

Bill No. 62 of 1945.

A BILL TO AMEND THE INDUSTRIAL CONCILIATION
AND ARBITRATION ACT

NOTE.

Section 1 of the Bill amends section 5 of the Act in a number of respects. This section deals with collective bargaining.

(a) Increases from fourteen days to thirty days the time within which the Board of Industrial Relations must report to the Minister as to whether a trade union or other organization, claiming to be the bargaining agent, has received the votes of a majority of the employees, etc.;

(b) adds to subsection (9) a provision as to the composition, in part, of an arbitration board where a dispute has been referred to arbitration;

(c) and (d) add the new subsections (10), (10*a*) and (10*b*) which provide for the completion of the arbitration board. The former subsection (10) applied all the proceedings under later sections of the Act dealing with arbitrations;

(e) strikes out subsection (13) which is re-enacted in the Bill as a separate section, 5*b*;

(f) adds a new subsection declaring what employees are entitled to vote on the selection of a bargaining agent, or under section 45 (dealing with the acceptance or rejection of an award in an arbitration). They must have been members of a trade union or employees' organization for three months, or if the employees are not organized must have been in that employment for three months;

(g) strikes out subsection (15) and substitutes three new subsections. These deal with the term of a collective agreement which must be for not less than a year, and with the term of office of a bargaining agent which is to be not less than ten months. Provision is made by the new subsection (17) for a poll to be taken during the different shifts in an industry to enable all employees to vote.

Section 2 of the Bill enacts as a separate section the former 5(13) and also enacts a new section 5*c* which gives the Board in holding an inquiry under the Act the same powers as may be given to a commissioner under *The Public Inquiries Act*.

Section 3 of the Bill enacts a new subsection (2) to section 22 of the Act in place of the former subsection. The change is the addition of the last three lines.

Section 4 of the Bill adds a new subsection (4) to section 46. This section prohibits employees striking during the period between an application for the appointment of a Conciliation Commissioner and fourteen days after the date fixed for the taking of a vote under section 45. That date is fixed by the Minister after an award has been made. The amendment makes it clear that no employees shall go on strike unless a vote has been taken and resulted in a majority of the employees affected voting in favour of a strike.

Section 5 of the Bill enacts a new section 46*a* which prohibits a "slow down." This provision is contained in the regulations made by the National Labour Relations Board.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 62 of 1945.

An Act to amend The Industrial Conciliation and
Arbitration Act.

(Assented to _____, 1945.)

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

1. *The Industrial Conciliation and Arbitration Act*, being
chapter 280 of the Revised Statutes of Alberta, 1942, is
hereby amended as to section 5,—

- (a) by striking out the words “fourteen days”, where
the same occur in subsection (6) thereof, and by
substituting therefor the words “thirty days”;
- (b) by striking out the last line of subsection (9) there-
of and by substituting therefor the following: “The
arbitration shall be before a board of three arbi-
trators, one of whom shall be appointed by the
bargaining agent reported by the Board as having
been elected and the other by the bargaining agent
claiming to have been appointed, or by the employer
if the dispute is between a bargaining agent and an
employer.”;
- (c) by striking out subsection (10) thereof, and by
substituting therefor the following:
“(10) The Minister shall forthwith serve notice
on the parties to the dispute referred to in sub-
section (9), requiring each of them within the time
limited by the notice, which time shall not exceed
seven days, to appoint a person to act as arbitrator
on behalf of each of them respectively, and the two
arbitrators shall appoint a person to act as third
arbitrator and the third arbitrator shall be chair-
man of the board.”;
- (d) by adding immediately after subsection (10) thereof
the following new subsections:
“(10a) If either of the parties to the dispute here-
inbefore referred to fails to appoint an arbitrator
within the time limited by the notice, the Minister
shall appoint a person to act as arbitrator on behalf
of such bargaining agent, and if the two arbitrators
fail to appoint a third arbitrator within five days
after the day on which the last of the two arbitrators
is appointed, then the Minister shall appoint a third
arbitrator who shall be chairman of the board.

“(10b) The provisions of sections 22 to 39, both inclusive, shall *mutatis mutandis* and where applicable apply to the arbitration.”;

- (e) by striking out subsection (13) thereof;
- (f) by adding immediately after subsection (14) thereof the following new subsection:

“(14a) The persons entitled to vote at a vote taken under the provisions of this section or of section 45, shall be any person who has been duly admitted to membership in a trade union or organization, who has continued such membership for a period of not less than three months, and who retains such membership and is in good standing according to the constitution and by-laws of the trade union or organization, and whose dues in the trade union or organization are not in arrears for more than six months, or where the employees affected are not organized into a trade union or organization, those employees who have been in that employment for a period of at least three months prior to the taking of the vote.”;

- (g) by striking out subsection (15) thereof and by substituting therefor the following new subsections:

“(15) No collective agreement shall be made for a term of less than one year, but where the term of an agreement is more than one year, the agreement shall contain or be deemed to contain a provision for the termination thereof at any time after one year on two months’ notice by either party thereto, and when a bargaining agent has been at any time or from time to time duly appointed under an agreement or under the provisions of this section, whether before or after the coming into force of this amending Act, the bargaining agent shall continue as such for a period of at least ten months, but at any time after the expiration of ten months the employees affected may elect a new bargaining agent in the manner provided by this section.

“(16) Upon the due election of a new bargaining agent, that bargaining agent shall be substituted for the previous bargaining agent of the employees affected as a party to a collective agreement, if any, and as such may give notice of the termination in accordance with the provisions, if any, contained in the agreement with respect to termination.

“(17) Where a vote for the election of a bargaining agent is taken in accordance with the provisions of this section in any plant or industry where the employees work in two or three continuous shifts, arrangements shall be made for the taking of a vote during each of the said shifts if that is necessary in order to give all the employees an opportunity of voting.”

2. The said Act is further amended by adding immediately after section 5a thereof the following new sections:

“5b. The Board of Industrial Relations on the request of the employer or on receipt of a petition signed by not less than fifty per centum of the employees affected, or on the direction of the Minister, may direct a vote to be taken under its supervision on any question involving the relations between the employer and his employees or any unit or classification of the employees as to which there is a dispute or as to which it is desirable to have an expression of opinion by the employees.”

“5c. For the purpose of any inquiry held pursuant to the provisions of this Act, the Board of Industrial Relations shall in respect of the inquiry have the like powers as may by law be conferred upon commissioners appointed under *The Public Inquiries Act.*”

3. The said Act is further amended as to section 22 by striking out subsection (2) thereof, and by substituting therefor the following:

“(2) No person shall be appointed an arbitrator under this Act unless he is a British subject who has resided in Alberta for three years immediately preceding the date of his appointment, nor if he has any pecuniary interest in the issue or dispute referred to arbitration, nor if he is acting or has acted within the period of six months before the application for arbitration, as solicitor, counsel or paid agent of either of the parties to the dispute.”

4. The said Act is further amended by adding immediately at the end of section 46 thereof the following new subsection:

“(4) Notwithstanding anything contained in subsection (1) no employees shall go on strike unless and until a vote has been taken under the supervision of the Board, and a majority of the employees affected have voted in favour of a strike.”

5. The said Act is further amended by adding immediately after section 46 thereof the following new section:

“46a. No trade union or employees’ organization, and no person acting on its behalf, shall support, encourage, condone or engage in a ‘slow down’ or other activity designed to restrict or limit production; but this provision shall not be interpreted to limit a trade union’s legal right to strike and the things required by a provision in a collective agreement for the safety or health of the employees shall be deemed not to be a ‘slow down’ or designed to restrict or limit production.”

6. This Act shall come into force on the day upon which it is assented to.

FIRST SESSION
TENTH LEGISLATURE
9 GEORGE VI
1945

BILL
An Act to amend The Industrial
Conciliation and Arbitration Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. GERHART.

EDMONTON:
A. Shnitka, King's Printer
1945