



## Ministerial Order No. 2020-26: Guidelines for Expedited Proceedings

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### Background

As a result of COVID-19, a state of public health emergency was declared in Alberta on March 17, 2020.

Section 52.1(3) of the *Public Health Act* authorizes a Minister to issue orders that suspend or modify legislation on terms prescribed by the Minister where it is in the public interest to do so.

Ministerial Order No. 2020-26 (the “Order”) came into effect on April 24, 2020. The Order relates to restrictions imposed by the Chief Medical Officer of Health on April 10, 2020<sup>1</sup>, which allow staff members to only work at one health care facility for the stipulated time period.

The Order addresses the implementation of these restrictions. The Order also designates the Alberta Labour Relations Board (the “Board”) as the body responsible for resolving disputes between employers, employees and bargaining agents about the interpretation and application of the Order.

The Board will resolve such disputes through an expedited process, and these Guidelines provide parties with information about that process.

### Requirements and Timelines for Making an Application

Paragraph 3(c) of the Order directs employers, employees, and bargaining agents to engage in ongoing discussions about the implementation of the Order, and to make their best efforts to resolve any differences.

Accordingly, the Board expects that parties will attempt to resolve their dispute before making an application to the Board.

An application is to be made to Board no later than 15 calendar days after the party filing the application knew or ought to have known about the dispute or difference arising from the implementation or interpretation of the Order.

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<sup>1</sup> Chief Medical Officer of Health Order 10-2020.

The Director of Settlement retains discretion to accept an application made outside of this timeline, and, in exercising that discretion, may consider the parties' resolution discussions.

The Board encourages the parties to continue dispute resolution discussions after an application is filed under this process.

### **Method of Application**

In addition to the methods identified in Information Bulletin #2<sup>2</sup>, the Board will accept applications directed to the Director of Settlement via email at following addresses:

[ALRB.EDM@gov.ab.ca](mailto:ALRB.EDM@gov.ab.ca) for the Edmonton office and [ALRB.CAL@gov.ab.ca](mailto:ALRB.CAL@gov.ab.ca) for the Calgary office.

Applications that are received by any method after 4:30 pm on a business day will be treated as received at 8:15 am the next business day, unless special arrangements were made in advance with the Board.

### **Contents of Application**

1. The application should identify all parties and provide their contact information.
2. The application must also include a statement indicating that the applicant has provided a copy of the application to all parties or persons affected by the application.
3. The application should contain the following information:
  - a. Detailed description of the dispute;
  - b. Information about the number of employees affected by the dispute, including their position title, and whether the positions are casual, part-time, or full-time;
  - c. In accordance with Paragraph 3(c) of the Order, a detailed overview of the parties' efforts to resolve the dispute; and
  - d. The remedy sought.
4. The application should also identify which of the following Board processes would, in the applicant's view, be most effective for addressing the dispute:
  - a. Resolution conference;
  - b. Written submissions;
  - c. Written submissions and conference call; or
  - d. A combination of the above.

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<sup>2</sup> The Board discourages personal delivery due to COVID-19 and asks the parties to not attend at the Board's offices until further notice.

## **Response**

The response is to be provided to the Board and affected parties no later than 3 business days after the respondent(s) receives the application. The response should address the information outlined in points 3 and 4 above, and should clearly indicate where and why the Respondent disagrees with the applicant's position and information.

Depending on the nature of the dispute and the issues it raises, the Director of Settlement retains discretion to extend or abbreviate the timeline for providing a response.

## **Case Management**

Upon receipt of an application, the Board will schedule a case management conference for the purposes of clarifying the issues in dispute and determining the resolution process. An initial case management call will take place soon as practicable, and further case management calls may be scheduled as needed throughout the process.

## **Hearing**

While the Board will work with the parties to resolve disputes, where it is necessary that the Board conduct a hearing to decide a dispute, Paragraph 3(e) of the Order authorizes a Chair or a Vice-Chair to sit alone.

As a result of COVID-19, and subject to further developments, the Board has currently suspended in-person hearings until May 31, 2020, but it will work with the parties to arrive at appropriate arrangements for conducting hearings remotely.