, application or operation of the agreement;*
- (e) procedures respecting the negotiation of future agreements, including procedures for the final resolution, by compulsory*

binding arbitration, of disputes that may arise during the negotiation of future agreements.

(6) An agreement is binding on

- (a) the board,*
- (b) the academic staff association, and*
- (c) the academic staff members.*

(7) Where a public post-secondary institution is established after the coming into force of this Act, the provisions referred to in subsection (3)(c), (4)(g) or (5)(e), as the case may be, must include procedures for the final resolution, by compulsory binding arbitration, of disputes that may arise during the negotiation of agreements.

88(1) Where a dispute that arises during the negotiation of an agreement under section 87 cannot be resolved by the board and the academic staff association of

- (a) a public college,*
- (b) a technical institute, or*
- (c) a public post-secondary institution established after the coming into force of this Act,*

the board or the academic staff association shall refer the dispute to compulsory binding arbitration.

(2) Where a dispute that arises during the negotiation of an agreement under section 96 cannot be resolved by the board and the graduate students association of a university, the board or the graduate students association shall refer the dispute to compulsory binding arbitration.

89(1) When the terms and conditions to be included in an agreement have been settled, the board and the academic staff association shall sign the agreement.

(2) No member of the academic staff is required to sign an agreement that has been entered into on the member's behalf by the academic staff association.

(10) Section 90 is repealed and the following is substituted:

Application of labour law

90 The *Employment Standards Code* does not apply to the following:

- (a) the initial governing authority of a public post-secondary institution when acting as the employer of its academic staff members, academically employed graduate students and postdoctoral fellows;
- (b) the board of a public post-secondary institution when acting as the employer of its academic staff members, academically employed graduate students and postdoctoral fellows;
- (c) the academically employed graduate students of a university;
- (d) the postdoctoral fellows of a university;
- (e) the academic staff members of a public post-secondary institution.

(11) Sections 91 and 92 are repealed.

(12) The following is added before the heading “Student Affairs” preceding section 93:

(10) Section 90 presently reads:

90 The Employment Standards Code and the Labour Relations Code do not apply to the initial governing authority, the members of the board when acting in their capacities as members of the board, the graduate students association or the graduate students of a university employed by the board as instructional staff, or the academic staff association or the academic staff members of a public post-secondary institution.

(11) Sections 91 and 92 presently read:

91 The provisions that were contained in an agreement pursuant to section 87(3)(b), (4)(e) or (5)(d) or the provisions of the regulations under section 92, as the case may be, apply to a difference arising between a board and an academic staff association during the period between the date of termination of an agreement and the date of entry into a new agreement as if the agreement had remained in effect.

92 If an agreement concluded or renewed under section 87(1) does not contain provisions respecting the matters set out in section 87(3)(b), (4)(e) and (g), (5)(d) and (e) or (7), as the case may be, the agreement is deemed to contain the provisions set out in the regulations in respect of which the agreement is silent.

(12) Postdoctoral fellows associations.

Postdoctoral fellows associations

92.1(1) The Lieutenant Governor in Council may by order establish a postdoctoral fellows association for each university and shall give the association a name consisting of the words “The Postdoctoral Fellows Association of” followed by the name of the university.

(2) Each postdoctoral fellows association is a corporation with the name given to it by the Lieutenant Governor in Council and consists of the postdoctoral fellows of the university.

(3) An order under subsection (1) must prescribe the procedures respecting the election of the first executive of the postdoctoral fellows association.

Postdoctoral fellows association executive

92.2(1) The business and affairs of a postdoctoral fellows association shall be managed by an executive, the members of which shall be elected by the members of the association.

(2) The postdoctoral fellows association shall, with the approval of the members of the association, make bylaws governing its affairs, and those bylaws must contain provisions governing at least the following matters:

- (a) the election of members of the executive of the postdoctoral fellows association;
- (b) the number of persons and the officers of which the executive is to consist, and their duties, powers and remuneration;
- (c) the calling of general and special meetings of the postdoctoral fellows association and of the executive;
- (d) the conduct of business at the meetings referred to in clause (c), including the number constituting a quorum at a meeting and the method of voting;
- (e) the charging of membership fees and the amount of those fees;
- (f) the acquisition, management and disposition of property of the postdoctoral fellows association;

- (g) the audit of accounts;
- (h) the manner of making, altering and rescinding bylaws;
- (i) the preparation and custody of
 - (i) minutes of meetings of the postdoctoral fellows association and of the executive, and
 - (ii) books and records of the postdoctoral fellows association;
- (j) the time and place at which the minutes, books and records of the postdoctoral fellows association may be inspected by members.

(13) Section 95 is amended

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

- (f.1) in the case of a graduate students association, its role as bargaining agent for academically employed graduate students, which must require the association to ascertain and act on the wishes of the academically employed graduate students;

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

(2.1) A bylaw made under subsection (2)(f.1) must be filed with the Labour Relations Board for approval.

(2.2) The Labour Relations Board shall approve the bylaw if it is satisfied that the bylaw requires the association to ascertain and act on the wishes of the academically employed graduate students.

(2.3) If a bylaw is not approved by the Labour Relations Board before July 1, 2018, the bylaws of the graduate students association are deemed to include the model provisions set out in the regulations.

(13) Section 95 presently reads in part:

(2) The council of a student organization may make bylaws governing

- (a) the requirements for membership in the student organization;*
- (b) the qualifications for election as a member of the council and the time and manner of conducting the elections;*
- (c) the number of persons and the officers that the council is to consist of;*
- (d) the calling of meetings of the council and the quorum and conduct of business at those meetings;*
- (e) in the case of a students association, the maintenance of the association by the levy of membership fees on its members;*
- (f) in the case of a graduate students association, the maintenance of the association by the levy of membership fees on its members;*
- (g) the acquisition, management and disposition of property by the student organization;*
- (h) any other matter pertaining to the management and affairs of the student rganization.*

(14) Section 96 is repealed.

(14) Section 96 presently reads:

96(1) The graduate students association of a university has the exclusive authority, on behalf of the graduate students, to negotiate and enter into an agreement with respect to the employment of graduate students with the board of the university.

(2) The board and the graduate students association of a university shall enter into negotiations for the purpose of concluding or renewing an agreement with respect to the employment of graduate students by the board.

(3) An agreement entered into under this section must be in writing and must contain provisions respecting at least the following matters:

- (a) the establishment of salary rate and wage rate schedules for the purpose of setting the salaries or wages payable;*
- (b) procedures respecting the settlement of differences between the parties arising from the interpretation, application or operation of the agreement;*
- (c) procedures respecting the negotiation of future agreements, including procedures for the final resolution, by compulsory binding arbitration, of disputes that may arise during the negotiation of future agreements.*

(4) An agreement is binding on

- (a) the board,*
- (b) the graduate students association, and*
- (c) the graduate students.*

(5) When the terms and conditions to be included in an agreement have been settled, the board and the graduate students association shall sign the agreement.

(6) No graduate student is required to sign an agreement that has been entered into on the graduate student's behalf by the graduate students association.

(7) If an agreement concluded or renewed under this section does not contain provisions respecting the matters set out in subsection

(15) Section 124 is amended

(a) by repealing clause (f);

(b) by adding the following after clause (p):

(p.1) prescribing model clauses for the purpose of section 95(2.3);

**Public Service Employee
Relations Act**

Amends RSA 2000 cP-43

3(1) The *Public Service Employee Relations Act* is amended by this section.

(2) The Schedule is amended by repealing section 2 and substituting the following:

2(1) The board of governors of each university as defined in the *Post-secondary Learning Act* while it is acting as the employer of its

- (a) academic staff,
- (b) academically employed graduate students, and
- (c) postdoctoral fellows,

as defined in the *Post-secondary Learning Act*.

(2) The academic staff, as defined in the *Post-secondary Learning Act*, of each university.

(3) The academically employed graduate students, as defined in the *Post-secondary Learning Act*, employed by the board of governors of each university.

(4) The postdoctoral fellows, as defined in the *Post-secondary Learning Act*, employed by the board of governors of each university.

(3)(b) and (c), the agreement is deemed to contain the provisions set out in the regulations in respect of which the agreement is silent.

(15) Section 124 presently reads in part:

124 The Lieutenant Governor in Council may make regulations

(f) setting out the provisions that agreements are deemed to contain under sections 92 and 96;

(p) respecting the matters referred to in section 59(2);

Public Service Employee Relations Act

3(1) Amends chapter P-43 of the Revised Statutes of Alberta 2000.

(2) Section 2 of the Schedule presently reads:

2(1) The board of governors of each university as defined in the Post-secondary Learning Act while it is acting as the employer of its academic staff as defined in the Post-secondary Learning Act.

(2) The academic staff, as defined in the Post-secondary Learning Act, of each university.

Coming into Force

4 Section 1(2) with respect to the enactment of section 58.7(2), (3) and (4) of the *Labour Relations Code* is deemed to have come into force on the day the Bill to enact *An Act to Enhance Post-secondary Academic Bargaining* received first reading.

Coming into Force

- 4** Coming into force.

