

WHAT'S NEW

ISSUE 9 – November 2011

In an effort to keep the Labour Relations Community informed on an ongoing basis of happenings at the Labour Relations Board, the Board produces a monthly newsletter - "What's New." The following is Issue 9 for November 2011.

NEWS AROUND THE BOARD

Welcome Aboard! – The Board is pleased to announce Lauren Cranna has joined the Board effective November 14, 2011. Lauren will be taking over as Correspondence Processing Clerk in anticipation of Michelle Parsons' impending retirement.

Lauren has most recently been on maternity leave taking time to care for the newest addition to her family, her now one year old daughter. Prior to joining the Board, Lauren spent several years working with the Court of Queen's Bench, first in the records section and then with the Family Law Centre.

Welcome Lauren!

Board Caucus – The Board held its second caucus meeting of the year on November 8 and 9, 2011. The agenda focused on various educational sessions addressing issues relevant to the Board. On the evening of November 8, 2011 Board members and the community at large heard from the Honourable Dave Hancock, Q.C., Minister of Human Services and the keynote speaker for the evening, Andrew Sims, Q.C. As previously reported, Andy is the most recent recipient of the Bora Laskin Award for Outstanding Contributions to Canadian Labour Law.

Board Open House – Mark Your Calendars! The Board's Stakeholder Open House will be held on December 15, 2011 from 2:00 to 6:00 pm. Invitations will be forthcoming shortly. Please RSVP to Marlene Leslie at 780-422-6352 or by email at marlene.leslie@gov.ab.ca. Drop by and enjoy refreshments with fellow members of the labour relations community.

OTHER HAPPENINGS

Canadian Bar Association – 12th Annual National Administrative Law, Labour and Employment Law Conference – November 25 and 26. The Conference will be held in Ottawa. Topics will include:

- The Year in Review in Labour and Employment and Administrative Law
- Fireside Chat with Right Hon. Beverley McLachlin, Chief Justice of Canada
- Experts and Tribunal Expertise

- Workplace Investigations
- Real and Nominal Litigants
- Flavours and Layers of Privilege
- A View from the Bench, with justices from the B.C. Supreme Court, Quebec Court of Appeal, Federal Court of Canada and Supreme Court of Newfoundland and Labrador
- The Changing Supreme Court of Canada

Further information can be found at: www.cba.org

RECENT CASES

HSAA v. AHS 2011 ABQB 684

On November 8, 2011 the Court of Queen's Bench issued its decision dismissing the Health Sciences Association of Alberta's judicial review application seeking to overturn a decision of the Board. The Board decision concluded the EMS supplementary pension plan should not be included in the "receiving agreement" between HSAA and Alberta Health Services.

The Board concluded the supplementary pension plan should not form part of the receiving agreement for several reasons. First, the plans were included in collective agreements between the City of Edmonton, the City of Calgary and corresponding Edmonton and Calgary CUPE Locals at a time when these parties were aware that a new bargaining agent and new employer would be responsible for establishing and implementing the plan. Second, the actuarial valuations suggested the design of the plan was deficient. Third, the plans were not yet operational.

Applying the reasonableness standard of review, the Court upheld the Board's decision. Pointing to the expertise of the Board in such matters, the Court stated the Board's consideration of the timing of the inclusion of the plans in the collective agreements between the CUPE Locals and the City of Edmonton and the City of Calgary was reasonable. As were the Board's conclusions as to the structure and readiness of the plan.