



Province of Alberta

PUBLIC SECTOR EMPLOYERS ACT

Statutes of Alberta, 2019
Chapter P-40.7

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Regulations

The following is a list of the regulations made under the *Public Sector Employers Act* that are filed as Alberta Regulations under the Regulations Act

Alta. Reg.	<i>Amendments</i>
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Public Sector Employers Act

Public Sector Employers Regulation.....	108/2021
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Table of Contents

- 1 Interpretation
- 2 Application
- 3 Directives to employers
- 4 Confidentiality
- 5 Conflict
- 6 Crown not employer
- 7 Employers
- 8 Lieutenant Governor in Council regulations

Schedule

Preamble

WHEREAS public sector compensation is the largest government expenditure, constituting over half of the Government of Alberta's operating expense;

WHEREAS the Government of Alberta is committed to preserving and protecting public services for Albertans, and fiscal restraint in public sector collective bargaining is key to achieving this objective;

WHEREAS the Government of Alberta is committed to ensuring that the costs of collective agreements bargained by public sector employers are aligned with the Province's fiscal realities; and

WHEREAS the Government of Alberta is also committed to respecting the autonomy of public sector employers and the importance of the collective bargaining process:

Interpretation

1(1) In this Act,

- (a) "employer" means any of the following entities or a subsidiary of the following entities if the entity or subsidiary

of the entity engages in collective bargaining or a related process:

- (i) an institution that forms part of the publicly funded post-secondary system other than an independent academic institution within the meaning of the *Post-secondary Learning Act*;
 - (ii) a board as defined in the *Education Act*;
 - (iii) a board as defined in the *Northland School Division Act*;
 - (iv) a Francophone regional authority as defined in the *Education Act*;
 - (v) a regional health authority established under the *Regional Health Authorities Act*;
 - (vi) an entity set out in the Schedule;
- (b) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (c) “publicly funded post-secondary system” means the system described in section 102.2 of the *Post-secondary Learning Act*;
- (d) “related process” includes any statutory process or other process agreed to by the employer and bargaining agent respecting possible changes to the terms of a collective agreement.

(2) For employers who are subject to the *Public Service Employee Relations Act*, “bargaining agent”, “collective agreement” and “collective bargaining” mean “bargaining agent”, “collective agreement” and “collective bargaining” within the meaning of the *Public Service Employee Relations Act*.

(3) For employers who are subject to the *Labour Relations Code*, “bargaining agent”, “collective agreement” and “collective bargaining” mean “bargaining agent”, “collective agreement” and “collective bargaining” within the meaning of the *Labour Relations Code*.

Application

2 This Act does not apply to collective bargaining under, or a collective agreement under, the *Public Education Collective Bargaining Act* or a related process.

Directives to employers

3(1) The Minister may issue directives that an employer must follow before, during and after engaging in collective bargaining or a related process.

(2) Directives issued by the Minister under this section may include directives

- (a) respecting the term of a collective agreement an employer may propose or agree to,
- (b) respecting fiscal limits the employer must operate within when engaging in collective bargaining or a related process,
- (c) specifying information an employer must provide to the Minister, including
 - (i) information respecting compensation data and related information,
 - (ii) information respecting employment and labour market data and related information,
 - (iii) information for the purpose of monitoring compliance by the employer with directives issued by the Minister, and
 - (iv) any other information the Minister considers necessary respecting collective bargaining or a related process as set out in the directive,

and

- (d) respecting the steps to be taken by an employer for the purpose of confirming compliance with directives issued by the Minister under this section.

(3) A directive may be general or particular in its application.

(4) A directive may provide for

- (a) the form and manner in which the directive is to be complied with, and
- (b) the time within which the directive is to be complied with.

(5) The *Regulations Act* does not apply with respect to directives issued by the Minister under this section.

Confidentiality

4(1) A directive issued by the Minister under this Act is confidential and may not be disclosed by the employer to any third party without prior consent of the Minister.

(2) Information provided to the Minister by an employer pursuant to a directive issued under this Act is confidential and, subject to the regulations, may only be disclosed by the Minister to another employer, an employee of a department or a member of Executive Council as the Minister considers necessary for the administration of this Act.

(3) Information provided to another employer, an employee of a department or a member of Executive Council under subsection (2) is confidential and, subject to the regulations, may not be disclosed to a third party without the prior consent of the Minister.

Conflict

5 If there is a conflict or inconsistency between

- (a) this Act or the regulations under this Act,
- (b) the *Labour Relations Code* or the regulations made under the *Labour Relations Code*, and
- (c) the *Public Service Employee Relations Act*,

this Act or the regulations under this Act apply.

Crown not employer

6 Nothing in this Act makes the Crown an employer of a person of whom the Crown is not otherwise an employer.

Employers

7(1) The Lieutenant Governor in Council may by regulation amend the name of an entity or the description of an entity prescribed as an employer in the Schedule.

(2) The Lieutenant Governor in Council may by regulation amend the Schedule by prescribing additional entities as employers.

(3) For the purposes of a regulation made under subsection (2), the Lieutenant Governor in Council may only prescribe any of the following entities as employers:

- (a) a public agency to which the *Alberta Public Agencies Governance Act* applies;

- (b) an entity that receives funding from the Crown to provide a public service.

(4) The Lieutenant Governor in Council may by regulation exempt an employer, in whole or in part, from all or part of this Act.

Lieutenant Governor in Council regulations

8 The Lieutenant Governor in Council may make regulations

- (a) defining, for the purposes of this Act, any word or expression used but not defined in this Act;
- (b) respecting the collection, use and disclosure of information, including personal information;
- (c) respecting any other matter necessary to carry out the purpose of this Act.

Schedule

For the purpose of section 1(1)(a)(vi) of this Act, each of the following entities is an “employer”:

- (a) Alberta Gaming, Liquor and Cannabis Commission;
- (b) Alberta Innovates;
- (c) Alberta Pensions Services Corporation;
- (d) ATB Financial;
- (e) Covenant Health;
- (f) Lamont Health Care Centre;
- (g) Travel Alberta;
- (h) The Workers’ Compensation Board.



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