



Province of Alberta  
Order in Council

O.C. 395/2021

DEC 15 2021

# ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor  
or  
Administrator

The Lieutenant Governor in Council makes the Election of Union  
Dues Regulation set out in the attached Appendix.

  
CHAIR

FILED UNDER  
THE REGULATIONS ACT  
as ALBERTA REGULATION 260/2021  
ON December 15 2021  
  
REGISTRAR OF REGULATIONS

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For Information only

Recommended by: Minister of Labour and Immigration

Authority: Labour Relations Code  
(section 26.1)

**APPENDIX**  
**Labour Relations Code**  
**ELECTION OF UNION DUES REGULATION**

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**Definitions**

**1** In this Regulation,

- (a) “Act” means the *Labour Relations Code*;
- (b) “core dues” means union dues, assessments or initiation fees relating to activities referred to in section 26.1(1)(b) of the Act;
- (c) “dues payer” means a person required to pay union dues, assessments or initiation fees to a trade union;
- (d) “election” means an election made under section 26.1(3) of the Act;
- (e) “non-core dues” means union dues, assessments or initiation fees relating to activities or causes referred to in section 26.1(1)(a) of the Act;
- (f) “prescribed date” means the date prescribed under section 5;
- (g) “revocation” means the revocation of an election under section 26.1(4) of the Act.

## Application

**2(1)** This Regulation applies for the purposes of section 26.1 of the Act, section 42.1 of the *Police Officers Collective Bargaining Act*, section 5.1 of the *Public Education Collective Bargaining Act* and section 22.1 of the *Public Service Employee Relations Act*.

**(2)** To the extent that this Regulation applies in respect of the *Police Officers Collective Bargaining Act*, a reference in this Regulation to

- (a) a provision in section 26.1 of the Act is to be read as a reference to the corresponding provision in section 42.1 of the *Police Officers Collective Bargaining Act*,
- (b) core dues is to be read as a reference to the union dues or assessments referred to in section 42.1(2)(b) of the *Police Officers Collective Bargaining Act*,
- (c) non-core dues is to be read as a reference to the union dues or assessments referred to in section 42.1(2)(a) of the *Police Officers Collective Bargaining Act*,
- (d) a dues payer is to be read as a reference to a member within the meaning of section 42.1 of the *Police Officers Collective Bargaining Act*,
- (e) a trade union is to be read as a reference to a bargaining agent or police association, as applicable, as defined in the *Police Officers Collective Bargaining Act*, and
- (f) union dues, assessments or initiation fees is to be read as a reference to the union dues or assessments referred to in section 42.1 of the *Police Officers Collective Bargaining Act*.

**(3)** To the extent that this Regulation applies in respect of the *Public Education Collective Bargaining Act*, a reference in this Regulation to

- (a) a provision in section 26.1 of the Act is to be read as a reference to the corresponding provision in section 5.1 of the *Public Education Collective Bargaining Act*,
- (b) core dues is to be read as a reference to the fees, dues or other levies referred to in section 5.1(2)(b) and (c) of the *Public Education Collective Bargaining Act*,

- (c) non-core dues is to be read as a reference to the fees, dues or other levies referred to in section 5.1(2)(a) of the *Public Education Collective Bargaining Act*,
- (d) a dues payer is to be read as a reference to an employee as defined in the *Public Education Collective Bargaining Act*,
- (e) a trade union is to be read as a reference to ATA as defined in the *Public Education Collective Bargaining Act*, and
- (f) union dues, assessments or initiation fees is to be read as a reference to the fees, dues or other levies referred to in section 5.1 of the *Public Education Collective Bargaining Act*.

(4) To the extent that this Regulation applies in respect of the *Public Service Employee Relations Act*, a reference in this Regulation to

- (a) a provision in section 26.1 of the Act is to be read as a reference to the corresponding provision in section 22.1 of the *Public Service Employee Relations Act*,
- (b) section 27(6) of the Act is to be read as a reference to section 22(2) of the *Public Service Employee Relations Act*,
- (c) core dues is to be read as a reference to the union dues, assessments or initiation fees referred to in section 22.1(1)(b) of the *Public Service Employee Relations Act*,
- (d) non-core dues is to be read as a reference to the union dues, assessments or initiation fees referred to in section 22.1(1)(a) of the *Public Service Employee Relations Act*,
- (e) a dues payer is to be read as a reference to a person within the meaning of section 22.1 of the *Public Service Employee Relations Act*,
- (f) a trade union is to be read as a reference to a trade union as defined in the *Public Service Employee Relations Act*, and

- (g) union dues, assessments or initiation fees is to be read as a reference to the union dues, assessments or initiation fees referred to in section 22.1 of the *Public Service Employee Relations Act*.

**Core and non-core activities**

**3(1)** In this section,

- (a) “core activity” means an activity referred to in section 26.1(1)(b) of the Act;
- (b) “non-core activity” means an activity or cause referred to in section 26.1(1)(a) of the Act.

**(2)** An activity that does not directly benefit dues payers in the workplace is a prescribed activity for the purposes of section 26.1(1)(a)(iv) of the Act.

**(3)** An activity that directly benefits dues payers in the workplace is a prescribed activity for the purposes of section 26.1(1)(b)(ii) of the Act and may include the following, if the activity directly benefits dues payers in the workplace:

- (a) collectively advancing and advocating for workplace goals, including
  - (i) creating public awareness, and
  - (ii) lobbying;
- (b) participating in legal proceedings;
- (c) complying with obligations under enactments;
- (d) supporting or representing dues payers in proceedings, investigations or hearings related to their employment;
- (e) educating and training dues payers;
- (f) providing benefits, establishing funds and providing money to dues payers in relation to their employment;
- (g) negotiating and administering collective agreements to which the trade union is a party;
- (h) engaging in activities that relate to the operation and governance of the trade union, including

- (i) developing and maintaining the trade union's bylaws and constitution,
- (ii) administration of the trade union,
- (iii) recruiting new members in preparation for certification of the trade union under the Act,
- (iv) educating and training the staff of the trade union, and
- (v) operating hiring halls and other means of assigning work.

(4) Where an activity can be considered both a core activity and a non-core activity, the determination as to whether the activity is a core activity or non-core activity must be based on the predominant purpose of the activity.

(5) Notwithstanding subsection (3) and section 26.1(1) of the Act, where a trade union pays union dues, assessments or initiation fees with respect to an activity to another party, including a parent trade union or trade union organization, that activity will be considered a core activity only if the trade union is able to demonstrate that the union dues, assessments or initiation fees have been or will be used by the other party for a core activity.

#### **Required information**

**4** For the purposes of section 26.1(2)(c) of the Act, a trade union shall provide to each dues payer a list of the following:

- (a) the activities and causes referred to in section 26.1(1)(a) of the Act;
- (b) the persons or entities paid by the trade union in respect of the activities and causes referred to in section 26.1(1)(a) of the Act.

#### **Prescribed date**

**5** For the purposes of sections 26.1(3) and 27(6) of the Act, the prescribed date is August 1, 2022.

**Initial election**

**6(1)** A trade union shall give each dues payer an opportunity to make an initial election during the period beginning on the date of the coming into force of this section and ending on July 31, 2022.

**(2)** A trade union shall provide the following information to each dues payer referred to in subsection (1) before the dues payer makes an election under subsection (1):

- (a) a list of the activities and causes referred to in section 26.1(1)(a) of the Act;
- (b) a list of the persons or entities paid by the trade union in respect of the activities and causes referred to in section 26.1(1)(a) of the Act;
- (c) information respecting the amount or percentage of core dues, including
  - (i) the amount or percentage of core dues that the dues payer is required to pay, and
  - (ii) the total amount or percentage of core dues required to be paid by all dues payers;
- (d) information respecting the amount or percentage of non-core dues, including
  - (i) the amount or percentage of non-core dues that the dues payer will be required to pay if the dues payer makes an election, and
  - (ii) the total amount or percentage of non-core dues required to be paid by all dues payers who have made an election;
- (e) any information required or reasonably requested by the dues payer to make an informed decision for the purpose of making an election.

**(3)** During the period beginning on the date of the coming into force of this section and ending on July 31, 2022, a trade union may continue to charge core dues and non-core dues in the same amount or percentage that the trade union charged immediately prior to the coming into force of this section regardless of whether the dues payer has made an election.

### **Making an election**

**7(1)** On and after the prescribed date, a trade union shall give each dues payer the opportunity to make an election at the following times:

- (a) before the trade union makes a material change to the amount of non-core dues that the dues payer elected to pay or would have paid if the dues payer had elected to pay non-core dues;
- (b) subject to section 9, during an election period that must occur at whichever of the following occurs more frequently:
  - (i) every 12 months, on the dates set by the trade union;
  - (ii) the intervals, if any, set out in the collective agreement to which the dues payer is subject;
- (c) when the dues payer is first required to pay core dues to the trade union.

**(2)** A dues payer who pays union dues, assessments or initiation fees on a non-continuous basis may make an election under subsection (1)(c) only once in respect of a trade union.

### **Revoking an election**

**8** On and after the prescribed date, a trade union must give each dues payer who has made an election the opportunity to revoke the election at the following times:

- (a) before the trade union makes a material change to the amount of non-core dues that the dues payer has previously elected to pay;
- (b) subject to section 9, during a revocation period that must occur at whichever of the following occurs more frequently:
  - (i) every 12 months, on the dates set by the trade union;
  - (ii) the intervals, if any, set out in the collective agreement to which the dues payer is subject.



### **Timing of elections and revocations**

**9(1)** A trade union shall ensure that an election period under section 7(b)(i) and a revocation period under section 8(b)(i) in respect of a dues payer occur on the same dates.

**(2)** A trade union may set different dates for election periods and revocation periods in respect of different bargaining units, but the dates on which the election period and revocation period occur in respect of a bargaining unit must be the same.

### **Effect of election and revocation**

**10(1)** An election has effect until it is revoked.

**(2)** An election that is in effect when a change is made to the amount or percentage of non-core dues continues to have effect as an election in respect of the new amount or percentage.

**(3)** A revocation revokes an election in respect of the amount or percentage of non-core dues that applied when the election was made and any changes to that amount or percentage.

### **Provision of information**

**11(1)** A trade union shall provide to each dues payer the following information before each of the times at which the dues payer has the opportunity to make an election under section 7 or revoke an election under section 8:

- (a) a list of the activities and causes referred to in section 26.1(1)(a) of the Act;
- (b) a list of the persons or entities paid by the trade union in respect of the activities and causes referred to in section 26.1(1)(a) of the Act;
- (c) the information referred to in section 26.1(2) of the Act;
- (d) information respecting the amount or percentage of core dues, including
  - (i) the amount or percentage of core dues that the dues payer is required to pay, and
  - (ii) the total amount or percentage of core dues required to be paid by all dues payers;

- (e) information respecting the amount or percentage of non-core dues, including
  - (i) the amount or percentage of non-core dues that the dues payer will be required to pay if the dues payer makes an election, and
  - (ii) the total amount or percentage of non-core dues required to be paid by all dues payers who have made an election.

(2) As soon as is practicable after an employee is first required to pay core dues, an employer shall provide to the trade union representing the employee in a unit the name and contact information of the employee for the purposes of making an election under section 7(1)(c).

#### **Requirements for elections and revocations**

**12(1)** An election or a revocation must

- (a) be in writing,
- (b) state the name of the dues payer making the election or revoking the election,
- (c) be signed by the dues payer,
- (d) be signed by an officer or official authorized to do so on behalf of the trade union, and
- (e) comply with subsection (2) or (3), as applicable.

**(2)** An election must clearly indicate

- (a) that the dues payer is electing to pay the amount or percentage of non-core dues that applies to the dues payer and any changes to the amount or percentage, and
- (b) the amount or percentage of non-core dues that applies to the dues payer at the time the election is made.

**(3)** A revocation must clearly indicate that the dues payer is revoking an election to pay the amount or percentage of non-core dues set out in the election and any changes to the amount or percentage.

### **Charging or deducting**

**13(1)** As soon as is practicable after a dues payer makes an election,

- (a) the trade union shall charge the amount or percentage of non-core dues in accordance with the election, and
- (b) the dues payer’s employer shall deduct the amount or percentage of non-core dues in accordance with the election, if non-core dues are deducted from wages due to the dues payer by the employer.

**(2)** As soon as is practicable after a dues payer who has made an election revokes the election,

- (a) the trade union shall cease charging the amount or percentage of non-core dues in accordance with the revocation, and
- (b) the dues payer’s employer shall cease deducting the amount or percentage of non-core dues in accordance with the revocation, if non-core dues are deducted from wages due to the dues payer by the employer.

**(3)** A trade union that complies with subsection (2) is not in contravention of section 26.1(7) of the Act during the period beginning when an election is revoked and ending when the trade union ceases charging the amount or percentage of non-core dues.

**(4)** An employer that complies with subsection (2) is not in contravention of section 27(6) or 149(1)(d.2) of the Act during the period beginning when an election is revoked and ending when the employer ceases deducting the amount or percentage of non-core dues.

### **Membership fees**

**14(1)** For the purposes of section 26.1(12) of the Act, “membership fees” means the membership fees charged by an academic staff association, postdoctoral fellows association or graduate students association under section 86(2)(e), 92.2(2)(e) or 95(2)(f) of the *Post-secondary Learning Act* respectively.

**(2)** Membership fees charged by an academic staff association, postdoctoral fellows association or graduate students association

are not charged by the relevant association in its role as a bargaining agent.

**Expiry**

**15** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on February 28, 2026.

**Coming into force**

**16(1)** This Regulation, except sections 4, 7, 8, 9, 11(1) and 13, comes into force on the coming into force of section 11(9), to the extent that it enacts section 26.1(11) of the *Labour Relations Code*, of the *Restoring Balance in Alberta's Workplaces Act, 2020*.

**(2)** Sections 4, 7, 8, 9, 11(1) and 13 come into force on August 1, 2022.