Alberta's Bill 33 pushes increased government control over post-secondary HR practices

The Government of Alberta's new proposed legislation – Bill 33, officially titled the Justice Statutes Amendment Act – aims to (i) prohibit the use of diversity, equity and inclusion (DEI) programs in hiring and promotions by any public sector employer, and (ii) create new provincial offences for anyone sharing intimate images without consent.

The Confederation of Alberta Faculty Associations (CAFA) represents more than 3,000 faculty members at Athabasca University, MacEwan University, Mount Royal University and the University of Lethbridge.

CAFA has grave concerns regarding Bill 33 provisions that aim to prohibit an employer's right to consider diversity, equity and inclusion (DEI) as part of its independent deliberations on hiring, training and promoting its own employees.

Key changes proposed by Bill 33

- Bill 33 would override Section 10.1 of the *Alberta Human Rights Act* which currently allows programs to improve conditions for disadvantaged groups.
- Greater government control over PSIs, granting cabinet the right to exempt specific positions or programs.
- Public employers would also be prohibited from requiring DEI-related training unless it is necessary for job duties. Any other mandatory training must be "ideologically neutral."

These changes would apply to any "provincial body". That includes every college, university and polytechnic in Alberta.

CAFA has Questions

- Provincial legislation attempting to redefine citizens' rights currently protected within the *Alberta Human Rights Act* deserves **transparency**, open **public engagemen**t and **wide consultation with key stakeholders.** Why has none of this occurred for Bill 33?
- What would the passage of Bill 33 mean for people with disabilities? Will vision-enhancing software for a qualified candidate with macular degeneration now be disallowed? What about an ergonomic workstation for someone using a wheelchair?
- What criteria would apply for a condition to qualify as a "cabinet granted exemption"?
- Research proves that when students "see themselves" reflected in their institution's faculty, their learning potential improves. How would the government respond to education institutions who have evolved their hiring practices to ensure staff and faculty reflect diversities similar to those within their student bodies?

- Does the government intend to override Collective Agreements which support appropriate training for faculty involved with hiring and tenure and promotion processes?
- How does the government's legislation intersect with measures taken to address the recommendations of the Truth and Reconciliation Commission related to post-secondary education?
- Bill 33 suggests that the government equates DEI accommodations with revenge porn. CAFA does not contest Bill 33's aim to levy hefty fines or jail time against anyone sharing intimate images without consent – but pairing the malevolence of deepfake pornography with measures to assess the realities of disadvantaged populations in independent hiring decisions signals either ignorance or manipulation. Which is it?

CAFA's Next Steps

CAFA and its members will be presenting our questions to the Ministry. Further, we intend to widely publicize the nature of our concerns – in particular to post-secondary students, parents of students, faculty, staff, and any other stakeholders – to ensure greater awareness and transparent scrutiny of Bill 33 than the government has, thus far, enabled or invited.