

RELATIONSHIP WITH THE MINISTRY

INTRODUCTION

This policy describes the legal and working relationship between the Labour Relations Board and the Ministry.

The Labour Relations Board is an independent quasi-judicial tribunal created by legislation. It is not just a branch or arm of the Ministry. It is important that the Board be, and be seen as, independent of the department.

This does not imply that the Board stands in opposition to government or the Department. The Board and the Department each have important functions to perform in the same labour relations area. Co-operation is important. It is best achieved when staff at the Board and the Department understand each other's roles and the reasons for the Board's independence.

This policy describes:

- the legislative framework for the Board and the Department;
- departmental support services;
- finance;
- personnel;
- systems;
- communications; and
- information services

LEGISLATIVE FRAMEWORK

The [Ministry](#) and the Labour Relations Board are each established, and given their authority, by legislation.

The [Labour Relations Code](#) establishes the Labour Relations Board and grants it powers, immunities, and responsibilities. It creates the office of Chair and provides for the appointment of the Chair, Vice-Chairs, and members by Order-in-Council.

Almost every independent quasi-judicial board reports to the government through a responsible Minister. The Lieutenant Governor in Council decides which Minister this should be under Section 1(s) of the [Labour Relations Code](#) and the provisions of the [Government Organization Act](#) (RSA 2000, c. G-10). Traditionally, the Minister of Labour (now our current Ministry) has responsibility for the Labour Relations Board.

The [Government Organization Act](#) gives the legislative authority for the [Ministry](#) itself. It creates the position of Minister and of the Deputy Minister. The Deputy Minister is responsible for carrying out the department's business under the Minister's direction.

DEPARTMENTAL SUPPORT SERVICES

The Ministry makes a variety of support services available to the Board and to divisions within the Department. The major areas of support are:

- finance;
- personnel;
- systems;
- communications; and
- information services.

These support functions exist to avoid duplication of service and save expense. Usually, the support-service personnel also have important legislative functions to perform. These are summarized below.

Finance

The Board's financial resources come from the general revenues of the Province. As with all government agencies, each year, the Legislature votes on a supply of money to fund the Board's activities for the year. Once voted its supply, the Board can spend the allocated money, but no more.

The Legislature votes the Board's supply as a separate "vote" within the budget for the Ministry. The Board, working with the Department's staff, put together a budget request each year, broken down by expenditure type. The Legislature votes on this request. Once approved, funds can be spent, but only upon approved matters. If the Board's expenses go beyond the allocated budget, there can be an approved transfer from another vote within the Ministry budget, or Cabinet can approve a special warrant to cover the overrun. Otherwise, the Board simply cannot make the expenditure.

All Board expenditures must be for proper expenses, and must be authorized and approved in accordance with the government's rules. The [Financial Administration Act](#) and guidelines and regulations issued by the Treasury set out these rules. Certain employees of the Board are designated expenditure officers. They are responsible to make sure all expenditures are for approved purposes and are paid for from available funds.

One of the support services offered by the Ministry is the processing of Board expenditures. Department employees act as accounting officers for the Board's expenses. They have a legal obligation to ensure they are correct and authorized. The Department's Senior

Financial Officer is the Senior Financial Officer for the whole Ministry budget, including that of the Board. The Department's finance staff must check that the Board's expenditures are processed and accounted for, and properly approved. The primary responsibility for checking expenditures still rests with the Board's staff and those authorized to act as expenditure officers.

Personnel

Alberta has a [Public Service Act](#), creating a Corporate Human Resources Office (CHR) headed by the Public Service Commissioner. CHR coordinates and supervises all government personnel activities. The *Public Service Act* sets up hiring, classification, discipline and other procedures to ensure a merit-based public service. The Corporate Human Resources Office also provides support in the areas of training, collective bargaining, payroll and recruitment.

Each department has a human resources office that co-ordinates these activities within the department. The Ministry has an HR office that also serves the Labour Relations Board. HR coordinates all payroll, vacation and disability insurance activities, and assists in hiring, discipline, reclassification and similar personnel matters. Part of the HR department's duties involve making sure the Board personnel transactions comply with CHR policies, the *Public Service Act* and other legislative rules.

The general service bargaining unit represented by AUPE does not include the staff of the Labour Relations Board. Because of the potential for conflict of interest, the [Public Service Employee Relations Act](#) excludes Board officers from collective bargaining. In this context, all Board staff are determined to be Board officers therefore all are excluded. Subject to the general direction of the Minister, the Chair of the Board directs the Board's staff.

Systems

The Systems Help Desk provides support staff for computer system maintenance, which the Board may use. Particularly, they provide assistance with system network, hardware and commercial software questions. The Board employs a systems officer internally who takes primary responsibility for the Case Management System.

Outside consultants, working with Board staff, designed and constructed the Board's database. The Board still retains consultants to keep the database up to date as required. Similarly, the Board retains outside consultants for network maintenance when necessary.

The purchasing and tendering regulations, administered by Service Alberta, Procurement Services, put procedural limits on the Board's purchases in the systems area. The Ministry's IMAC Branch provides advice on the equipment, software and materials available on "standing offer" - that is available at a pre-set rate without tendering. They can provide advice on how to acquire necessary hardware, software or consulting services either through standing offers, or through the normal tendering process. They will ensure that any equipment purchased by the Board, through them, meets minimum government standards.

Communications

The [Ministry](#) maintains a Communications Branch. They act as the liaison between the Department and the [Public Affairs Bureau](#). They offer public-relation services for the Department, but serve the Board only when requested to do so under the Board's direction. Because of the Board's quasi-independent status, the Branch normally does not act as spokesperson for the Board. The Communication staff provides advice on all publications, printing and other media purchases. All such purchases must be directed through the Public Affairs Bureau via the Communications Branch. This ensures design integrity and a proper tendering and quality control process to cover such work.

Information Services

The Alberta Government Library – Labour Building Site provides services of use to the Board. They have a well stocked library with much labour relations material available on loan. This includes all the Board's decisions suitably indexed. The public at large can use this service, so people asking the Board for past decisions should be directed to the Library at (780) 427-5832.

The [Data Development and Evaluation Branch](#) maintains a database and filing system of all Alberta's collective agreements. This system (IBIS) provides the Board with information on collective bargaining disputes and the resulting collective agreements. The public can also access collective agreements on their internet site.