

Working Title Legal Counsel	Name Vacant
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Position Number	Reports to Position No., Class & Level Senior Official	Division, Branch/Unit Alberta Labour Relations Board	Ministry Jobs, Economy and Trade
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Present Class Legal Officer 3	Requested Class Legal Officer 2 - 3	Levels to Deputy Minister (Not including incumbent level) n/a
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Dept ID	Program Code	Project Code (if applicable)
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POSITION SUMMARY: Briefly describe the main purpose of the position, and why it exists for the most part (See Management Job Description Writing Guide Page 7).

The Legal Counsel provides a full range of legal services to the Labour Relations Board (the "Board"), including providing time-sensitive legal advice, opinions and guidance to the Chair, the Vice Chairs, Board Members and Board staff. This individual's primary role is to provide legal counsel on matters of broad perspective or that have a potentially significant impact on the Board.

The Legal Counsel provides advice about the interpretation and application of the *Labour Relations Code*, *Public Service Employee Relations Act*, *Police Officers Collective Bargaining Act*, *Canadian Charter of Rights and Freedoms*, relevant sections of the *Employment Standards Code*, *Post-Secondary Learning Act* and *Occupational Health and Safety Act*, as well as other related legislation including the *Freedom of Information and Protection of Privacy Act (FOIP)* and the *Public Interest Disclosure (Whistleblower Protection) Act*. The Legal Counsel also handles third party information requests and acts as the Board's FOIP Coordinator.

The Legal Counsel plays a key role in facilitating timely, consistent, accurate and quality decision-making regarding matters before the Board. Legal Counsel represents the Board on judicial review applications, appeals and other litigation involving the Board and its decisions before all levels of courts as well as other tribunals.

The Legal Counsel is responsible for providing legal and policy advisory services to the Board including supervision of external legal counsel. The Legal Counsel also assists with drafting and overseeing Board rules, policies, procedures.

The Legal Counsel serves as a member of the Management Team of the Board, which is responsible for the overall management of the Board. Legal Counsel also acts as the Board's media contact on high profile, sensitive labour relations disputes.

Mandate:

The ALRB is the independent and impartial tribunal responsible for the day-to-day application and interpretation of Alberta's labour legislation. It also develops rules, information bulletins, and procedures to ensure fair and equitable labour relations. It makes public policy and develops law through its adjudicative process. The Board is also the statutory appeal body for certain appeals under the *Employment Standards Code* and the *Occupational Health and Safety Act*. It also adjudicates remedies for reprisals found to have occurred contrary to the *Public Interest Disclosure (Whistleblower Protection) Act*.

The key functions of the ALRB are the processing of applications and appeals, the adjudication, settlement and resolution of disputes, and working with parties to maintain a sound, understandable labour relations

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environment throughout Alberta. The ALRB offers informal settlement options to the parties, but it also has inquiry and hearing powers to make binding rulings whenever necessary.

ALRB activities are largely client and caseload driven. Tight control is maintained over case handling and vote mechanisms. The ALRB recognizes that the timely resolution of labour relations differences involves the interests of the public, as well as the interests of the parties directly involved in the difference.

The position of Legal Counsel is to provide a full range of legal services to facilitate the effective functioning of the Board.

Authorities:

- *Labour Relations Code*
- *Public Service Employee Relations Act*
- *Police Officers Collective Bargaining Act*
- *Public Education Collective Bargaining Act*
- *Employment Standards Code*
- *Occupational Health and Safety Act*
- *Public Interest Disclosure (Whistleblower Protection) Act.*
- *Freedom of Information and Protection of Privacy Act*
- *Conflicts of Interest Act*
- *Alberta Public Agencies Governance Act*
- Other related legislation such as privacy and human rights legislation
- Relevant case law

SPECIFIC ACCOUNTABILITIES: List the most important end results or outcomes of the position and how they are achieved. Each end result shows what the position is accountable for, within what framework and what the added value is. Normally a position has 4-8 core end results. For each end result approximately 3-6 activities should be described (See Writing Guide [Page 8](#)).

1. Providing In-House Counsel

The Legal Counsel acts as counsel to the Board by reviewing case-specific issues and preparing legal advice and opinions on various matters but especially those with a potentially significant impact on the Board or that are broad in scope. This individual provides legal advice within the Board to the Chair, Vice-Chairs, the Management Team, Board staff and the Board Members by:

- Reviewing, advising on, and assisting with draft decisions
- developing and drafting legal policies, procedures and rules as required to comply and meet legislative needs
- drafting and preparing legal memoranda on questions of administrative law and labour law including the *Charter of Rights and Freedoms*, the Constitution, and privacy legislation as it impacts the ALRB
- responding to and drafting Action Requests on behalf of the ALRB on direction of the Chair
- providing oversight of all legal affairs for the ALRB including drafting contracts with suppliers
- acting as the ALRB's FOIP Coordinator in dealing with freedom of information requests and legislation
- acting as the ALRB's contact with the Ombudsman's Office
- acting as the ALRB's media officer
- acting as a resource to members of the labour relations community

2. Representing the Board in legal proceedings

The Legal Counsel represents the Board in court and other legal proceedings by:

- receiving pleadings and other documents on behalf of the Board
- preparing pleadings and responses to the above and completing the necessary filing with the courts
- overseeing and supervising preparation and filing of Certified Records of Proceedings in judicial

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review applications and appeals

- undertaking discussions with legal counsel of the parties to obtain agreements where necessary
- liaising with legal counsel of other organizations, including other departments and agencies, with regard to legal proceedings, legislation and policy issues
- appearing before the courts at all levels as legal representative for the Board
- facilitating outside counsel's involvement in court and other proceedings
- preparing legal briefs and documents
- providing legal updates as needed for the Management Team and Board caucus.

3. Liaising with Outside Parties

The Legal Counsel is responsible for dealing with inquiries from and acts as liaison with the media, outside counsel, special interest groups, stakeholders, government officials and others respecting various aspects of the Board's activities.

4. Participating as a Member of the Management Team (MT)

The Legal Counsel is a member of the Board's Management Team which is responsible for the administration of the Board, and providing overall goals and objectives (both long and short term) for the Board including:

- the overall operation of the Board
- strategic planning including implementation and operational strategies
- identifying and analyzing issues and trends and proposing programs for addressing matters vital to the success of the Board
- attending regular management meetings to address operational and technical matters including legal implications arising from these issues.

5. Managing Board Legal advisory and legal services

The Legal Counsel is responsible for managing legal services for the Board. This individual also oversees internal training conducted by the Legal Counsel for Board staff and members.

6. Supervision

Legal Counsel is responsible for direct supervision of outside legal counsel and partial supervision of an administrative support position.

KNOWLEDGE/EXPERIENCE: Include information on required diplomas and degrees along with identifying the most important knowledge factors, including knowledge about practical procedures, administrative, specialized techniques, etc. Detail specific training if there is an occupational certification/registration requirement for the position. Specify the type of experience required for the position (see Writing Guide [Pages 9-10](#)).

The individual in this role will have a highly extensive understanding of and experience with of Alberta's labour relations legislation, other related legislation, and Board policies, procedures, and practices. This individual has a high degree of knowledge, skill, and experience with the Alberta labour relations system, as well as superior decision-making, legal writing, and problem-solving abilities. Additional skills required to succeed in this role include: an orientation for detail and consistency; a predisposition to educate and inform; a sense for advisory input that supports and strengthens the appeal process; a strong inquisitorial sense; an excellent ability to research, analyze and investigate; above average negotiating and influencing skills; excellent writing and verbal communication skills. Legal Counsel must be able to work effectively independently and in a team environment, and must possess superior organizational and time management skills, be able to effectively manage multiple and competing priorities, and demonstrate composure and professionalism in high profile and high pressure situations. Team building, mentoring, and coaching skills are definite assets.

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Education

Position requires a law degree from an accredited Canadian Law School and membership in the Law Society of Alberta.

Experience

A senior legal practitioner with a minimum of 4 years legal experience in a variety of areas including Civil, Constitutional, Employment, Contract, and Administrative Law. The position also requires a sound knowledge of law relating to labour relations and some experience in presenting cases before the Court of King's Bench and Court of Appeal. Management and team building experience are desirable.

LEADERSHIP AND BUSINESS KNOW-HOW: Specify the level of integration, organization and leadership skills required to produce the results expected of the position. Provide recent examples (See Writing Guide [Pages 10-11](#)).

Legal Counsel is a senior role within the Board reporting to the Chair. This role is both a legal role as well as a member of the Board's Management Team responsible for all aspects of the Board's functions and operations. Strong leadership and strategic problem-solving skills are combined with a significant understanding of both technical and practical labour relations as part of the effective management of the Board's activities.

As a representative of the Board, the Legal Counsel must act ethically and responsibly at all times in order to maintain the integrity and reputation of the Board. Legal Counsel advises on decisions that impact Board operations, decision-making, and the interpretation and application of policy and legislation.

Independent Action

The Legal Counsel takes instructions and direction from the Chair. As a member of the Board's Management Team, this individual will be expected to operate within the mandate established for the team, and to bring forward issues and matters for consideration and approval. The Legal Counsel independently handles daily operational decisions as authorized and updates and advises the Chair on complex, sensitive and high-risk matters.

PROBLEM SOLVING: Describe difficult or challenging situations the position is typically expected to solve; the degree of originality of the solutions; and the assistance available (See Writing Guide [Pages 11-12](#)).

Problem solving is at the core of the function of legal counsel within the Board's setting. Whether as a member of the Board's Management Team or acting directly in the role of legal counsel at legal hearings, fundamentally all aspects of the role of Legal Counsel are directed at advising, strategic thinking, problem solving, and providing effective representation to the Board.

Difficult or Challenging Situations and Complex Problems:

Legal Counsel works under the direction of the Chair, as part of the Board's Management Team and independently within the scope of the individual's authority to achieve resolution to difficult or challenging situations and to solve complex problems.

This role includes planning and execution of long-term strategic initiatives as well as responding to crisis type events. These types of issues involve everything from advising on sensitive policy and operational decisions to developing responses to high profile labour disputes.

RELATIONSHIPS/CONTACTS: Identify internal and/or external clients, partners and stakeholders with whom your position communicates and indicate the frequency, purpose and nature of the contact (i.e. how they are affected by recommendations, decision-making and action(s) taken) (See Writing Guide [Pages 12-13](#)).

Clients	Frequency	Nature and Purpose of Contact
Internal Chairs and Vice-Chairs	Daily	Advice and recommendations on various matters including legal, policy and strategy advice
Board Members	Regularly	Advice and recommendations on various matters including training
All Board Staff including Executive Director and Board Officers	Daily	Advice and direction on various matters including legal, policy and strategy advice
External Courts and other tribunals	As required	Appearing as counsel representing the Board
Legal Counsel	As required	Various forms of contact and negotiation on legal files involving the board as well as in relation to various aspects of active Board files
Union representatives, employers, employees	Weekly	To consult and advise on labour relations policy, procedures, case law and legislation as well as specific aspects of active files before the Board
Labour Relations Boards in other jurisdictions	As required	To exchange information and provide interpretation of the ALRB's policies, procedures, decisions and various statutes
Ministry of Jobs, Economy, and Trade	As required	Communication regarding various aspects of the Board's operations
News Media	As required	Primary responder to media inquiries

IMPACT AND MAGNITUDE OF JOB (SCOPE): Identify how the position directly affects results, and the extent to which stakeholders are affected by those results. Provide recent examples (See Writing Guide [Pages 13-14](#)).

Accountability

Legal Counsel reports directly to the Chair of the Board.

Freedom to Act

Legal Counsel operates with a significant degree of independence with respect to most aspects of the position.

Specific Guidance:

The Chair provides high-level supervision of the position as well as well as specific direction on certain high profile matters.

Impact:

The position impacts virtually all aspects of the Board's operations spanning relatively routine matters to high profile matters of significant importance to the labour relations community and in the area of administrative law.

CHANGES SINCE LAST REVIEW: Identify significant changes, that have impacted the major responsibilities and accountabilities assigned to your position since the last review (See Writing Guide [Page 14](#)).

COMPARABLE POSITIONS: List comparable GOA benchmarks (See Writing Guide [Pages 14-15](#)).