



PUBLIC SERVICE
EMPLOYEE RELATIONS BOARD

1978-1979

second annual report

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PUBLIC SERVICE
EMPLOYEE RELATIONS BOARD

SECOND
ANNUAL REPORT
1978 - 1979
for the
FISCAL YEAR ENDING MARCH 31, 1979

PUBLISHED BY AUTHORITY OF THE
PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

EDMONTON, ALBERTA

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To His Honour
Ralph J. Steinhauer
Lieutenant Governor of the Province of Alberta

May it please your Honour,

On behalf of the Public Service Employee Relations Board, I respectfully submit to you the Annual Report for the period from April 1, 1978 to March 31, 1979, pursuant to the requirements of Section 77 of The Public Service Employee Relations Act, Statutes of Alberta 1977, Chapter 40 and amendments thereto.

Respectfully submitted,

Dr. Hugh Horner
Reporting Minister

To: The Honourable Dr. Hugh Horner
Reporting Minister

Sir:

I have the honour to submit herewith, on behalf of the Public Service Employee Relations Board, the Second Annual Report for the fiscal period from April 1, 1978 to March 31, 1979.

Respectfully yours,

D. Blair Mason
Chairman

personnel

PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

Chairman — D. Blair Mason, Q.C.

Alternate Chairman — E. L. Bunnell

Members —

Patrick French

Agnes Helstein

Angus MacDonald

Gordon F. May

Executive Director — S. Michael Marlowe

Secretary — Gordon P. Procinsky

SECOND ANNUAL REPORT OF THE

PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

FOR THE FISCAL PERIOD ENDING MARCH 31, 1979

introduction

The fiscal year which ended March 31, 1979, represents the first full year of operation for the Board and its staff. Our First Annual Report covered the period from September 22, 1977, the date upon which The Public Service Employee Relations Act was proclaimed, to March 31, 1978, which date marked the end of the then current fiscal year of the Provincial Government.

The year marked a number of achievements for the Board. We completed our move to our permanent offices located at 2007, Toronto Dominion Tower, Edmonton Centre, Edmonton, Alberta. Coincident with the establishment of our permanent office, the Board took over full responsibility for all areas of its operation including personnel and accounting functions.

The Board itself dealt with a number of issues for the first time and was thereby required to deliver a number of precedent setting decisions. The challenges involved in these matters continued to be a learning experience for the Board and all parties under the jurisdiction of the Act. This Board feels that a good rapport has been established with the employers and the bargaining agents who have come before it over this past year as evidenced by the high degree of co-operation and understanding accorded to us in all of our operations and deliberations.

application

The Public Service Employee Relations Act establishes collective bargaining rights and procedures for the general public service, designated boards, commissions, corporations, councils and other bodies including Provincial hospitals and the non-academic staff of Colleges and Universities. It is patterned on the model of The Alberta Labour Act insofar as it pertains to matters of certification, revocation of certification and unfair practices. The significant differences between this legislation and that of The Alberta Labour Act is that it provides for binding arbitration for the settlement of interest arbitration disputes and prohibits strikes or lockouts in the public sector.

Similar legislation governs the Public Service employees employed by Her Majesty in right of Canada, persons employed in the Public Service by Her Majesty in right of the Province of New Brunswick, provincial employees in the Province of Ontario and most recently somewhat parallel legislation has been effected in the Province of Nova Scotia.

administration and personnel

The responsibility for administering the Act rests with the Public Service Employee Relations Board comprised of four Board Members equally representative of the interests of the employer and employees respectively, a Chairman and an Alternate Chairman all appointed on a part-time basis. The term of office of Board Members and the Chairman and Alternate Chairman may not exceed five years with the present Board serving a term to expire effective September 22, 1979.

During the past fiscal year, Miss Agnes E. Helstein was appointed to the Board in place of Anne Baranyk who resigned for personal reasons. Additionally, the position of Alternate Chairman was filled with the appointment of Mr. E. L. Bunnell.

Because the Board Members and Chairman are part-time appointments, it was necessary to re-allocate certain duties and responsibilities at the senior administrative staff level of the Board. To facilitate this, the position of Secretary/Administrator was reclassified to that of Executive Director and the position of Deputy Secretary to Secretary to the Board.

The Board met on nineteen (19) separate days to deal with matters coming before it and the hearings were held both in Edmonton and Calgary to facilitate the convenience of the various parties which came before it. The Board has also stated it will hold hearings in any other centres within the province as and when the need may arise to provide proper accessibility to the parties which may be affected, and the employees or other interested parties which may be involved.

proceedings under the act

I. APPLICATIONS FOR DETERMINATIONS — SECTION 9

- (1) Two (2) employees of the University Hospital Board of Edmonton, one (1) employed as a Graphic Artist and the other as a Photofinisher, requested they be included in the unit comprising: — "All employees when employed in a paramedical technical capacity" as evidenced by the Certificate held by the Health Sciences Association of Alberta of Edmonton, instead of continuing to be included in the bargaining unit held by The Alberta Union of Provincial Employees. When it became obvious to the employees concerned on conclusion of the Officer of the Board's inquiry that their respective functions did not come within the scope of the unit for which the Health Sciences Association of Alberta is certified, both withdrew their applications. (Board File 100-037-506)

- (2) The employer, the Board of Governors of Mount Royal College of Calgary, requested the Board make a determination as to whether the Payroll Supervisor was an employee for the purposes of The Public Service Employee Relations Act. Following the assignment of an Officer to inquire into the application and the review of the Officer's findings with the employer, the employer withdrew their application. (Board File 100-067-518)
- (3) The employer, the Board of Governors of Olds College of Olds, in conjunction with an application to establish an arbitration board, requested the Board make a number of determinations whether certain matters in dispute were arbitral items that could be referred to an arbitration board. When the bargaining agent, The Alberta Union of Provincial Employees, Branch 63, agreed to join with the employer to request the Board appoint a mediator, the employer withdrew their application pursuant to Section 9. (Board File 100-095-502)

II. REQUEST FOR RECONSIDERATION — SECTION 11

- (1) The bargaining agent, the Health Sciences Association of Alberta of Edmonton requested the Board to amend their unit of employees of the Alberta Children's Provincial General Hospital of Calgary comprising: — "All employees when employed in a paramedical technical capacity" as evidenced by the Certificate issued by the Board of Industrial Relations on June 25, 1975 and as varied on July 26, 1976, to include the employees employed in the classification of 'Medical Typist'. The application was dismissed as the Board was of the opinion it lacked jurisdiction to consider the bargaining agent's request as this Board did not issue the Certificate noting that the bargaining agent is deemed to be certified under Section 99 (1) of The Public Service Employee Relations Act. Prior to the proclamation of The Public Service Employee Relations Act on September 22, 1977, the bargaining agent was certified under The Alberta Labour Act, 1973. (Board File 105-045-506)
- (2) The bargaining agent, the Alberta Association of Registered Nursing Assistants of Edmonton, which, by virtue of Section 99 (1) of The Public Service Employee Relations Act is deemed to be the certified bargaining agent under such Act for a unit of employees of the Alberta Children's Provincial General Hospital of Calgary, comprising: — "All employees when employed in Auxiliary Nursing Care" requested the Board issue a Certificate for such group of employees. The Board refused as it believed it did not have the jurisdiction to do so, but did indicate to the applicant and the employer that because of the documentation filed, the Board was satisfied that the bargaining agent by virtue of Section 99 (1) of the Act was deemed to be the bargaining agent under The Public Service Employee Relations Act for those employees. (Board File 105-045-508)

- (3) The bargaining agent, The Alberta Union of Provincial Employees, Branch 54 of Edmonton requested a variance of its Certificate by virtue of Section 99 (2) of The Public Service Employee Relations Act affecting the University of Alberta Hospital of Edmonton to include Nursing Assistants (female). The bargaining agent withdrew its application. (Board File 105-037-502)
- (4) The applicant, The Alberta Union of Provincial Employees, Branch 52 of Edmonton requested a variance of its certification by virtue of Section 99 (2) of the Act affecting the non-academic staff of the University of Calgary of Calgary to include those employees employed as non-academic staff of the Banff School of Fine Arts and Centre for Continuing Education, in such certification. The applicant withdrew its application. (Board File 105-049-502)

III. CERTIFICATION APPLICATIONS — SECTION 25

- (1) The Alberta Association of Registered Nursing Assistants of Edmonton applied to be certified for a unit of employees of the Glenrose Provincial General Hospital of Edmonton comprising: — "All employees when employed in Auxiliary Nursing Care." The Board refused the application as it found the applicant was not a proper bargaining agent as the Constitution of the applicant did not allow the applicant to bargain collectively under the provisions of The Public Service Employee Relations Act but only provided that "the procedures followed in carrying out such bargaining must be recognized by and acceptable to the Board of Industrial Relations of the Alberta Department of Labour". (Board File 115-043-508)
- (2) The Alberta Association of Registered Nursing Assistants of Edmonton applied to be certified for a unit of employees of the University Hospital Board of Edmonton comprising: — "All employees when employed in Auxiliary Nursing Care." The Board refused the application as it found the applicant was not a proper bargaining agent as the Constitution of the applicant did not allow the applicant to bargain collectively under the provisions of The Public Service Employee Relations Act but only provided that "the procedures followed in carrying out such bargaining must be recognized by and acceptable to the Board of Industrial Relations of the Alberta Department of Labour". (Board File 115-037-508)
- (3) The Hospital Psychologists' Association of Alberta of Calgary applied for certification for a unit of employees of the Alberta Children's Provincial General Hospital of Calgary comprising: — "All employees of the employer when employed at 1820 Richmond Road S.W., Calgary, Alberta as psychologists or psychologists assistants." The Board refused the application as the evidence was clear that the applicant represented only one professional group out of some ten professional paramedical services and to certify only one of those professional groups would be to destroy the concept of the functional bargaining units which now exist in the hospital industry in the province, with the Board finding the unit applied for was not an appropriate unit for collective bargaining. (Board File 115-045-512)

- (4) The Lakeland College Non-Academic Staff Association of Vermilion applied for certification for a unit of employees of Lakeland College of Lloydminster comprising: — "All members of the Lakeland College Non-Academic Staff Association as per attached sheet." The Board in refusing to certify the applicant as the bargaining agent found the unit applied for was not an appropriate unit for collective bargaining. (Board File 115-097-526)
- (5) The Health Sciences Association of Alberta of Edmonton was certified as bargaining agent for a unit of employees of the University Hospital Board of Edmonton comprising: — "All employees when employed in a paramedical technical capacity." (Board File 115-037-506)
- (6) The Health Sciences Association of Alberta of Edmonton was certified as bargaining agent for a unit of employees of the Provincial Cancer Hospitals Board of Edmonton comprising: — "All employees when employed in a paramedical technical capacity." (Board File 115-039-506)
- (7) The Glenrose Provincial General Hospital United Nurses of Alberta, Chartered Local #32 of Edmonton was certified as the bargaining agent for a unit of employees of the Glenrose Provincial General Hospital of Edmonton comprising: — "All employees when employed in direct nursing care or instruction therein." (Board File 115-043-540)
- (8) The Power Engineers Association of Alberta of Calgary applied for certification affecting the Baker Memorial Sanitorium of Calgary (Crown in right of Alberta) for a unit of employees comprising: — "Operating Engineers of the Hospital power plant and utilities service." In considering the bargaining agent's request to withdraw its application, in accordance with the Board's policy and procedures in such cases, the applicant's application for certification was refused. (Board File 115-093-524)
- (9) The Power Engineers Association of Alberta of Calgary applied for certification affecting the Alberta Children's Provincial General Hospital of Calgary for a unit of employees comprising: — "Operating Engineers of the Hospital power plant and utilities service." In considering the bargaining agent's request to withdraw its application, in accordance with the Board's policy and procedures in such cases, the applicant's application for certification was refused. (Board File 115-045-524)
- (10) The Power Engineers Association of Alberta of Calgary applied for certification affecting the Calgary Correctional Institution of Calgary (Crown in right of Alberta) for a unit of employees comprising: — "Operating Engineers of the penal Institution power plant and utilities service." In considering the bargaining agent's request to withdraw its application, in accordance with the Board's policy and procedures in such cases, the applicant's application for certification was refused. (Board File 115-091-524)

- (11) The Alberta Union of Provincial Employees, Branch 65 of Edmonton applied for certification for a unit of employees of Keyano College of Fort McMurray comprising: — "Those persons who are or have been or may be employees employed in a non-academic capacity by Keyano College in the Province of Alberta, save and except those persons excluded according to Section 21 of The Public Service Employee Relations Act." The Board refused to certify the applicant as the Board found the applicant did not enjoy majority support of the employees affected. (Board File 115-087-502)
- (12) The McMurray Independent Oil Workers Local #2 of Fort McMurray applied for certification for a unit of employees of the Board of Governors of Keyano College of Fort McMurray comprising: — "All non-instructor employees employed by the Board of Governors of Keyano College except those employees who perform functions described in Sections 21 and 22 of The Public Service Employee Relations Act." The Board refused to certify the applicant as the Board found the applicant did not enjoy majority support of the employees affected. (Board File 115-087-528)
- (13) The bargaining agent, the University of Alberta Non-Academic Staff Association of Edmonton applied for certification for a unit of employees of the Board of Governors of the University of Alberta of Edmonton comprising: — "All non-academic employees of the University of Alberta." As, in the opinion of the Board the applicant was influenced and dominated by the employer, the Board refused to certify the applicant as bargaining agent and determined the Collective Agreement if in force, was void. (Board File 115-069-520)
- (14) The Mount Royal Support Staff Association of Calgary was certified as bargaining agent for a unit of employees of the Board of Governors of Mount Royal College comprising: — "All employees of the Board of Governors of Mount Royal College when employed in general support services." (Board File 115-067-518)
- (15) The Board refused to certify The Alberta Union of Provincial Employees, Branch 67 of Edmonton for a unit of employees of the Governors of the Banff Centre for Continuing Education of Banff comprising: — "Those persons who are or have been or may be employees employed in a non-academic capacity by the Banff School of Fine Arts and Centre for Continuing Education, or its successor organization in the Province of Alberta, save and except those persons excluded according to Section 21 of The Public Service Employee Relations Act", as the bargaining agent did not enjoy majority support of the employees affected. (Board File 115-035-502)
- (16) The Power Engineers Association of Alberta of Calgary applied for certification for a unit of employees of the Southern Alberta Institute of Technology of Calgary (Crown in right of Alberta) comprising: — "Operating Engineers of the Education Institute Power Plant and Utilities Service." The Board in finding that the employees affected by the bargaining unit applied for constituted only an exceedingly small percentage of the employees employed by the Crown in right of Alberta and as the Board was satisfied the unit applied for was not a

single bargaining unit constituted under Section 18 of the Act, the Board refused to certify the bargaining agent as the Board was satisfied the unit applied for was not an appropriate unit for collective bargaining. (Board File 115-089-524)

- (17) The Board certified the Alberta Children's Provincial General Hospital Chartered Local #95 of the United Nurses of Alberta of Edmonton for a unit of employees of the Alberta Children's Provincial General Hospital of Calgary comprising: — "All employees when employed in direct nursing care or instruction therein." (Board File 115-045-542)
- (18) The Board certified The Alberta Union of Provincial Employees of Edmonton for a unit of employees of the Board of Governors of Olds College of Olds comprising: — "All employees of the Board of Governors of Olds College when employed in general support services." (Board File 115-095-502)
- (19) The Board certified The Alberta Union of Provincial Employees of Edmonton for a unit of employees of the Board of Governors of Fairview College of Fairview comprising: — "All employees of the Board of Governors of Fairview College when employed in general support services." (Board File 115-085-502)
- (20) The Board certified The Alberta Union of Provincial Employees of Edmonton for a unit of employees of Lakeland College of Vermilion comprising: — "All employees of the Board of Governors of Lakeland College when employed in general support services." (Board File 115-097-502)
- (21) Upon re-application for certification by the Alberta Association of Registered Nursing Assistants of Edmonton, the applicant was certified as bargaining agent for a unit of employees of the Glenrose Provincial General Hospital of Edmonton comprising: — "All employees when employed in Auxiliary Nursing Care" and the Board further determined that those employees employed in the classification of "Child Care Worker" were to be included in the bargaining unit. (Board File 115-043-508)
- (22) A further application for certification was received by the Board from the Alberta Association of Registered Nursing Assistants of Edmonton affecting a unit of employees of the University Hospital Board comprising: — "All employees when employed in Auxiliary Nursing Care." The Board refused to certify the applicant as the Board found the application was untimely pursuant to Section 26 (d) of the Act as there was a Collective Agreement in force and effect which constituted a bar to the application. (Board File 115-037-508)
- (23) Upon receiving a re-application for certification from The University of Alberta Non-Academic Staff Association of Edmonton affecting a unit of employees of the Board of Governors of the University of Alberta of Edmonton comprising: — "All employees of the Board of Governors of the University of Alberta when employed in general support services", it was the decision of the Board to certify the applicant as the Board was satisfied that the applicant was no longer influenced or dominated by the employer. (Board File 115-069-520)

- (24) The Board certified Local 2157 of the Canadian Union of Public Employees of Fort McMurray as the bargaining agent of a unit of employees of the Board of Governors of Keyano College of Fort McMurray comprising: — "All employees of the Board of Governors of Keyano College when employed in general support services." (Board File 115-087-530)
- (25) The Board refused to certify the Foothills Provincial General Hospital Calgary United Nurses of Alberta Local #93 of Edmonton for a unit of employees of the Foothills Provincial General Hospital of Calgary comprising: — "All employees when employed in direct nursing care or instruction therein", as the Board was satisfied that the applicant did not enjoy majority support of the employees affected. (Board File 115-041-538)
- (26) Upon re-application by the Foothills Provincial General Hospital Calgary United Nurses of Alberta Local #115 of Edmonton for the same unit as applied for above affecting the Foothills Provincial General Hospital of Calgary, as the Board found that the applicant did enjoy majority support of the employees affected, the applicant was certified as bargaining agent. The Board further determined that those persons employed in the capacity of "Infection Control Nurse" should not be included in the bargaining unit applied for. (Board File 115-041-536)
- (27) The Health Sciences Association of Alberta of Edmonton applied for certification for a unit of employees of the University Hospital Board of Edmonton comprising: — "All employees employed in a Paramedical Professional capacity." The applicant requested withdrawal of their application, but in accordance with the Board's policy and procedures, the application for certification was refused. (Board File 115-037-506)
- (28) The Health Sciences Association of Alberta of Edmonton applied for certification for a unit of employees of the University Hospital Board of Edmonton comprising: — "All employees when employed in a Paramedical Technical capacity excluding Social Workers and Dietitians." The applicant requested withdrawal of their application, but in accordance with the Board's policy and procedures, the application for certification was refused. (Board File 115-037-506)

Total number of employees affected by the certifications — 5,598

IV. APPLICATION FOR REVOCATION — SECTION 32

- (1) Certain employees of the Foothills Provincial General Hospital of Calgary applied for revocation of the certification of The Alberta Union of Provincial Employees, Branch 55 of Calgary. It was the decision of the Board to refuse the application as the applicants lacked majority support of the employees affected. (Board File 120-041-502)

V. FAILURE TO BARGAIN IN GOOD FAITH — SECTION 39

- (1) The Alberta Union of Provincial Employees of Edmonton lodged a complaint against the Crown in right of Alberta of Edmonton alleging the Crown had failed and continued to fail to bargain in good faith. The Board dealt with two preliminary issues that were raised and in response to the first, it was their decision that they had no jurisdiction to enter into an inquiry or entertain a complaint of failing to bargain in good faith against certain Cabinet Ministers of the Crown, but indicated the complaint can only be made against the Crown in right of Alberta, which the Board established must be represented by the Public Service Commissioner by virtue of The Public Service Employee Relations Act and The Public Service Act. With reference to the second issue, it was the Board's decision that it does have the authority and the power to summons and require the attendance of Ministers of the Crown before it on a hearing of the complaint. The Board referred the matter back to the parties for their consideration and determinations and at the request of the parties, the matter has been adjourned sine die. (Board File 200-001-502)

VI. APPOINTMENT OF A MEDIATOR — SECTION 46

- (1) Upon joint application of the Board of Governors of Olds College of Olds and The Alberta Union of Provincial Employees, Branch 63 of Edmonton, a mediator was appointed by the Board. Mediation was not successful. (Board File 135-095-502)
- (2) The Alberta Union of Provincial Employees of Edmonton and the Crown in right of Alberta (Division 8), jointly applied for the appointment of a mediator. Mediation was not successful. (Board File 135-017-502)
- (3) The Alberta Union of Provincial Employees of Edmonton and the Crown in right of Alberta (Division 2), jointly applied for the appointment of a mediator. Mediation was not successful. (Board File 135-005-502)
- (4) The Crown in right of Alberta and The Alberta Union of Provincial Employees jointly applied for the appointment of a mediator. Mediation was not successful. (Board File 135-001-502)
- (5) The Alberta Children's Provincial General Hospital of Calgary and the Alberta Children's Provincial General Hospital Chartered Local #95 of the United Nurses of Alberta of Calgary jointly applied for the appointment of a mediator. Mediation was successful. (Board File 135-045-542)
- (6) The Health Sciences Association of Alberta of Edmonton and the Foothills Provincial General Hospital of Calgary applied jointly for the appointment of a mediator. The application was withdrawn after the parties reached a settlement and a Collective Agreement was signed. (Board File 135-041-506)

VII. ESTABLISHMENT OF ARBITRATION BOARDS — SECTION 49

- (1) The Board established an arbitration board involving a dispute between The Alberta Union of Provincial Employees of Edmonton and the Crown in right of Alberta (Division 7) of Edmonton but the application was withdrawn as the parties resolved their dispute and signed a Collective Agreement. (Board File 140-015-502)
- (2) An application to establish an arbitration board to deal with the dispute between the Board of Governors of Olds College of Olds and The Alberta Union of Provincial Employees, Branch 63 of Edmonton was withdrawn when the parties agreed to jointly apply for a mediator. (Board File 140-095-502)
- (3) An application to establish an arbitration board to deal with the dispute between The Alberta Union of Provincial Employees of Edmonton and the Crown in right of Alberta (Division 5) of Edmonton was granted, but the application was withdrawn when the parties settled their dispute and signed a Collective Agreement. (Board File 140-011-502)
- (4) An application to establish an arbitration board between The Alberta Union of Provincial Employees, Branch 50 of Edmonton and the Alberta Liquor Control Board of Edmonton was granted by the Board. The arbitration board handed down its award and a Collective Agreement was signed by the parties. (Board File 140-027-502)
- (5) An arbitration board was established by the Board involving the dispute between The Alberta Union of Provincial Employees of Edmonton and the Crown in right of Alberta (Division 2) of Edmonton. An award was handed down by the arbitration board and a Collective Agreement was signed by the parties. (Board File 140-005-502)
- (6) Following receipt of an application to establish an arbitration board involving a dispute between The Alberta Union of Provincial Employees of Edmonton and the Crown in right of Alberta (Division 8) of Edmonton, the parties resolved their dispute and signed a Collective Agreement and the application was withdrawn. (Board File 140-017-502)
- (7) Following receipt of an application to establish an arbitration board involving a dispute between The Alberta Union of Provincial Employees of Edmonton and the Crown in right of Alberta (Division 6) of Edmonton, the parties resolved their dispute and signed a Collective Agreement and the application was withdrawn. (Board File 140-013-502)
- (8) Following receipt of an application to establish an arbitration board involving a dispute between The Alberta Union of Provincial Employees of Edmonton and the Crown in right of Alberta (Division 12) of Edmonton, the parties resolved their dispute and signed a Collective Agreement and the application was withdrawn. (Board File 140-025-502)

- (9) An arbitration board was established involving a dispute between The University of Alberta Non-Academic Staff Association of Edmonton and the Board of Governors of the University of Alberta of Edmonton. The arbitration board to hand down its award. (Board File 140-069-520)
- (10) An arbitration board was established to deal with the dispute between The Alberta Union of Provincial Employees, Branch 63 of Edmonton and the Board of Governors of Olds College of Olds. The arbitration board to hand down its award. (Board File 140-095-502)
- (11) An application was received by the Board to establish an arbitration board to deal with the dispute between the Board of Governors of Keyano College of Fort McMurray and the Canadian Union of Public Employees, Local 2157 of Fort McMurray. The Board has yet to deal with this matter. (Board File 140-087-530)
- (12) An application to establish an arbitration board involving a dispute between the Foothills Provincial General Hospital, Calgary, United Nurses of Alberta, Chartered Local 115 of Edmonton and the Foothills Provincial General Hospital of Calgary was withdrawn when the parties agreed to jointly apply for mediation. (Board File 140-041-536)

VIII. APPOINTMENT OF ADJUDICATOR — SECTION 64

- (1) A joint application to appoint a member and chairman of an adjudication board involving a matter between the Alberta Association of Registered Nursing Assistants of Edmonton and the University Hospital Board of Edmonton was withdrawn when the parties were successful in resolving the matter. (Board File 150-037-508)

IX. UNFAIR PRACTICE COMPLAINTS — SECTION 74

- (1) A complaint was lodged by the Canadian Union of Public Employees, Local 2157 of Fort McMurray alleging improper dismissal of an employee by the Board of Governors of Keyano College of Fort McMurray. The complaint was withdrawn by the complainant following completion of an inquiry by an Officer of the Board. (Board File 160-087-530)
- (2) Two complaints by The University of Alberta Non-Academic Staff Association of Edmonton alleging failure of reinstating two employees of the Board of Governors of the University of Alberta of Edmonton were withdrawn by the complainant following an inquiry by an Officer of the Board. (Board File 160-069-520)
- (3) A complaint was lodged by The University of Alberta Non-Academic Staff Association of Edmonton against the Board of Governors of the University of Alberta of Edmonton alleging the employer altered terms or conditions of employment of certain employees in the unit affected by an application for certification while the application for certification was before the Board. Following a hearing into the matter, the Board found the complaint without merit and dismissed the application. (Board File 160-069-520)

ANNUAL STATISTIC AND COMPARATIVE DATA

April 1, 1978 to March 31, 1979

Section of Act	Nature of Application		Disposition	
			*1977/78	1978/79
9	Determinations	Granted	0	0
		Dismissed	0	0
		Withdrawn	0	4
		Outstanding	0	0
11	Reconsideration	Granted	4	0
		Refused/Dismissed	0	2
		Withdrawn	0	2
		Outstanding	2	0
25	**Certification	Granted	17	12
		Refused	1	16
		Outstanding	12	3
32	Revocation	Granted	0	0
		Refused	0	1
		Outstanding	1	0
37	Consent to Waive	Granted	0	0
		Refused	0	0
		Withdrawn	1	0
		Outstanding	0	0
39	Failure to Bargain in Good Faith	Granted	0	0
		Refused	0	0
		Outstanding	1	1
46	Appointment of Mediator	Granted	1	5
		Withdrawn	1	1
		Outstanding	0	0
49	Establish Arbitration Board	Granted	2	4
		Refused	0	0
		Withdrawn	0	7
		Outstanding	0	1
52	Appointment Chairman & Member Arbitration Board	Granted	1	0
		Refused	0	0
		Withdrawn	0	0
		Outstanding	0	0

64	Appointment of Adjudicator	Granted	1	0
		Withdrawn	0	1
		Outstanding	0	0
65	Speeding Decision of Adjudicator	Settled	1	0
		Outstanding	0	0
74	Unfair Practice Complaints	Granted	0	0
		Dismissed	0	1
		Withdrawn	0	2
		Outstanding	0	0
97	Continuation of Proceedings	Granted	10	0
		Refused	12	0
		Outstanding	0	0

Days of Board Hearings — 1977/78 13½ days
 — 1978/79 19 days

**Total number of employees affected by Certification 5598

Collective Agreements filed — 1978/79 36

Number of employees affected by Collective Agreements filed 40,242

Total applications disposed of

— 1977/78 52
 — 1978/79 58

Total applications outstanding

— 1977/78 16
 — 1978/79 5

*The figures shown for 1977/78 cover the period of time from September 22, 1977 — the date the Act was proclaimed, to March 31, 1978.

mediation proceedings

There were seven (7) joint requests to the Board to appoint a mediator to assist the parties to resolve their disputes. A mediator was appointed in each case, but in only one instance was mediation successful to resolve the dispute. On one occasion, the parties reached a settlement thereby withdrawing their joint request for mediation.

arbitration proceedings

There were twelve (12) requests received by the Board to establish an arbitration board. Of this number, two (2) were withdrawn by the applicants when the parties agreed to jointly apply for a mediator, two (2) were withdrawn prior to and three (3) were withdrawn subsequent to the Board establishing an arbitration board when the parties resolved their disputes. Only two (2) arbitration boards have handed down awards. There are three (3) requests to establish an arbitration board outstanding.

collective agreements

During the fiscal period, thirty-six (36) collective agreements affecting 40,242 employees were filed with the Board. All collective agreements are for a two year period with the exception of two (2) one year agreements. They expire at various times ranging from December 13, 1979 to June 30, 1980, although most expire March 31, 1980. In only one collective agreement was there a wage re-opener clause provided for in the second year of the agreement, with none of the agreements providing for a cost of living allowance (COLA) clause.

The following outlines the average increase provided for in the collective agreements; -

	Average Increase in 1st year	Average Increase in 2nd year	Average Increase
1. Government (2 yr.)	6.425	7.146	6.785
2. Hospitals (2 yr.)	6.7	8.1	7.4
3. Colleges (2 yr.)	—	7.0	7.0
4. Universities (1 yr.)	6.0	—	6.0
(2 yr.)	6.82	6.52	6.67
5. Boards, etc. (1 yr.)	6.58	—	6.58
(2 yr.)	6.75	6.25	6.5

court decision of interest

The University of Alberta Non-Academic Staff Association v. Public Service Employee Relations Board and Board of Governors, the University of Alberta.

A Notice of Motion was filed by the bargaining agent, the University of Alberta Non-Academic Staff Association with the Trial Division of the Supreme Court of Alberta for an Order in the nature of certiorari to quash a decision of the Board whereby the Board refused to re-open a hearing held on February 5, 1979 when it established an arbitration board. The Motion further sought an Order in the nature of mandamus to compel the Board to grant the bargaining agent a hearing to present evidence and adduce argument as to why the February 5, 1979 hearing should be reopened. The application was dismissed by the Court.

In the application before this Board the bargaining agent requested the establishment of an arbitration board and listed the arbitral items it claimed were in dispute. This Board at hearing considered items in dispute together with further items listed by the employer and then established an arbitration board in accordance with the Act. Subsequent to the decision to establish an arbitration board, the bargaining agent applied to this Board to re-open the hearing and consider a unilateral request to refer an additional matter to the arbitration board. The Board refused to re-open the hearing because it had already established an arbitration board. This Board advised the bargaining agent that only when the employer joined with it could additional arbitral items be determined and forwarded to the arbitration board for consideration. The Supreme Court of Alberta upheld this decision.

in appreciation

This Board wishes to acknowledge publicly the co-operation and understanding of the parties and legal counsel who appeared before it over the past year and to commend them for the preparation and presentation of the matters submitted to the Board both at hearing and generally.

To the administrative staff of the Board, we say thank you for a job well done with a level of performance that can only be achieved through long hours of extra effort and patience and understanding for and with the purposes and objects of the Board.

Again, we want to express our sincere appreciation and thanks to Dr. Horner and his Executive Assistant, Mr. Tom Burns for their support, co-operation and assistance.





PUBLIC SERVICE
EMPLOYEE RELATIONS BOARD

1979-1980

third annual report





PUBLIC SERVICE
EMPLOYEE RELATIONS BOARD

THIRD
ANNUAL REPORT
1979 - 1980
for the
FISCAL YEAR ENDING MARCH 31, 1980

PUBLISHED BY AUTHORITY OF THE
PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

EDMONTON, ALBERTA

[REDACTED]
[REDACTED]
[REDACTED]

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To His Honour
Frank Lynch-Staunton
Lieutenant Governor of the Province of Alberta

May it please your Honour,

On behalf of the Public Service Employee Relations Board, I respectfully submit to you the Annual Report for the period from April 1, 1979 to March 31, 1980, pursuant to the requirements of Section 77 of The Public Service Employee Relations Act, Statutes of Alberta 1977, Chapter 40 and amendments thereto.

Respectfully submitted,

Neil Crawford
Government House Leader

To: The Honourable Neil Crawford
Reporting Minister

Sir:

I have the honour, on behalf of the Public Service Employee Relations Board, to submit the Third Annual Report for the fiscal period from April 1, 1979 to March 31, 1980.

Respectfully yours,

D. Blair Mason
Chairman

personnel

PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

Chairman — D. Blair Mason, Q.C.

Alternate Chairman — E. L. Bunnell

Members —

Patrick French

Agnes Helstein

Angus MacDonald

Gordon F. May

Executive Director — S. Michael Marlowe

Secretary — Gordon P. Procinsky

**THIRD ANNUAL REPORT
OF THE
PUBLIC SERVICE EMPLOYEE RELATIONS BOARD
FOR THE FISCAL PERIOD ENDING MARCH 31, 1980**

application

The Public Service Employee Relations Act governs the collective bargaining rights and procedures of the general public service employees of the Crown in right of Alberta and the employees of the corporations, commissions, boards, councils or other bodies as designated in accordance with the provisions of the Act excluding those employers and all of the persons employed by them as specified in the Schedule to the Act. In addition, the Act also applies to provincial hospitals and the non-academic staff of all colleges and universities governed by The Colleges Act and The Universities Act.

administration and personnel

The Act is administered by the Public Service Employee Relations Board, a Board comprised of four (4) members plus a Chairman and an Alternate Chairman, all of whom are appointed on a part-time basis with tenure of office expiring September 21, 1981. All members, the Chairman and the part-time Chairman are serving their second consecutive two-year term appointments.

The administration of the day to day duties of the Board is the responsibility of the Executive Director and his staff. This past year the staff was able to complete a number of special projects, the most important of which was the codification of Board decisions and related decisions from other labour boards and Courts.

The Board met for fifteen (15) days of hearings to deal with matters submitted to it. Hearings were conducted both in Edmonton and Calgary and it is the Board's policy to hold hearings in other cities or towns as well, if necessary, to provide accessibility for interested and affected parties.

ANNUAL STATISTICS AND COMPARATIVE DATA

April 1, 1979 to March 31, 1980

Section of Act	Nature of Application		Disposition		
			*1977/78	1978/79	1979/80
9	Determinations	Granted	0	0	1
		Dismissed	0	0	3
		Withdrawn	0	4	1
		Outstanding	0	0	0
11	Reconsideration	Granted	4	0	1
		Refused/Dismissed	0	2	0
		Withdrawn	0	2	0
		Outstanding	2	0	0
25	**Certification	Granted	17	12	2
		Refused	1	16	8
		Outstanding	12	3	2
32	Revocation	Granted	0	0	0
		Refused	0	1	0
		Outstanding	1	0	0
37	Consent to Waive	Granted	0	0	0
		Refused	0	0	1
		Withdrawn	1	0	0
		Outstanding	0	0	2
39	Failure to Bargain in Good Faith	Granted	0	0	0
		Refused	0	0	0
		Withdrawn	0	0	1
		Outstanding	1	1	2
46	Appointment of Mediator	Granted	1	5	4
		Withdrawn	1	1	0
		Outstanding	0	0	0
49	Establish Arbitration Board	Granted	2	4	1
		Refused	0	0	3
		Withdrawn	0	7	1
		Outstanding	0	1	5
52	Appointment Chairman & Member Arbitration Board	Granted	1	0	1
		Refused	0	0	0
		Withdrawn	0	0	0
		Outstanding	0	0	0

64	Appointment of Adjudicator	Granted	1	0	2
		Withdrawn	0	1	3
		Refused	0	0	4
		Outstanding	0	0	0
65	Speeding Decision of Adjudicator	Settled	1	0	0
		Outstanding	0	0	0
74	Unfair Practice Complaints	Granted	0	0	0
		Dismissed	0	1	2
		Withdrawn	0	2	0
		Outstanding	0	0	0
97	Continuation of Proceedings	Granted	10	0	0
		Refused	12	0	0
		Outstanding	0	0	0

Days of Board Hearings — 1977/78	13½ days
— 1978/79	19 days
— 1979/80	15 days

**Total number of employees affected by Certification

— 1977/78	0
— 1978/79	5,598
— 1979/80	1,219

Collective Agreements filed — 1978/79	36
— 1979/80	43

Number of employees affected by Collective Agreements filed

— 1978/79	40,242
— 1979/80	45,110

Total applications disposed of

— 1977/78	52
— 1978/79	58
— 1979/80	39

Total applications outstanding

— 1977/78	16
— 1978/79	5
— 1979/80	11

*The figures shown for 1977/78 cover the period of time from September 22, 1977 — the date the Act was proclaimed, to March 31, 1978.

bargaining units which the board has determined to be appropriate for collective bargaining in the public sector

Nature of Industry

Hospital Industry

In order to develop efficient, effective and unambiguous collective bargaining administration and to maintain harmony in the hospital industry between those hospitals governed by the provisions of The Public Service Employee Relations Act and those governed by the provisions of The Alberta Labour Act, the Board has adopted the five functional bargaining units adopted in the "private sector" for the present time:

- (1) "All employees when employed in direct nursing care or instruction therein."
- (2) "All employees when employed in Auxiliary Nursing Care."
- (3) "All employees when employed in general support services."
- (4) "All employees when employed in a paramedical technical capacity."
- (5) "All employees when employed in a paramedical professional capacity."

The Board in considering the above five functional units is mindful of Section 20 of The Public Service Employee Relations Act which gives the Board the authority to determine the number of appropriate bargaining units in a hospital, and further the legislative provisions of Section 22 dealing with certain professions where the Board may direct the members of the professions referred to in subsection (1) of Section 22 be included in a bargaining unit or any other unit for collective bargaining, if and when the occasion should arise.

Colleges and Universities

The Board has for the present determined that all employees employed in general support services of a university or college should be included in one bargaining unit, e.g. "All employees of the Board of Governors of _____ when employed in general support services."

board decisions of interest

- (1) **Health Sciences Association of Alberta, Edmonton, Alberta and the Glenrose Provincial General Hospital, Edmonton, Alberta and The Alberta Union of Provincial Employees on behalf of Branch 57, Edmonton, Alberta**

The Health Sciences Association of Alberta filed two (2) applications for certification at the same time covering basically the same employees, differing only to the extent that one of the applications excluded a small particular group of employees.

Both applications were refused by the Board because the Board determined that the Act did not contemplate the filing of more than one application at any one time involving substantially the same bargaining unit of employees.

Reference Number: 115-043-506

- (2) **The University of Alberta Non-Academic Staff Association, Edmonton, Alberta and the Board of Governors of the University of Alberta, Edmonton, Alberta**

In this case, the Union requested the Board to appoint a person as a member to an adjudication board because the Employer had failed to do so in response to the Union's request. The matter giving rise to the request resulted from a transfer of an employee for disciplinary reasons made during the interim period when the bargaining agent's collective agreement has been voided by the Board and before a new collective agreement was signed.

The Board refused the application because it lacked jurisdiction to grant the Applicant's request. Having previously voided the Applicant's collective agreement under Section 44 of the Act, the Board could not act under Section 63 of the Act because the section contemplates either a collective agreement in existence or the continuation of the grievance settlement provisions of such an agreement following termination, in accordance with the provisions of Section 63. The Board also decided it had no authority to make the appointment under Section 64 of the Act, as that section also contemplates a collective agreement being in existence.

Reference Number: 150-069-520

codification of board decisions

A central resource area has been established and made available to the parties in the public sector providing ready access to the Board's decisions and the decisions of other labour jurisdictions and the Courts in matters relating to The Public Service Employee Relations Act.

The decisions are set out by issue, (subject matter with brief summary), section of the Act with brief summary, and an alphabetical listing of the employers and trade unions affected by the decisions. Court decisions are listed by issue, by section of the Act affected, and an alphabetical listing of the parties affected by the decision.

The Board believes this material will assist the parties in preparing their presentations before the Board, thereby facilitating the processing of applications and complaints.

collective agreements

During this period, forty-three (43) collective agreements affecting 45,110 employees were filed with the Board. The majority of the collective agreements were for a two (2) year period expiring on March 31, 1980. Three (3) collective agreements for a term of two (2) years expire on March 31, 1981. These latter three (3) with two others for two (2) year periods provided wage re-opener clauses in the second year of the agreement. None of the agreements filed provided for a cost of living (COLA) clause. The following outlines the average increase in wages provided for in the collective agreements:

	Average Increase in Contracts during this Fiscal Year
Crown in right of Alberta	7.146
Hospitals	8.10
Universities	7.22
Colleges	7.04
Boards, Councils, etc.	6.79

complaints received

During the past year, approximately twelve (12) oral complaints were received by telephone requests for assistance from individuals employed in the public sector alleging non-payment of wages, vacation pay and improper dismissal.

Although the Board lacks jurisdiction in the area of labour standards as is provided for in the private sector under The Alberta Labour Act, in each case an effort was made to try and assist the employee to the best of our ability. In all cases the employer involved was contacted and advised of our lack of jurisdiction, but they all agreed to look into their respective complaints and correct them if justified. No complaints were referred back to the Board by the employees involved which would indicate settlement to the employees' satisfaction.

mediation proceedings

There were three (3) joint requests to the Board to appoint a mediator to assist the parties to resolve their disputes. The nature of the requests was such that the Board consolidated the three disputes and appointed the same mediator to deal with them. The mediation was not successful in assisting the parties.

arbitration proceedings

As most collective agreements were in their second term during this period, very few collective bargaining negotiations took place. Only seven (7) requests were received by the Board to establish arbitration boards. Of this number, three (3) requests were withdrawn by the Applicants when the parties agreed to jointly apply for a mediator and one (1) arbitration board was required to hand down an award. Three (3) requests to establish an arbitration board are outstanding at this time.

Finally, an arbitration board established during the 1978/79 fiscal year has delayed issuing its award until completion of judicial review of a Board decision relative to the arbitrability of certain matters as determined by the Board in accordance with the provisions of the Act.

adjudication awards

Part 7 of the Act requires every collective agreement to contain dispute resolution provisions for the final settlement by adjudication or such other method as may be agreed by the parties of all differences between the parties or persons bound by a collective agreement which may arise out of the interpretation, application or operation of such collective agreement.

During this fiscal year, only nine (9) awards were filed with the Board by adjudicators dealing with grievances that proceeded to final dispute resolution. When considering that forty-three (43) collective agreements were in effect during this period covering some 45,110 employees, it would appear that a very high degree of co-operation and understanding exists. Undoubtedly, there were many more disputes than the number which proceeded to adjudication which were resolved by the parties without necessity of exercising the formal terminal step of adjudication.

proceedings under the act

I. APPLICATIONS FOR DETERMINATIONS — SECTION 9

- (1) In considering a request from the Foothills Provincial General Hospital of Calgary involving the Foothills Provincial General Hospital, Calgary, United Nurses of Alberta, Chartered Local #115 of Calgary, the Board determined two items were arbitral items that could be referred to an arbitration board and one item that could not because of Section 48 of the Act. (Board File 100-041-536)
- (2) The Board refused to establish an arbitration board as requested by the Foothills Provincial General Hospital of Calgary involving the Foothills Provincial General Hospital, Calgary, United Nurses of Alberta, Chartered Local #115 of Calgary, as the Board was not satisfied that both parties had made reasonable efforts to conclude a collective agreement, consequently the Board refused to make a determination on the Employer's application as to whether or not certain items in dispute were arbitral. (Board File 100-041-536)
- (3) The Board refused to establish an arbitration board as requested by the Glenrose Provincial Hospital of Edmonton involving the Glenrose Provincial General Hospital United Nurses of Alberta, Chartered Local #32 of Edmonton, as the Board was not satisfied that both parties had made reasonable efforts to conclude a collective agreement, consequently the Board refused to make a determination on the Employer's application as to whether or not certain items in dispute were arbitral. (Board File 100-043-540)
- (4) The Board refused to establish an arbitration board as requested by the Alberta Children's Provincial General Hospital of Calgary involving the Alberta Children's Provincial General Hospital United Nurses of Alberta, Chartered Local #95 of Calgary, as the Board was not satisfied that both parties had made reasonable efforts to conclude a collective agreement, consequently the Board refused to make a determination on the Employer's application as to whether or not certain items in dispute were arbitral. (Board File 100-045-542)
- (5) The Alberta Association of Registered Nursing Assistants of Edmonton withdrew their application in which they had requested the Board make a determination as to whether certain employees employed as 'Child Care Workers' were included in the unit comprising: — "All employees when employed in Auxiliary Nursing Care at the Alberta Children's Hospital in Calgary." (Board File 100-045-508)

II. REQUEST FOR RECONSIDERATION — SECTION 11

- (1) In considering the requests from the Board of Governors of Olds College, Olds and The Alberta Union of Provincial Employees on behalf of Branch 63 of Edmonton, the Board reconsidered its previous decision and deleted from the list of arbitral items those items dealing with pay plan application, supplementary health care benefits plan and allocation of premium surpluses and reserves. (Board File 105-095-502)

III. CERTIFICATION APPLICATIONS — SECTION 25

- (1) In these matters, The Health Sciences Association of Alberta of Edmonton made two applications for certification affecting the Glenrose Provincial General Hospital of Edmonton, one involving a unit comprising: — "All employees employed in a paramedical professional capacity excluding Social Workers" and the other involving a unit comprising: — "All employees employed in a paramedical professional capacity." It was the decision of the Board that it did not have jurisdiction to accept two applications for certification for substantially the same bargaining unit, therefore the Board refused one application and would not accept the other. (Board File 115-043-506)
- (2) The University of Alberta Hospital Staff Nurses Association of Edmonton was certified as the bargaining agent for a unit of employees of the University Hospital Board of Edmonton comprising: — "All employees when employed in direct nursing care or instruction therein." (Board File 115-037-516)
- (3) The Board refused to certify The Health Sciences Association of Alberta of Edmonton for a unit of employees of the Foothills Provincial General Hospital of Calgary comprising: — "All employees when employed in a paramedical professional capacity" as the Board found the application was not timely within the provisions of Section 26(d) of the Act because the Board found that employees employed in the classification of 'Recreational Therapist' affected by the application were bound by a collective agreement between the Employer and The Alberta Union of Provincial Employees on behalf of Branch 55. (Board File 115-041-506)
- (4) The Health Sciences Association of Alberta, Edmonton applied to be certified for a unit of employees of the Alberta Children's Provincial General Hospital, Calgary, comprising: — "All employees when employed in a paramedical professional capacity." The Board refused to certify the Applicant as the Board found the Applicant was not a proper bargaining agent since its Constitution did not extend to it jurisdiction to represent the persons in the unit applied for. (Board File 115-045-506)

- (5) The Professional Association of Interns and Residents of Edmonton applied to be certified for a unit of employees of the Foothills General Hospital of Calgary comprising: — "All those members of the medical profession employed by the Foothills General Hospital, as interns and residents excluding those exercising managerial duties and responsibilities in relation to the formulation, development and administration of policies or programs." The Applicant requested withdrawal of its application but in accordance with the Board's policy in such cases it was the decision of the Board to refuse to certify the Applicant as bargaining agent for the unit of employees applied for. (Board File 115-041-534)
- (6) The Alberta Union of Provincial Employees of Edmonton applied to be certified for a unit of employees of the Crown in right of Alberta of Edmonton comprising: — "All employees working as group home supervisors, group home staff, foster parents in group homes owned by the Employer in the province of Alberta." The Applicant requested withdrawal of its application, but it was the decision of the Board in accordance with its policies to refuse to certify the applicant trade union as bargaining agent for the unit of employees applied for. (Board File 115-055-502)
- (7) The Board refused to certify the Alberta Association of Registered Nursing Assistants of Edmonton for a unit of employees at the University of Alberta Hospital, Edmonton comprising: — "Auxiliary Nursing Care Personnel" as the Board found the Applicant lacked majority support of the employees affected by the unit. (Board File 115-037-508)
- (8) The Board refused to certify The Alberta Union of Provincial Employees of Edmonton for a unit of employees of the University of Alberta Hospital, Edmonton comprising: — "All employees of the Employer in Auxiliary Nursing Care" as the Applicant lacked majority support of the employees affected by the unit. (Board File 115-037-502)
- (9) The Board certified The Health Sciences Association of Alberta, Edmonton for a unit of employees of the University Hospital Board, Edmonton comprising: — "All employees when employed in a paramedical professional capacity." (Board File 115-037-506)

Total number of employees affected by the certifications—1,219

IV. APPLICATION FOR CONSENT TO WAIVE — SECTION 37

- (1) The Board could not process the application from the Alberta Association of Registered Nursing Assistants of Edmonton to waive the three month period before re-applying for certification involving the University Hospital Board of Edmonton as the application was premature. (Board File 180-037-502)

V. FAILURE TO BARGAIN IN GOOD FAITH — SECTION 39

- (1) The complaint lodged by The Alberta Union of Provincial Employees of Edmonton against the Crown in right of Alberta of Edmonton alleging the Crown had failed and continued to fail to bargain in good faith was withdrawn by the Applicant. (Board File 200-001-502)

VI. APPOINTMENT OF A MEDIATOR — SECTION 46

- (1) Upon joint application of the Foothills Provincial General Hospital of Calgary and the Foothills Provincial General Hospital, Calgary, United Nurses of Alberta, Chartered Local #115 of Calgary, a mediator was appointed by the Board in 1979. Mediation was not successful. (Board File 135-041-536)
- (2) Upon joint application of the Glenrose Provincial General Hospital of Edmonton and the Glenrose Provincial Hospital United Nurses of Alberta, Chartered Local #32 of Edmonton, a mediator was appointed by the Board. Mediation was not successful. (Board File 135-043-540)
- (3) Upon joint application of the Alberta Children's Provincial General Hospital of Calgary and the Alberta Children's Provincial General Hospital United Nurses of Alberta, Chartered Local #95, Calgary, a mediator was appointed by the Board. Mediation was not successful. (Board File 135-045-542)
- (4) Upon joint application from the Foothills Provincial General Hospital of Calgary and the Foothills Provincial General Hospital, Calgary, United Nurses of Alberta, Chartered Local #115 of Calgary, a mediator was appointed by the Board in 1980. Mediation was not successful. (Board File 135-041-536)

VII. ESTABLISHMENT OF ARBITRATION BOARDS — SECTION 49

- (1) An application to establish an arbitration board to deal with the dispute between the Board of Governors of Keyano College of Fort McMurray and the Canadian Union of Public Employees Local 2157 of Fort McMurray was granted by the Board. The arbitration board handed down its award and a Collective Agreement was signed by the parties. (Board File 140-087-530)
- (2) An application to establish an arbitration board to deal with the dispute between The University of Alberta Non-Academic Staff Association of Edmonton and the Board of Governors of the University of Alberta, Edmonton was granted by the Board. The arbitration board handed down its award and a collective agreement was signed by the parties. (Board File 140-069-520)

- (3) An application to establish an arbitration board to deal with the dispute between the Foothills Provincial General Hospital of Calgary and the Foothills Provincial General Hospital, Calgary, United Nurses of Alberta, Chartered Local #115 of Calgary was granted by the Board in 1979. The arbitration board handed down its award and a collective agreement was signed by the parties. (Board File 140-041-536)
- (4) The Board refused in 1980 to establish an arbitration board to deal with a dispute between the Foothills Provincial General Hospital of Calgary and the Foothills Provincial General Hospital, Calgary, United Nurses of Alberta, Chartered Local #115 of Calgary, as the Board was not satisfied the parties made reasonable efforts to conclude a collective agreement. The Board directed the parties to return to the bargaining table. (Board File 140-041-536)
- (5) The Board refused to establish an arbitration board to deal with a dispute between the Glenrose Provincial General Hospital of Edmonton and the Glenrose Provincial General Hospital United Nurses of Alberta, Chartered Local #32 of Edmonton, as the Board was not satisfied the parties made reasonable efforts to conclude a collective agreement. The Board directed the parties to return to the bargaining table. (Board File 140-043-540)
- (6) The Board refused to establish an arbitration board to deal with a dispute between the Alberta Children's Provincial General Hospital of Calgary and the Alberta Children's Provincial General Hospital United Nurses of Alberta, Chartered Local #95 of Calgary, as the Board was not satisfied the parties made reasonable efforts to conclude a collective agreement. The Board directed the parties to return to the bargaining table. (Board File 140-045-542)
- (7) An application to establish an arbitration board to deal with the dispute between The University of Alberta Non-Academic Staff Association of Edmonton and the Board of Governors of the University of Alberta of Edmonton was withdrawn as the parties agreed to the terms of collective agreement subject to ratification by the union membership. (Board File 150-069-520)

VIII. APPOINTMENT OF ADJUDICATOR — SECTION 64

- (1) The Applicant, The University of Alberta Non-Academic Staff Association of Edmonton withdrew its application for the appointment of an adjudicator involving three separate disputes with the Board of Governors of the University of Alberta of Edmonton as the Applicant realized its requests were premature. (Board File 150-069-520)
- (2) An application to appoint an adjudicator was granted by the Board involving another dispute between The University of Alberta Non-Academic Staff Association of Edmonton and the Board of Governors of the University of Alberta of Edmonton. The adjudicator handed down his award. (Board File 150-069-520)

- (3) An application was granted by the Board to appoint an adjudicator involving a dispute between the Glenrose Provincial General Hospital of Edmonton and the Glenrose Provincial General Hospital United Nurses of Alberta, Chartered Local #32 of Edmonton. The adjudicator handed down his award. (Board File 150-043-540)
- (4) Three applications from The University of Alberta Non-Academic Staff Association of Edmonton involving separate disputes with the Board of Governors of the University of Alberta of Edmonton to appoint three adjudicators were refused by the Board because it lacked jurisdiction to do so, however, the Board did grant the Applicant's requests by appointing the adjudicators pursuant to the collective agreement. (Board File 150-069-520)
- (5) The Board refused an application to appoint an adjudicator involving a dispute by The University of Alberta Non-Academic Staff Association of Edmonton and the Board of Governors of the University of Alberta of Edmonton as the Board found it lacked jurisdiction to do so since there was no collective agreement in effect at the time the dispute arose. (Board File 150-069-520)

IX. UNFAIR PRACTICE COMPLAINTS — SECTION 74

- (1) As the Board found a complaint lodged by The University of Alberta Non-Academic Staff Association of Edmonton involving the Board of Governors of the University of Alberta of Edmonton was without merit, the complaint was dismissed. (Board File 160-069-520)

public information

Along with its general administration duties under the Act, in view of the Board's functions in the public sector, the Board believes it also has the responsibility of keeping the parties and the public informed concerning the nature and effect of its actions under the Act. In this regard the Board has:

- (1) opened all hearings to the public,
- (2) made available Board Room facilities to any parties in adjudication, mediation and arbitration matters, when the Board Room is not occupied in Board hearings,
- (3) prepared and disseminated Administrative Guides to parties affected by the Act outlining the procedures and guidelines adopted by the Board to facilitate the processing of all applications and complaints that would come before the Board,
- (4) released copies of adjudication awards filed with the Board to interested parties,
- (5) released copies of arbitration awards filed with the Board to interested parties,
- (6) codified the decisions of the Board and the decisions of other jurisdictions and the Courts that in any way would relate to The Public Service Employee Relations Act and provided access to such material to parties affected by the Act,
- (7) codified adjudication and arbitration awards filed with the Board and provided access of such material to interested parties,
- (8) made available any decision of the Board to parties affected by the Act, and,
- (9) provided access to parties of many books and material available in the Board's Library relating to various labour decisions, adjudication and arbitration awards.

in appreciation

Once again the Board wishes to publicly express its appreciation to the parties, their representatives and legal counsel who appeared before the Board throughout the past year and to commend them for the preparation and effort which they put into the presentation of the issues submitted to the Board for hearing and decision.

Our Board sincerely regrets the loss of Dr. Horner as our Reporting Minister along with his Executive Assistant, Mr. Tom Burns due to their resignations to take up duties in the federal area. However, the Board is pleased to now report to the Legislature through the Government House Leader, Mr. Neil Crawford. To date, we have received excellent assistance from him and his Assistant, Mr. John Scrimshaw.

Finally, and of equal importance, the Board wishes to commend the Executive Director and the staff for the excellent work which they have done during this last fiscal period. The experience of past years has been built upon and this knowledge and expertise should serve us well in the future.