

No. 108

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1st Session, 14th Legislature, Alberta  
8 Elizabeth II

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## **BILL 108**

A Bill to amend The Alberta Labour Act and other  
Statutes with respect to Labour

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HON. MR. REIERSON

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## Explanatory Note

**2.** Clause (c) of section 4 is new. Municipal constables are expressly excluded from the application of this Act. (See The Police Act, R.S.A. 1955, c. 236, Part II) Section 4 presently reads:

"4. This Act applies to all persons who are either employees or employers within the Province other than

- (a) domestic servants in private houses and farm labourers, and
- (b) persons who employ only domestic servants in private houses or farm labourers, or both."

**3.** Section 11, subsection (7) as relevant now reads:

"(7) An employer

.....

- (c) who gives any false or misleading information respecting wages, hours, days or conditions of work to the Board, or to the Chairman or to any inspector appointed pursuant to this Act, is guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars and not more than five hundred dollars and in default of payment to a term of imprisonment of not less than thirty days nor more than one hundred and twenty days."

**4.** Section 29 prescribes a penalty for contravention of a minimum wage order. Section 26 gives an employee a right of action to recover up to minimum wage in the same circumstances. The amendment provides a change in the limitation of this right. Section 26, subsection (2) presently reads:

"(2) No action shall be brought by an employee under subsection (1) either before or after the termination of his services unless the action is commenced within twelve months after the date upon which the cause of action first accrued."

**5.** The term "vacation with pay" is used in the sections following and the heading is made to conform.

# BILL

No. 108 of 1960

An Act to amend The Alberta Labour Act and other  
Statutes with respect to Labour

(Assented to \_\_\_\_\_, 1960)

**H**ER 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 167 of the Revised Statutes, is hereby amended.

**2.** Section 4 is struck out and the following is substituted:

**4.** This Act applies to all persons who are either employees or employers within the Province other than

- (a) domestic servants in private houses and farm labourers,
- (b) persons who employ only domestic servants in private houses or farm labourers, or both, and
- (c) municipal constables appointed for a municipality in the manner provided by the Act applicable to the municipality.

**3.** Section 11, subsection (7) is amended by striking out clause (c) and by substituting the following:

- (c) who gives any false or misleading information respecting wages, hours, days, conditions of work, vacation with pay, amounts due an employee in lieu of vacation with pay or vacation credits, to the Board or to the Chairman or to any inspector appointed pursuant to this Act,

**4.** Section 26 is amended by striking out subsection (2) and by substituting the following:

(2) If no action has been commenced under the provisions of section 29, an action may be brought under subsection (1) within twelve months after the termination of the employee's employment but not thereafter.

**5.** The heading "Holidays with Pay" before section 43 is struck out and the following is substituted:

**6. Section 43 provides for a prosecution to recover vacation with pay entitlements of an employee. The new section will give the employee his own remedy in lieu thereof.**

**7. A Schedule for an industry is to be deemed to provide for no lesser benefits to employees in the industry than is subsequently required by statutory amendments or later orders or regulations to or under the Parts relating to Hours of Work (Part I), Minimum Wages (Part II), Labour Welfare (Part III) and Equal Pay (Part VI).**

**8. After a schedule has been in force for 10 months, a majority of the employees or employers to whom it relates may apply to have it amended or made inoperative (subsection (4)). Subsection (8) is new. Subsections (9) and (10) are the present subsections (8) and (9) of section 49.**

### Vacation With Pay

**6.** The following section is added immediately after section 43:

- 44.** (1) Where an employer
- (a) fails to give an employee any vacation with pay to which the employee is entitled under section 43 or any order of the Board,
  - (b) fails to pay an employee a sum in lieu of vacation with pay upon the termination of the employee's employment in accordance with section 43 or an order of the Board, or
  - (c) fails to place vacation with pay credits in the vacation with pay book as required by section 43 or an order of the Board,

the employee may by action in any court of competent jurisdiction recover from the employer any amounts to which the employee is entitled under section 43.

(2) Subsection (1) applies only to amounts accruing to the employee over a period of two years preceding the termination of his services or the taking of the action pursuant to that subsection, whichever first occurs.

(3) If no action has been commenced under the provisions of subsection (6) of section 43, an action may be brought under this section at any time before the termination of the employee's employment or within twelve months thereafter, but not later.

**7.** Section 48 is amended by adding the following immediately after subsection (4):

- (5) A schedule formulated under this section shall be conclusively deemed to provide that
- (a) the wage rates for employees fixed by the schedule shall not be for lesser amounts,
  - (b) the number of hours of work in each day or the number of days of work in each week fixed by the schedule shall not be greater, and
  - (c) the conditions governing vacation with pay provided in the schedule shall not be less favourable to the employees,

than is provided in any subsequent amendment to Part I, Part II, Part III and Part VI of this Act or in any subsequent amendment to any order or regulation or in any new order or new regulation made under or pursuant to Part I, Part II, Part III or Part VI of this Act.

**8.** Section 49 is amended by striking out subsections (8) and (9) and by substituting the following:

(8) Where a schedule has been in force for a period of five years and no conference has been convened pursuant to subsection (4), the Minister may, if he deems it desir-

**9. (a) Section 52, subsection (1), clause (a) reads:**

"52. (1) No employer

(a) shall pay or cause to be paid to an employee a wage less than the minimum wage to which he is entitled by the schedule applying to the industry in which the employee and employer are engaged,".

**(b) Section 52, subsection (2), clause (c) reads:**

"(2) An employer who violates any of the provisions of subsection (1) .....

(c) shall pay to the employee an amount equivalent to the vacation with pay credits to which the employee is entitled, unless such amount has already been paid."

**10. The present heading to Part V changed.**

**11. The substance of this provision is being placed in a new section 70. See note to clause 18.**

**12. The 7-day further period is altered to 21 days; the reference to "holidays" is expressly applied to Sunday, a holiday, for convenience. Section 62, subsection (2) presently reads:**

"(2) Where an application for certification as a bargaining agent has been made

(a) the Board before disposing of the application may include additional employees in, or may exclude employees from, the unit that is claimed by the applicant to be appropriate for collective bargaining, and

(b) the Board shall complete its inquiries into the application

(i) within a period of twenty-one days after it receives the application, or

(ii) when additional time is required by the Board, within a further period of seven days,

both periods being exclusive of Saturdays and holidays."

**13. This amendment provides for the case of the coercive membership in or recognition of a trade union. Subsections (1) and (2) relate to the employer-dominated unions, and the result is similar.**

able to do so, recommend to the Lieutenant Governor in Council that the schedule be declared not to be in force.

(9) Upon receiving the recommendation of the Minister, the Lieutenant Governor in Council by order

(a) may amend the schedule in the manner recommended, or

(b) may declare the schedule to be no longer in force, on or after a date which shall not be a date earlier than twelve months after the date the schedule or after the last amendment to the schedule was declared in full force.

(10) No schedule, amendment to a schedule or declaration that a schedule is no longer in force becomes effective until ten days after publication of the order in council in *The Alberta Gazette*.

**9. Section 52 is amended**

(a) as to subsection (1), clause (a) by adding after the words "minimum wage" the words "or the rate of wages for overtime work",

(b) as to subsection (2) by striking out clause (c) and by substituting the following:

(c) shall give the employee the vacation with pay to which he is entitled or pay to him the amount in lieu of vacation with pay to which he is entitled.

**10.** The heading "Conciliation and Arbitration" preceding section 55 is struck out and the following is substituted:

**LABOUR RELATIONS**

**11.** Section 55 is amended by striking out subsection (2).

**12.** Section 62, subsection (2) is amended by striking out clause (b) and by substituting the following:

(b) the Board shall complete its inquiries into the application

(i) within a period of twenty-one days after it receives the application, or

(ii) when additional time is required by the Board, within a further period of twenty-one days,

both periods being exclusive of Saturdays and Sundays or other holidays.

**13.** Section 64 is amended by adding immediately after subsection (2) the following:

(3) A trade union shall not be certified as a bargaining agent if, in the opinion of the Board, application for membership or membership in the trade union directly resulted from picketing of the place of business of the employer at which the employees affected are employed, or elsewhere.

(4) Where an agreement is negotiated between an em-

**14.** The new clause (c) will make it clear that the new 30-day notice requirement provided by the amendment to section 72(3) by clause 20 of this Bill will not prevent a new bargaining agent from negotiating an agreement.

**15.** Section 65a will empower the Board to alter or amend a certification.

**16. (a)** The purpose of this amendment is to make the time limits for applications for revocations of certificates the same as the limits for applications for certification of bargaining agents. The expression "revocation" replaces "suspension". Section 66, subsection (1) reads:

"66. (1) At any time after and not before the expiration of ten months from the date of certification of a bargaining agent on behalf of the employees in a unit, application may be made to the Board for the suspension of the certification of the bargaining agent."



ployer and a trade union as a result of the employer's recognition of the trade union as bargaining agent, if the recognition directly resulted from picketing of the place of business of the employer at which the employees affected are employed, or elsewhere, the agreement shall be deemed not to be a collective agreement for the purposes of this Part.

**14.** Section 65, subsection (3) is amended by adding immediately after clause (b) the following:

- (c) notwithstanding subsection (3) of section 72, may serve notice to the employer to commence collective bargaining at any time within the period of two months preceding the anniversary date of any existing collective agreement.

**15.** The following new section is added immediately after section 65:

**65a.** At any time after the expiration of ten months from the date of certification of a bargaining agent on behalf of the employees in a unit the Board may, upon an application by the certified bargaining agent or by the employer of the employees in the unit, following such inquiry as it deems adequate, alter or amend the certification of the trade union as bargaining agent.

**16.** Section 66 is amended

- (a) by striking out subsection (1) and by substituting the following:

**66.** (1) Where a trade union has been certified as bargaining agent on behalf of employees in a unit application may be made for the revocation of the certification of the bargaining agent at any time after and not before ten months from the date of certification, except that

- (a) where a collective agreement for a term of one year is in force the application may be made after and not before the expiration of ten months of the term of the collective agreement, and
- (b) where a collective agreement for a term longer than one year or a collective agreement that provides for its continuation for a term longer than one year is in force the application may be made
  - (i) after the collective agreement has been in force for ten months and before it has been in force for twelve months of the first year of its term,
  - (ii) at any time within the two months prior to the end of the term of the collective

(b) Section 66, subsection (2) reads:

"(2) When an application for the suspension of the certification of a bargaining agent is received, the Board shall determine the merits of the application in the manner provided in section 69."

(c) Clause (a) of subsection (3) is new. Section 66, subsection (3) presently reads:

"(3) If after determining the merits of the application the Board is satisfied that the majority of the employees in the unit no longer desire the bargaining agent to carry on collective bargaining on their behalf the Board shall suspend the certification of the bargaining agent."

(d) Section 66, subsection (4) reads:

"(4) If after determining the merits of the application the Board is not so satisfied, it shall refuse to suspend the certification of the bargaining agent."

**17.** This amendment spells out the effect of a revocation of a certification. Section 67 presently reads:

"67. While the certification of a bargaining agent is under suspension by the Board

- (a) notwithstanding section 72, an employer is not required to bargain collectively with the suspended bargaining agent, and
- (b) a collective agreement in effect at the time of the suspension remains in force until terminated under the provisions of the agreement or under the provisions of subsection (3) of section 65, or of the provisions of subsection (2) of section 73.

"68. (1) Nothing in section 66 prevents a bargaining agent from making an application for the removal of the suspension of its certification.

(2) If, after determining in the manner provided in section 69 the merits of an application for the removal of a suspension of a bargaining agent's certification, the Board is satisfied that the majority of the employees in the unit desire the suspended bargaining agent to bargain collectively on their behalf, the Board shall remove the suspension.

(3) If after determining the merits of the application the Board is not so satisfied, it shall refuse to remove the suspension."

agreement if the term of the collective agreement is expressed in terms other than even years, or

- (iii) after the agreement has been in force for ten months of the second or any subsequent year of its term or continuation and before it has been in force twelve months of the second or any subsequent year of its term and continuation.
- (b) as to subsection (2) by striking out the word "suspension" and by substituting the word "revocation",
- (c) by striking out subsection (3) and by substituting the following:
  - (3) If after determining the merits of the application the Board is satisfied
    - (a) that the trade union certified as bargaining agent on behalf of the employees in the unit has ceased to be a proper bargaining agent, or
    - (b) that the majority of the employees in the unit no longer desire the bargaining agent to carry on collective bargaining on their behalf,
 the Board shall revoke the certification of the bargaining agent.
- (d) as to subsection (4) by striking out the word "suspend" and by substituting the word "revoke".

**17.** Sections 67 and 68 are struck out and the following are substituted:

**67.** Where the certification of a bargaining agent is revoked

- (a) notwithstanding the provisions of section 72, the employer is not required to bargain collectively with the bargaining agent, and
- (b) notwithstanding the provisions of section 73, a collective agreement in effect at the time of the revocation of the certificate of the bargaining agent is void and of no effect.

**68.** (1) Subject to sections 59 and 71, where the certification of a trade union as bargaining agent is revoked, the trade union may at any time make application to be certified as bargaining agent for the same unit of employees, in whole or in part.

(2) Where, after application is made under subsection (1), a trade union is certified as a bargaining agent prior to the end of the final year of the specified term of a collective agreement terminated in accordance with section 67, the collective agreement is, in respect of those employees to whom the terms thereof were applicable and who are included in the unit of employees on whose behalf the

**18. Section 69, as relevant, reads:**

"69. For the purpose of determining the merits of an application for certification as a bargaining agent or for suspension of a certification of a bargaining agent or for the removal of a suspension of a bargaining agent's certification, the Board

- .....
- (b) may conduct or supervise the taking of such votes by secret ballot as it deems necessary,  
.....
  - (e) may, in determining the employees who are entitled to vote, delete from any list of employees entitled to vote those employees who are absent from work on the day of the vote and who do not cast a vote by reason of illness, authorized leave of absence or annual holiday or weekly day of rest,"

**19. The presumptions respecting employment for the purposes of this Part are being made more flexible. The new section 70(1) replaces the present section 55, subsection (2), clause (a) (quoted hereunder); section 70(2) is the balance of present section 55 (2). Section 70a is present section 70, subsection (2) (quoted hereunder):**

"55. (2) A person shall be deemed to be an employee within the meaning of and for the purposes of this Part

- (a) during the period an application for the certification of a bargaining agent is being considered and until the application has been disposed of,
- (b) during the period following the date of the appointment of a conciliation commissioner and until the dispute is finally settled after a strike or lock-out or otherwise, or
- (c) when a strike or lock-out has taken place after compliance with sections 82 to 94, during the procedure for settlement of the dispute and until it is finally settled,

where such person was an employee immediately before the application referred to in clause (a) or the date referred to in clause (b) or the strike or lock-out referred to in clause (c), as the case may be.

"70. (1) The employees entitled to vote at a vote taken under the provisions of

- (a) section 69,
- (b) subsection (8) of section 93, or
- (c) subsection (4) of section 94,

are the employees in the unit.

(2) If a question arises as to whether a person is an employee or not for the purposes of this Part, the matter shall be determined by the Board and the decision of the Board is final.

trade union is certified as bargaining agent in full force and effect until terminated

- (a) under the terms of the agreement,
- (b) under subsection (3) of section 65, or
- (c) under subsection (4) of section 73.

**18.** Section 69 is amended

- (a) by striking out the words "for suspension of a certification of a bargaining agent or for the removal of a suspension of a bargaining agent's certification," and by substituting the words "for the revocation of a certification of a bargaining agent,"
- (b) as to clause (b) by adding immediately after the word "votes" the words "of the employees in the unit",
- (c) as to clause (e) by striking out the words "or annual holiday or weekly day of rest," and by substituting the words "annual vacation, day of rest or who have been laid off or whose employment has terminated,".

**19.** Sections 70 and 71 are struck out and the following sections substituted:

**70.** (1) A person may be deemed to be an employee within the meaning of and for the purposes of this Part during the period an application for the certification of a bargaining agent is being considered and until the application is disposed of if he was an employee immediately before the date of the application.

(2) A person shall be deemed to be an employee within the meaning of and for the purposes of this Part

- (a) during the period following the date of the appointment of a conciliation commissioner and until the dispute is finally settled after a strike or lock-out or otherwise, or
- (b) when a strike or lock-out has taken place after compliance with the provisions of sections 82 to 94, during the procedure for settlement of the dispute and until it is finally settled,

if that person was an employee immediately before the date referred to in clause (a) or the commencement of the strike or lock-out referred to in clause (b), as the case may be.

**70a.** If a question arises as to whether a person is an employee or not for the purposes of this Part, the matter shall be determined by the Board and the decision of the Board is final.

- "71. (1) Where an application
- (a) to be certified as the bargaining agent of the employees of a unit,
  - (b) for the suspension of a certification of a bargaining agent, or
  - (c) for the removal of a suspension of a bargaining agent's certification,

has been refused, the applicant shall not, except with the consent of the Board, make an application to be certified as the bargaining agent for the same or substantially the same unit or make an application for the suspension of the same certification or for the removal of the same suspension of certification, as the case may be, until after the expiration of three months from the date of the previous application.

(2) The date of making an application shall be deemed to be the date an application is received by the Board."

**20. (a) Section 72, subsection (3) presently reads:**

"(3) 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 require, by notice, the other party to the agreement to commence collective bargaining."

**(b) Section 72, subsection (4) presently reads:**

"(4) A notice to commence collective bargaining shall be served at least five clear days before the time fixed in the notice for the meeting and the employer, employer's organization, trade union, certified bargaining agent or his or their duly accredited representatives shall attend the meeting for the purpose of collective bargaining."

**21. Subsections (1), (2), (3) and (6) of this clause are new. Subsection (4) is present section 73(2) amended as to the time in which notice to terminate is to be served. Subsection (5) is amended by the addition of the words "or refusal to perform work" after the words "stoppage of work". Subsections (7), (8) and (9) are present subsections (5), (6) and (7). Section 73 presently reads:**

'73. (1) No collective agreement shall be made for a term of less than one year.

(2) Where the term of a collective agreement is expressed to be for a specified term of more than one year, the agreement shall contain or be deemed to contain a provision for the termination of the agreement

(a) after the first year by mutual consent of the parties to the agreement, or

(b) at the end of the second or subsequent year that the agreement continues in effect, by at least two months' notice by either party to the agreement prior to the end of the year that the agreement continues in effect.

(3) Every collective agreement entered into after the coming into force of this Act shall contain a provision for final settlement without stoppage of work of all differences between the parties to or persons bound by the agreement or on whose behalf it was entered into concerning its interpretation, application or operation or any alleged violation thereof.

(4) Where a collective agreement whether entered into before or after the coming into force of this Act does not contain such a provision as required by subsection (3)

(a) the Board shall, upon application of either party to the agreement, by order prescribe a provision for such purpose, and

(b) a provision so prescribed shall be deemed to be a term of the collective agreement and binding on the parties to and all persons bound by the agreement and all persons on whose behalf the agreement was entered into.

**71. (1) Where an application**

- (a) to be certified as a bargaining agent of the employees of a unit, or
- (b) for the revocation of the certification of a bargaining agent

has been refused, the applicant shall not, except with the consent of the Board, make an application to be certified as the bargaining agent for the same or substantially the same unit or make an application for the revocation of the same certificate, as the case may be, until after the expiration of three months from the date of the previous application.

(2) The date of making an application shall be deemed to be the date an application is received by the Board.

**20. Section 72 is amended**

- (a) as to subsection (3) by striking out the words "within the period of two months" and by substituting the words "not less than thirty days and not more than sixty days",
- (b) as to subsection (4) by adding immediately after the words "at least five clear days" the words "exclusive of Saturdays and Sundays or other holidays".

**21. Section 73 is struck out and the following is substituted:**

**73. (1) Where a collective agreement entered into before or after the commencement of this section provides for its operation for a term of less than one year or for an unspecified term, it shall be deemed to provide for its operation for a term of one year from the date it began to operate.**

(2) Notwithstanding subsection (1) the parties may, before or after a collective agreement has ceased to operate, agree to continue its operation or any of its provisions, with or without modifications, for any period less than one year or for an unspecified period while they are bargaining for the renewal or for a new collective agreement, but such continued operation does not constitute a bar to an application for certification as bargaining agent.

(3) Where notice to commence collective bargaining has been served by either party to a collective agreement and the collective agreement contains provision for the continuation of the agreement beyond the first fixed date for the termination of the agreement, such a continuation does not constitute a bar to an application for certification as bargaining agent.

(4) Where a collective agreement is for a term longer than one year, the agreement shall contain or be deemed to contain a provision for the termination of the agreement

- (a) after the first year by common consent of the parties to the agreement, and

(5) A collective agreement entered into by a 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 on whose behalf the agreement has been entered into, and
- (b) the employer who has entered into the agreement or on whose behalf the agreement has been entered into.

(6) No employee shall be required to sign a collective labour agreement that has been entered into on his behalf and executed by a bargaining agent.

(7) A person, trade union, bargaining agent or employer who refuses or neglects to do anything required by this section to be done by him is guilty of an offence and liable on summary conviction

- (a) in the case of an individual, to a fine of not more than one hundred dollars, or
- (b) in the case of a corporation, trade union or bargaining agent, to a fine of not more than five hundred dollars, and in default of payment to imprisonment for a term of not more than sixty days."



- (b) at the end of the final year of the term of the agreement by not less than thirty days and not more than sixty days' notice by either party to the agreement to the other party before the end of the final year of the term of the agreement.

(5) Every collective agreement entered into after the thirty-first day of March, 1947, shall contain a provision for final settlement without stoppage of work or refusal to perform work of all differences between the parties to or persons bound by the agreement or on whose behalf it was entered into concerning its interpretation, application, operation or any alleged violation thereof.

(6) If a collective agreement entered into before or after the commencement of this section does not contain such a provision as is required in subsection (5), it shall be deemed to contain the following terms:

- (a) If any differences concerning the interpretation, application, operation, or any alleged violation of this agreement arise between the employer and his employees, the representatives of the employer and of the union shall meet and endeavour to resolve the difference.
- (b) If the parties fail to reach an agreement under the above step, either party may by written notice to the other party, stating the nature of the difference, require the establishment of a grievance board. Such written notice must be served within ten days following the completion of the preceding step.

Each party shall appoint one member as its representative on the grievance board within seven days of such notice. The two members so appointed shall endeavour to select an independent chairman.

If the two members fail to select a chairman within five days after the day on which the last of the two members is appointed, they shall request the Minister of the Department of Labour to select a chairman.

The grievance board may not change, modify or alter any of the terms of this agreement. All differences submitted shall present an arbitrable issue under this agreement, and shall not depend on or involve an issue or contention by either party that is contrary to any provision of this agreement or that involves the determination of a subject matter not covered by, or arising during the term of this agreement.

The grievance board shall give its decision not later than fourteen days after the appointment of the chairman except that with the consent of both parties such limitation of time may be extended. The findings and decision of a majority of the members of a grievance board on all arbitrable questions shall be the findings and decision of the grievance board and shall be binding on all parties.

Each party to the difference shall bear the expenses of its respective nominee to the grievance board and the two parties shall bear equally the expenses of the chairman.

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

- (a) the bargaining agent and every employee in the unit of employees on whose behalf the agreement has been entered into, and

**22. See clause 21 amending section 73. Section 79 reads:**

"79. During the period of time intervening between the date of an application for certification of a bargaining agent and the date the application is disposed of no employer shall alter any of the conditions of employment or give effect to any change in wages or hours of work."

**23. (a) Section 80, subsection (1), as relevant, reads:**

"80. (1) Any person who by intimidation, by threat of loss of position or employment or by causing an actual loss of position or employment or by any other threat or act seeks to compel any person

.....

(c) to refrain

(i) from engaging in any activities in support of a trade union or a bargaining agent,

(ii) from making a complaint to a trade union or a bargaining agent, or

(iii) from giving evidence at any inquiry,

is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars."

**(b) Section 80, subsection (3) presently reads:**

"(3) No employee or any person acting on behalf of a trade union shall use coercion or intimidation of any kind with a view to encouraging or discouraging membership in or activity in or for a trade union."

(c) Subsection (4) is new. Subsections (5) to (7) are present subsections (4) to (6).

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

(8) No employee shall be required to sign a collective labour agreement that has been entered into on his behalf and executed by a bargaining agent.

(9) A person, trade union, bargaining agent or employer who refuses or neglects to do anything required by this section to be done by him is guilty of an offence and liable on summary conviction

(a) in the case of an individual, to a fine of not more than one hundred dollars, or

(b) in the case of a corporation, trade union or bargaining agent, to a fine of not more than five hundred dollars,

and in default of payment to imprisonment for a term of not more than sixty days.

**22.** Section 79 is struck out and the following is substituted:

**79.** Subject to subsection (7) of section 73, during the period of time intervening between the date of an application for certification of a bargaining agent and

(a) the date the application is refused, or

(b) thirty days after the date of the certification, if the Board certifies the trade union as bargaining agent,

the relationship of employer and employee continues uninterrupted by any matter or thing arising out of the application, and none of the parties shall alter any of the conditions of employment except that the employer, with the consent of the bargaining agent, may give effect to a proposed change in wages or hours.

**23.** Section 80 is amended

(a) as to subsection (1) by striking out clause (c) and by substituting the following:

(c) to refrain

(i) from engaging in any activities in support of a trade union or a bargaining agent,

(ii) from making a complaint to a trade union or a bargaining agent,

(iii) from giving evidence at any inquiry, or

(iv) from becoming a member of a trade union,

(b) as to subsection (3) by striking out the words "shall use" and by substituting the words "or other person shall use",

(c) by striking out subsections (4) to (6) and by substituting the following:

(4) No employee shall refuse to perform work for his employer and no officer or representative

**24.** New.

**25.** The amendment will exclude from the computation of days, the days specified. Section 82, subsection (3) reads:

"(3) The decision of the Minister on the application for the appointment of a conciliation commissioner shall be made within three days after the receipt of the application."

**26.** See note to clause 25 above. Section 84 as relevant reads:

"84. The conciliation commissioner within the time, not exceeding fourteen days, limited by the terms of his appointment or within such longer time as may be agreed to by all parties shall transmit a report to the Board setting out".

**27.** The heading "Conciliation Board" is more accurate.

of a trade union or employees' organization shall authorize, encourage or consent to an employee refusing to perform work for his employer for the reason that other work will be or has been or will not be or has not been performed by any class of persons being or not being members of a trade union or other organization.

(5) 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 without the consent of the employer while the employees are working at the employer's place of employment persuade or attempt to persuade such employees to become members of the trade union or employees' organization.

(6) Where an 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 suffers actual loss of position or employment such sum as in the opinion of the judge or magistrate is equivalent to the wages, salary, or other remuneration that, but for such actual loss of position or employment would have accrued to any such person up to the date of conviction.

(7) No order made under subsection (6) in any way prejudices or affects any right of action that a person has in respect of the loss of position or employment.

**24.** The following section is added immediately after section 80:

**80a.** The Board shall not be required to divulge to any person the names of any persons who are or are not members of a trade union.

**25.** Section 82, subsection (3) is amended by adding immediately after the word "days" the words ", exclusive of Saturdays and Sundays or other holidays,".

**26.** Section 84 is amended by adding immediately after the words "days," the words "exclusive of Saturdays and Sundays or other holidays,".

**27.** The heading "Arbitration" immediately before section 86 is struck out and the following is substituted:

**Conciliation Board**

**28.** See note to clause 25. Section 87, subsections (1) and (5) read:

- "87. (1) The Minister shall forthwith
- (a) serve notice on the representative of the employer requiring the employer within the time limited by the notice, which time shall not exceed seven days, to appoint a person to act as a member of the conciliation board on behalf of the employer, and
  - (b) serve notice on the representative of the employees requiring the employees within the time limited by the notice, which time shall not exceed seven days, to appoint a person to act as a member of the conciliation board on behalf of the employees.
- (5) If the two members fail to appoint a third member within five days after the day on which the last of the two members is appointed, the Lieutenant Governor in Council shall appoint a third member who shall be chairman of the conciliation board."

**29.** See note to clause 25. Section 93, subsection (1) reads:

- "93. (1) After making full inquiry and without undue delay, and in any event not more than fourteen days after the conciliation board is designated pursuant to section 88, the conciliation board
- (a) shall make its award, and in its award shall so far as practicable deal with each item of the dispute, and
  - (b) shall state in plain terms, and avoiding as far as possible all technicalities, what in the opinion of the conciliation board ought or ought not to be done by the respective parties concerned."

**30.** See new section 73(7) in clause 21 of this Bill. Section 94, subsections (1) and (5) read:

- "94. (1) During the period between an application for the appointment of a conciliation commissioner under section 82 or the appointment of a conciliation commissioner pursuant to subsection (5) of section 82 and fourteen days after the date fixed for the taking of a vote under subsection (8) of section 93,
- (a) no employer who is a party to the dispute shall cause a lock-out,
  - (b) no employees who are parties to the dispute shall go on strike, and
  - (c) none of the parties shall alter any of the conditions of employment except that the employer, with the consent of the bargaining agent, may give effect to a proposed change in wages or hours,
- but the relationship of employer and employee shall continue uninterrupted by the dispute or anything arising out of the dispute.
- (5) Where a dispute arises
- (a) no employer shall make effective a proposed change in wages or hours or conditions of employment without the consent of the employees or of the bargaining agent,
  - (b) no employer shall declare or cause a lock-out, and
  - (c) no employee shall go on strike,
- before an application is made for the appointment of a conciliation commissioner under section 82."

**31.** Subsection (1) is present section 95; subsection (2) is new.

**28.** Section 87 is amended

- (a) as to subsection (1), clauses (a) and (b) by adding immediately after the words "shall not exceed seven days," the words "exclusive of Saturdays and Sundays or other holidays,"
- (b) as to subsection (5) by adding immediately after the words "within five days" the words ", exclusive of Saturdays and Sundays or other holidays,".

**29.** Section 93, subsection (1) is amended by striking out the words "after the conciliation board is designated" and by substituting the words ", exclusive of Saturdays and Sundays or other holidays, after the date the statement of the dispute is mailed to the conciliation board".

**30.** Section 94 is amended

- (a) by striking out subsection (1) and by substituting the following:

**94.** (1) Where a dispute exists

- (a) no employer who is a party to the dispute shall cause a lock-out,
  - (b) no employees who are parties to the dispute shall go on strike,
  - (c) subject to subsection (7) of section 73, none of the parties shall alter any of the conditions of employment except that the employer, with the consent of the bargaining agent, may give effect to a proposed change in wages or hours, and
  - (d) the relationship of employer and employee continues uninterrupted by any matter or thing arising out of the dispute,  
until fourteen days after the date fixed for the taking of a vote under subsection (8) of section 93.
- (b) by striking out subsection (5).

**31.** Section 95 is struck out and the following is substituted:

**95.** (1) A strike or lock-out is illegal where the parties to the dispute have not complied with the provisions of sections 82 to 94.

(2) Where a strike is illegal, no trade union or member of the trade union or other person shall dissuade or endeavour to dissuade anyone from

- (a) entering an employer's place of business, operations or employment,
- (b) dealing in or handling the products of any person,  
or
- (c) doing business with any person.

**32. Emergency powers given Lieutenant Governor in Council in labour disputes affecting safety of public.**

**33. Section 101, subsection (1) reads:**

"101. (1) An employee may by order in writing signed by him authorize his employer to apply any part of the moneys due to the employee to the payment of any amount payable by that employee to any other person for union dues."

**34. Where a dispute concerns the application of Part V (Labour Relations) the Board is given jurisdiction to make inquiry and arbitrate the difference.**



**32.** The following section is added immediately after section 98:

**99.** (1) Where at any time in the opinion of the Lieutenant Governor in Council a state of emergency exists in the Province in such circumstances that life or property would be in serious jeopardy by reason of

- (a) any breakdown or stoppage or impending breakdown or stoppage of any system, plant or equipment for furnishing or supplying water, heat, electricity or gas to the public or any part of the public, or
- (b) a stoppage or impending stoppage of hospital services in any area of the Province,

if the state of emergency arises from a labour dispute, the Lieutenant Governor in Council may by proclamation declare that from and after a date fixed in the proclamation all further action and procedures in the dispute are to be replaced by the emergency procedures under this section.

(2) After the date fixed in the proclamation any strike or lock-out or other action in the labour dispute otherwise authorized or permitted under this Act in a labour dispute becomes illegal and an offence under this Act.

(3) Upon the proclamation being made, the Minister shall forthwith establish a procedure to assist the parties to the dispute in respect of which the proclamation issued to reach a settlement, and the Minister is hereby empowered to do all such things as may be necessary to settle the dispute.

(4) Notwithstanding section 94 or any other provision of this Act, where the Minister establishes a procedure for settlement of the dispute

- (a) no employer who is a party to the dispute shall cause a lock-out,
- (b) no employees who are parties to the dispute shall go on strike,
- (c) none of the parties to the dispute shall alter any of the conditions of employment except that the employer, with the consent of the bargaining agent, may give effect to a proposed change in wages or hours, and
- (d) any strike or lock-out that may be in effect shall terminate,

and the relationship of employer and employee continues uninterrupted by the dispute or anything arising out of the dispute.

**33.** Section 101 is amended by adding at the end of subsection (1) the words "and initiation fee not to exceed an amount equivalent to one month's union dues".

**34.** The following new section is added immediately after section 104:

**35.** Self-explanatory.

**36.** Ex parte applications for injunctions restraining any act in connection with a strike or lock-out not to be permissible hereafter. This clause amends The Judicature Act for this purpose.

**104a.** (1) Where a difference exists between parties concerning the application or operation of the provisions of this Part, either of the parties may refer the difference to the Board.

(2) Upon reference of the difference to the Board pursuant to subsection (1) the Board may, if it deems it desirable, cause an investigation to be made as to the facts and in the course of the investigation call the parties concerned before it.

(3) The Board shall make full inquiry and endeavour to bring about agreement between the parties in relation to the difference.

(4) Where the Board cannot bring about agreement between the parties, the Board shall, if it deems it desirable, make recommendations as to what in the opinion of the Board ought or ought not to be done by the respective parties concerned.

(5) If agreement between the parties is not brought about the Board has power, subject to section 125, to institute whatever action it, in its discretion, deems desirable to ensure compliance with and enforcement of the provisions of this Part.

**35.** The following section is added immediately after section 107:

**107a.** (1) Each bargaining agent shall make available to each of its members a true copy of its annual statement setting out its receipts and expenditures and its assets and liabilities.

(2) The statement mentioned in subsection (1) shall be made available to each member not later than two months after the end of the fiscal year of the bargaining agent.

**36.** *The Judicature Act*, being chapter 164 of the Revised Statutes, is amended by adding immediately after section 24 thereof the following:

**24a.** (1) Notwithstanding the provisions of this Act, *The Alberta Labour Act* or any other Act, where a strike or lock-out exists in a labour dispute, no injunction before trial shall be granted *ex parte* to restrain any person from doing any act in connection with the strike or lock-out.

(2) A copy of every affidavit intended to be used in support of an application for an interim injunction to restrain any person from doing any act in connection with the strike or lock-out shall be served with the notice of motion, and every such affidavit shall be confined to such facts as the deponent is able of his own knowledge to prove.

(3) Where members of a trade union, within the meaning of section 55 of *The Alberta Labour Act*, are the defendants or intended defendants, the notice of motion may



be served upon any officer or member of the trade union or any person engaged in the activity to be restrained.

(4) The notice of motion shall be served in sufficient time before the time fixed for the hearing, not being less than three hours in any event, to enable the person served to attend at the hearing of the motion.

**37.** This Act comes into force on the day upon which it is assented to.

**No. 108**

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**FIRST SESSION**

**FOURTEENTH LEGISLATURE**

**8 ELIZABETH II**

**1960**

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**BILL**

**An Act to amend The Alberta Labour  
Act and other Statutes with  
respect to Labour**

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Received and read the

First time.....

Second time.....

Third time.....

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**HON. MR. REIERSON**

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