

Bill No. 91 of 1948.

A BILL TO AMEND THE ALBERTA LABOUR ACT

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NOTE.

This Bill amends *The Alberta Labour Act*.

Paragraph (n) of section 2 is amended to refer to the new name of the Department, namely, the Department of Industries and Labour.

The definition of "bargaining agent" in paragraph (b) of subsection (1) of section 57 is amended by deleting a reference to elected or appointed representatives of the employees. The effect of this amendment is that a bargaining agent can only be a trade union or an organization or association of employees, and cannot be an individual person. The amendment to section 59 is for the same purpose.

Section 60 is amended by adding two new subsections immediately after subsection (1).

The first of these enables an employer or an employer's organization to give a notice to the employees requiring their bargaining agent to commence collective bargaining. This right is the same as the employees' right under subsection (1).

The second subsection enables either party to a collective agreement to require the other party to the agreement to commence collective bargaining within the period of two months immediately preceding the date of expiration of their current agreement.

Subsection (2) of section 60 is amended so that the provisions relating to service of the notice to commence collective bargaining applies equally to employers and employees.

Subsection (4) of section 60 is amended so that a refusal to comply with a notice or to attend a meeting for collective bargaining brings penalties on the person refusing, whether an employer or an employee.

A new subsection (4a) is added immediately after subsection (4) which makes a refusal or failure to bargain collectively a separate offence for each day or part of a day that the refusal or failure continues.

New subsections (4) and (5) are added to section 61.

By subsection (4), a collective agreement entered into by a certified bargaining agent in so far as its provisions do not conflict with the Act is binding upon the bargaining agent and every employee in the unit of employees for which the bargaining agent has been certified, and the employer who has entered into the agreement or on whose behalf the agreement was entered into.

By subsection (5) no employee is required to sign a collective labour agreement which has been entered into on his behalf and executed by a certified bargaining agent.

A new subsection (4) is added to section 66 which prohibits a trade union, employees' organization or representative thereof from going to an employer's place of employment during working hours without the consent of the employer for the purpose of persuading the employees to become a member of the trade union or employees' organization.

A new subsection (5) is added to section 66. This subsection provides that where an employer is found guilty of an offence by reason of his having caused an actual loss of employment contrary to subsection (1), the judge, in addition to any other penalty, may order the employer to pay the person who suffered actual loss of employment a sum equivalent to the wages he lost by reason of his illegal suspension or discharge.

Subsection (4) of section 81 has been amended to prohibit a trade union, employees' organization of any officer or representative of or a person acting or representing himself to be acting on behalf of a trade union or employees' organization from authorizing or calling a strike until a vote has been taken.

Section 82 is struck out and six new sections are substituted.

Section 82 provides that every officer of a trade union who authorizes or calls a strike contrary to the Act is guilty of an offence, and subject to a fine not exceeding fifty dollars a day for each day that the strike exists.

Section 82a provides that the Minister may refer the question of the legality or illegality of any strike to a Supreme Court judge for adjudication and the procedure in such a reference is set out.

Section 82b provides that where a judge has found that a strike is illegal, any collective labour agreement between the employer and a trade union participating in the strike is null and void and any employee's authorization for the check-off of union dues to such a trade union is also null and void.

Section 82c provides that where a judge has found a strike to be illegal, a trade union participating in the strike is guilty of an offence and liable on summary conviction to a fine not exceeding one dollar for each person participating in the strike for each day or part of a day that the strike exists after the third day following the adjudication by the judge that the strike is an illegal strike. In default of payment of the fine, upon the return to work of the employees who participated in the illegal strike, the employer is required to continue to deduct the union dues which were

being deducted from their wages prior to the commencement of the strike. The employer is required to pay the dues so collected to the magistrate who made the conviction until the penalty incurred is paid in full. After the payment of the penalty, the employer may collect any union dues in accordance with the provisions of any collective agreement or order in writing from any employee authorizing the check-off which has been made subsequent to the illegal strike.

Section 82*d* provides a fine for an illegal lock-out payable by the employer on summary conviction which is exactly the same as the fine for an illegal strike payable by the trade union. The employer incurs a penalty not exceeding one dollar for each employee locked out for each day or part of a day that the lock-out exists after the third day following the adjudication by the judge that the lock-out is illegal.

Section 82*e* provides that where a judge has found a strike or lock-out to be illegal, any officer, agent or representative of any employer or trade union who participated in, permitted, allowed or assented to the strike or lock-out is party to and guilty of an offence against the Act.

A new section 83*a* is added immediately after section 83. This section provides that where a trade union issues any temporary card to a person who is not a member of the trade union, the fee charged by the trade union for such temporary card shall not exceed the union dues payable by members of the union.

A new section 83*b* which is added requires all officers or representatives of trade unions to be Canadian citizens.

A new section 86*a* is added which requires each of the parties to a collective labour agreement to file a copy with the Minister.

Section 88 is struck out and a new section substituted. The new section is very similar in effect to the present section, although the wording has been altered for clarification of its intention. Subsection (2) is new. It authorizes the Lieutenant Governor in Council to enter into an agreement whereby the *Industrial Disputes Investigation Act* of the Dominion may be applied to disputes in the coal mining industry, or in the packing plant industry. The Province may also agree that Dominion officials may administer Provincial labour legislation or the Dominion legislation if made applicable to such dispute.

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. 91 of 1948.

An Act to amend The Alberta Labour Act.

(Assented to \_\_\_\_\_, 1948.)

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

1. *The Alberta Labour Act*, being chapter 8 of the Statutes of Alberta, 1947, is hereby amended as to section 2 by striking out the words "Trade and Industry", where the same occur in paragraph (n) thereof, and by substituting therefor the words "Industries and Labour".

2. The said Act is further amended as to section 57 by striking out the words "and includes elected or appointed representatives of the employees" where the same occur in paragraph (b) of subsection (1) thereof.

3. The said Act is further amended as to section 59 by striking out the words "association, or elected representatives", where the same occur in paragraph (a) of subsection (5) thereof, and by substituting therefor the words "or association".

4. The said Act is further amended as to section 60,—

(a) by adding immediately after subsection (1) thereof the following new subsections:

"(1a) The employer or an employer's organization representing the employer may by notice require the bargaining agent to commence collective bargaining.

"(1b) Either party to a collective agreement, whether entered into before or after the coming into force of this Act, may, within the period of two months immediately preceding the date of expiry of the agreement, by notice require the other party to the agreement to commence collective bargaining.";

(b) by striking out subsection (2) thereof and by substituting therefor the following:

"(2) The notice to commence collective bargaining shall be served at least three clear days before the time of the meeting, and the employer, employer's organization, trade union, bargaining agent, or employees' organization or his or their duly

accredited representatives, shall attend such meeting for the purpose of bargaining collectively with the view to concluding a collective labour agreement.”;

- (c) by striking out subsection (4) thereof and by substituting therefor the following:

“(4) Every employer, employer’s organization, person, trade union, or certified bargaining agent or employees’ organization who refuses or fails to bargain collectively as required by this Act, or refuses after the terms of an agreement have been settled, to execute a collective agreement is guilty of an offence against this Act.”;

- (d) by adding immediately after subsection (4) thereof the following new subsection:

“(4a) A refusal or failure to bargain collectively as required by this Act or failure to cause representatives authorized in that behalf to bargain collectively as required by this Act constitutes a separate offence for each day or part of a day that the refusal or failure continues.”.

**5.** The said Act is further amended as to section 61 by adding immediately after subsection (3) thereof the following new subsections:

“(4) A collective agreement entered into by a certified bargaining agent in so far as its provisions do not conflict with any provision of this Act is binding upon,—

“(a) the bargaining agent and every employee in the unit of employees for which the bargaining agent has been certified; and

“(b) the employer who has entered into the agreement or on whose behalf the agreement has been entered into.

“(5) No employee shall be required to sign a collective labour agreement which has been entered into on his behalf and executed by a certified bargaining agent.”.

**6.** The said Act is further amended as to section 66 by adding immediately after subsection (3) thereof the following new subsections:

“(4) No trade union or employees’ organization and no person acting or representing himself to be acting on behalf of a trade union or employees’ organization shall, at an employer’s place of employment during working hours without the consent of the employer, persuade or attempt to persuade an employee to become a member of the trade union or employees’ organization.

“(5) Where any employer is found guilty of an offence by reason of his having caused an actual loss of position or employment contrary to the provisions of subsection (1), the judge or magistrate, as the case may be, in addition to any other penalty authorized by this Act, may order the employer

to pay to any person who suffered actual loss of position or employment such sum as in the opinion of the said judge or magistrate, is equivalent to the wages, salary or other remuneration that would have accrued to any such person up to the date of conviction but for such actual loss of position or employment.”.

7. The said Act is further amended as to section 81 by adding immediately after the words “subsection (1)”, where the same occur in subsection (4) thereof, the words “no trade union or employees’ organization and no officer or representative of a trade union or employees’ organization and no person acting or representing himself to be acting on behalf of a trade union or employees’ organization shall authorize or call a strike, and”.

8. The said Act is further amended as to section 82 by striking out the same and by substituting therefor the following:

“82. Every officer or representative of a trade union or employees’ organization and every person acting or representing himself to be acting on behalf of a trade union or employees’ organization who authorizes or calls a strike contrary to this Act is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each day or part of a day that the strike exists.

“82a.—(1) In any case where there is a strike or lock-out the Minister may refer the matter to a judge of the Supreme Court for an adjudication as to the legality or illegality of the strike or lock-out.

“(2) The judge may fix a time for the hearing upon such notice to the employer and to the employees or to any organization, trade union or bargaining agent representing the employees, as he may deem proper.

“(3) The employer and the employees may be represented at the hearing and may procure the attendance of witnesses before the judge in the manner provided by the Rules of the Supreme Court.

“(4) The judge may hear such evidence as he thinks proper, either by affidavit or orally, and may dispose of the matter summarily.

“(5) The judge shall, upon making his adjudication, certify the same to the Minister.

“82b. In any case where a judge has certified to the Minister that a strike is illegal and any trade union or bargaining agent called or authorized the said strike, or the employees belonging to any trade union or represented by any bargaining agent participated in the said strike,—

“(a) any existing collective labour agreement with the said trade union or bargaining agent shall be null and void; and

“(b) any order in writing made by an employee requesting his employer to pay part of the moneys due to the employee to the said trade union or bargaining agent or to any other person on account of union dues, shall be null and void.

“**82c.**—(1) In any case where a judge has certified to the Minister that a strike is illegal, any trade union or employees’ organization, any of the members of which have participated in the illegal strike, is guilty of an offence and liable on summary conviction to a fine not exceeding one dollar for each person participating in the strike for each day or part of a day that the strike exists after the third day following the adjudication by the judge that the strike is an illegal strike.

“(2) In default of payment of any fine imposed pursuant to the provisions of subsection (1) within ten days of the conviction and notwithstanding the provisions of section 82b, upon the return to work of the employees who participated in the illegal strike, the employer upon receipt of notice from the magistrate stating the amount of the fine remaining unpaid shall continue to deduct the union dues from the wages of the employees,—

“(a) in accordance with any check-off provisions in any collective agreement in force within one month prior to the commencement of the illegal strike; and

“(b) in accordance with any order in writing made by any employee requesting his employer to pay part of the moneys due to the employee to the said trade union or bargaining agent or to any other person on account of union dues which was in force within one month prior to the commencement of the illegal strike.

“(3) The employer shall pay the union dues collected pursuant to subsection (2) to the magistrate who made the conviction until such time as the fine imposed pursuant to subsection (1) has been paid in full.

“(4) After the employer has collected the amount of the fine he shall cease to make the deductions authorized by subsection (2) and thereafter shall make such deductions from the wages of his employees as may be authorized by the provisions of any collective agreement or order in writing made by the employees subsequent to the illegal strike.

“**82d.** In any case where a judge has certified to the Minister that a lock-out is illegal, any employer who caused or participated in the lock-out shall be guilty of an offence and liable on summary conviction to a fine not exceeding one dollar for each employee locked out for each day or part of a day that the lock-out exists after the third day following the adjudication by the judge that the lock-out is an illegal lock-out.

“**82e.** In any case where a judge has certified to the Minister that a strike or lock-out is illegal, any officer, agent or authorized representative of any employer, employer’s or-

ganization, trade union, or employees' organization who participated in, or who permitted, allowed, or assented to the illegal strike or lock-out is party to and guilty of an offence against this Act."

**9.** The said Act is further amended by adding immediately after section 83 thereof the following new sections:

**"83a.** Where any trade union issues any temporary card to any person not being a member of the trade union, the fee charged by the trade union for such temporary card during a month shall not exceed an amount equivalent to the dues payable by a member of the trade union for the same period.

**"83b.** No person shall act or represent himself to be acting as an officer or representative of any trade union, employees' organization or bargaining agent unless he is a Canadian citizen, and any person not being a Canadian citizen who acts or represents himself to be acting as an officer or representative as aforesaid, shall be guilty of an offence against this Act."

**10.** The said Act is further amended by adding immediately after section 86 thereof the following new section:

**"86a.** Each of the parties to a collective labour agreement shall forthwith upon its execution file one copy with the Minister."

**11.** The said Act is further amended as to section 88 by striking out the same and by substituting therefor the following:

**"88.—(1)** The Lieutenant Governor in Council may by order declare with respect to employment in the industry of coal mining or the industry of meat packing in the Province of Alberta,—

**"(a)** that on and after a day to be fixed by the order, the provisions of this Part and their operation shall be suspended and inoperative with respect to employment in the industry of coal mining or the industry of meat packing, so long as the order remains in force and that in lieu thereof the provisions of the *Industrial Disputes Investigation Act*, being chapter 112 of the Revised Statutes of Canada, 1927, or any Statute of Canada that may be hereafter passed in substitution for the said Act or any of the provisions thereof, shall be in full force and effect in the Province to the same extent as if the provisions of the said above aforementioned Act or an Act passed in substitution therefor or any of the provisions thereof had been enacted in this Act.

**"(b)** that the person who under the said legislation is from time to time the Minister and the persons who from time to time are members of the Board established under the said legislation and other officers or employees of Canada may, with reference



to employment in the industry of coal mining or the industry of meat packing in Alberta, exercise all the powers and perform all the duties that they may exercise and perform in relation to employment in any industry under the said legislation.

“(2) The Lieutenant Governor in Council, in relation to employment in the industry of coal mining or the industry of meat packing may at any time and from time to time enter into an agreement or agreements with the Government of Canada to provide for the application of the *Industrial Disputes Investigation Act*, being chapter 112 of the Revised Statutes of Canada, 1927, or any Statute of Canada that may be hereafter passed in substitution for the said Act or any of the provisions thereof, to any industrial dispute arising in relation to employment in the industry of coal mining or the industry of meat packing and to provide for the administration by officers and employees of Canada of any Provincial legislation or of any Statute of Canada or any provision thereof which has been made applicable to such dispute.”.

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

FIFTH SESSION  
TENTH LEGISLATURE  
12 GEORGE VI  
1948

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**BILL**

An Act to amend The Alberta  
Labour Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. GERHART.

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