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By email only

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Gavin Leeb
Director, Legal Branch
Canadian Union of Public Employees
1375 St. Laurent Blvd,
Ottawa, ON K1G 0Z7

Dear Mr. Leeb:

**Re: Alberta’s new legislation mandating classification of the activities that union dues are spent on; the new s. 26.1 of the Labour Relations Code from Bill 32 and the new Election of Union Dues Regulation
Addendum to Analysis and Opinion regarding CUPE
Your file RT-2020-006**

You have asked me for a short addendum to my longer opinion regarding the new *Election of Union Dues Regulation* and the related proclamation of section 26.1 to the *Labour Relations Code* from Bill 32.

The question for this addendum is how payments by a union in Alberta for the costs associated with members/staff/officers attending at union meetings, conventions, regional meetings, education meetings, committee meetings, meetings with partner unions and union centrals, and other events should be classified in terms of core or non-core under these new provisions.

I understand that CUPE locals, like many other unions in Alberta, will cover the full cost to a member/staff/officer to attend an event that the local determines is of benefit to the local and thus to the dues payers in the local’s bargaining units. These costs can include registration for the event, travel, accommodation, parking, food or daily per diem, lost wages, and any other out of pocket expenses incurred. In essence, the union ensures that

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the member/staff/officer attends the event as if on paid work time with no cost or little cost to them, depending on how many of the costs are covered.

Under the new provisions, in my opinion, the approach to take for this kind of expenditure is to ask why the local is sending the member/staff/officer to the event. If the answer is to participate in a core activity, then all the costs are part of that core activity and can be added to the core expenditure group. The local is paying the related expenses to allow for the person to be able to attend that event it determined was a core activity.

Attendance at education relevant to the union for any of members, staff, or officers is core (s. 3(3)(e) and (iv)). The union does have to determine that the education is beneficial to the union and its members in some way, but this examination always happens when the union is deciding if it will send a member/staff/officer to the event in the first place. Attendance at union meetings, conventions, regional meetings, committee meetings, meetings at the AFL or at union centrals, partner unions or sister unions, rallies, picket lines, and other union related events can fall under governance of the union, increasing the solidarity and bargaining strength of the union, advancing objectives of the union, collectively advancing and advocating for workplace goals, and other categories of core activities.

If there is a concern that only part of the activity could be seen as core, then the union should look to section 3(4) of the Regulation to determine if the predominant purpose of the activity is a core activity. Provided the majority of the purpose of the attendance is core, then the whole activity and all associated expenditures can be classified as core. It does not matter which entity is putting on the event or whether the event is priced at a break even or on a for profit basis. For example, relevant education at a labour school or education at a Lancaster House conference would both be core and the costs would all be core too.

Please let me know if you have any questions.

Yours truly,



Leanne M. Chahley