

2013 Bill 26

First Session, 28th Legislature, 62 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 26

ASSURANCE FOR STUDENTS ACT

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 26

2013

ASSURANCE FOR STUDENTS ACT

(Assented to , 2013)

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Preamble

WHEREAS the Government of Alberta, the ATA and the ASBA have carried out tripartite and bilateral negotiations over the past 2 years in order to reach an agreement about essential education matters, including compensation for teachers, methods to enhance student learning in the 21st century and ways to implement Inspiring Education: a Dialogue with Albertans;

WHEREAS on March 13, 2013, the Government of Alberta presented a Framework Agreement to the ATA and the ASBA to address those educational matters;

WHEREAS on March 15, 2013, the Provincial Executive Council of the ATA passed a motion agreeing to recommend ratification of the Framework Agreement to each ATA Bargaining Unit;

WHEREAS on March 21, 2013, the Board of Directors of the ASBA passed a motion agreeing to refer the Framework Agreement to each of its members for a local ratification decision;

WHEREAS a significant majority of ATA Bargaining Units voted in favour of ratifying the Framework Agreement;

WHEREAS a significant majority of the members of the ASBA voted in favour of ratifying the Framework Agreement; and

WHEREAS the Government of Alberta recognizes that it must act to implement the Framework Agreement to ensure that the best educational interests of students are met;

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

Interpretation

1(1) In this Act,

- (a) "ASBA" means the Alberta School Boards Association;
- (b) "ATA" means The Alberta Teachers' Association;
- (c) "Crown" means Her Majesty the Queen in right of Alberta;
- (d) "employee" means a teacher employed by an employer whose terms and conditions of employment are governed by a collective agreement;
- (e) "employer" means an employer named in the Schedule;
- (f) "Framework Agreement" means the Framework Agreement presented by the Government of Alberta to the ATA and the ASBA on March 13, 2013;
- (g) "Minister" means the Minister of Education;
- (h) "modified Framework Agreement" means the Framework Agreement as modified by or under section 2;
- (i) "parties" means each employer and the ATA;
- (j) "teacher" means an individual who holds a certificate of qualification as a teacher issued under the *School Act*.

(2) The following terms have the same meaning as they have in the *Labour Relations Code*:

- (a) collective agreement;
- (b) lockout;
- (c) strike.

Modifications to Framework Agreement

2(1) The Framework Agreement is modified as follows:

- (a) Part A of the Framework Agreement is amended by striking out “Term from the date of signing until August 31, 2016” and substituting “Term from May 13, 2013 until August 31, 2016”;
- (b) Part C, paragraph 10, of the Framework Agreement is modified
 - (i) by striking out “The Minister will enact a Ministerial Order on teacher workload to be in effect during the term of this Framework Agreement consistent with the following.” and substituting the following:

The Minister, after consulting the ASBA and with the prior approval of the Association, will enact a Ministerial Order on teacher workload to be in effect during the term of this Framework Agreement consistent with the following:
 - (ii) by striking out subparagraph e and substituting the following:
 - e. One or more Exceptions Committees are to be established, each consisting of one representative named by the Association, one representative named by the ASBA, and a Chair named by the Minister from a list of names acceptable to the Association and the ASBA. However, if the Association and ASBA cannot agree on a list of potential candidates for Chair, the Minister will appoint the Chair so as to ensure that the Exceptions Committee is able to carry out its duties.

- (c) Part F of the Framework Agreement is struck out;
- (d) Part H of the Framework Agreement is struck out and the following is substituted:

The Ministerial Order referred to in Part C, paragraph 10, shall not be amended or rescinded before September 1, 2016, without consultation with the ASBA and the approval of the Association.

- (2) In addition to the modifications referred to in subsection (1), the Minister may, by order, make further modifications to the Framework Agreement with respect to the role of the ASBA under Parts C and E of the Framework Agreement.

Modified Framework Agreement binding

- 3(1)** The ASBA, the ATA and the Crown are deemed to have entered into the modified Framework Agreement.
- (2) The modified Framework Agreement is binding on the Crown, the Minister, the ATA, the ASBA and the employers.

Collective agreement based on modified Framework Agreement

- 4(1)** The parties shall enter into a collective agreement in accordance with the terms and conditions of, and within the time set out in, the modified Framework Agreement.
- (2) A voluntary arbitration board under Part 2, Division 15 of the *Labour Relations Code* shall not make any award that is inconsistent with the modified Framework Agreement.

Strikes

- 5(1)** An employee permitted or authorized to strike under the *Labour Relations Code* is no longer permitted or authorized to strike.
- (2) A strike that continues or commences after the coming into force of this Act is an unlawful strike.
- (3) A strike that is an unlawful strike under this section is deemed to be an unlawful strike under the *Labour Relations Code* and a strike contrary to that Act.

Lockouts

6(1) An employer permitted or authorized to lock out employees under the *Labour Relations Code* is no longer permitted or authorized to lock out its employees.

(2) A lockout of employees that continues or commences after the coming into force of this Act is an unlawful lockout.

(3) A lockout that is an unlawful lockout under this section is deemed to be an unlawful lockout under the *Labour Relations Code* and a lockout contrary to that Act.

Conflicts between enactments

7 If there is a conflict between

- (a) this Act or the modified Framework Agreement, and
- (b) the *Labour Relations Code* or any other enactment,

this Act or the modified Framework Agreement, as the case may be, prevails.

Regulations

8 The Lieutenant Governor in Council may make regulations respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.

Repeal

9 This Act is repealed on August 31, 2016 unless sooner repealed on Proclamation.

Schedule

Employers

The Board of Trustees of the Aspen View Public School Division
No. 78

The Board of Trustees of the Battle River Regional Division
No. 31

The Board of Trustees of the Black Gold Regional Division No. 18
The Board of Trustees of the Buffalo Trail Public Schools Regional
Division No. 28

The Board of Trustees of the Calgary Roman Catholic Separate
 School District No. 1
 The Board of Trustees of the Calgary School District No. 19
 The Board of Trustees of the Canadian Rockies Regional Division
 No. 12
 The Board of Trustees of the Chinook's Edge School Division
 No. 73
 The Board of Trustees of the Christ the Redeemer Catholic
 Separate Regional Division No. 3
 The Board of Trustees of the Clearview School Division No. 71
 The Board of Trustees of the East Central Alberta Catholic
 Separate Schools Regional Division No. 16
 The Regional authority of East Central Francophone Education
 Region No. 3
 The Board of Trustees of the Edmonton Catholic Separate School
 District No. 7
 The Board of Trustees of the Edmonton School District No. 7
 The Board of Trustees of the Elk Island Catholic Separate Regional
 Division No. 41
 The Board of Trustees of the Elk Island Public Schools Regional
 Division No. 14
 The Board of Trustees of the Evergreen Catholic Separate Regional
 Division No. 2
 The Board of Trustees of the Foothills School Division No. 38
 The Board of Trustees of the Fort McMurray Public School District
 No. 2833
 The Board of Trustees of the Fort McMurray Roman Catholic
 Separate School District No. 32
 The Board of Trustees of the Fort Vermilion School Division
 No. 52
 The Board of Trustees of the Golden Hills School Division No. 75
 The Board of Trustees of the Grande Prairie School District
 No. 2357
 The Board of Trustees of the Grande Prairie Roman Catholic
 Separate School District No. 28
 The Board of Trustees of the Grande Yellowhead Public School
 Division No. 77
 The Board of Trustees of the Grasslands Regional Division No. 6
 The Regional authority of Greater North Central Francophone
 Education Region No. 2
 The Regional authority of Greater Southern Public Francophone
 Education Region No. 4
 The Regional authority of Greater Southern Separate Catholic
 Francophone Education Region No. 4

The Board of Trustees of The Greater St. Albert Roman Catholic
 Separate School District No. 734
 The Board of Trustees of the High Prairie School Division No. 48
 The Board of Trustees of the Holy Family Catholic Regional
 Division No. 37
 The Board of Trustees of the Holy Spirit Roman Catholic Separate
 Regional Division No. 4
 The Board of Trustees of the Horizon School Division No. 67
 The Board of Trustees of the Lakeland Roman Catholic Separate
 School District No. 150
 The Board of Trustees of the Lethbridge School District No. 51
 The Board of Trustees of the Living Waters Catholic Regional
 Division No. 42
 The Board of Trustees of the Livingstone Range School Division
 No. 68
 The Board of Trustees of the Medicine Hat Catholic Separate
 Regional Division No. 20
 The Board of Trustees of the Medicine Hat School District No. 76
 The Board of Trustees of the Northern Gateway Regional Division
 No. 10
 The Board of Trustees of the Northern Lights School Division
 No. 69
 The Board of the Northland School Division No. 61
 The Regional authority of Northwest Francophone Education
 Region No. 1
 The Board of Trustees of the Palliser Regional Division No. 26
 The Board of Trustees of the Parkland School Division No. 70
 The Board of Trustees of the Peace River School Division No. 10
 The Board of Trustees of the Peace Wapiti School Division No. 76
 The Board of Trustees of the Pembina Hills Regional Division
 No. 7
 The Board of Trustees of the Prairie Land Regional Division
 No. 25
 The Board of Trustees of the Prairie Rose School Division No. 8
 The Board of Trustees of the Red Deer Catholic Regional Division
 No. 39
 The Board of Trustees of the Red Deer Public School District
 No. 104
 The Board of Trustees of the Rocky View School Division No. 41
 The Board of Trustees of The St. Albert Public School District
 No. 5565
 The Board of Trustees of the St. Paul Education Regional Division
 No. 1

**The Board of Trustees of the St. Thomas Aquinas Roman Catholic
Separate Regional Division No. 38
The Board of Trustees of the Sturgeon School Division No. 24
The Board of Trustees of the Westwind School Division No. 74
The Board of Trustees of the Wetaskiwin Regional Division No. 11
The Board of Trustees of the Wild Rose School Division No. 66
The Board of Trustees of the Wolf Creek School Division No. 72**

