

1976 Bill 69

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 69

THE ALBERTA LABOUR AMENDMENT ACT, 1976

THE MINISTER OF LABOUR

First Reading

Second Reading

Third Reading

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1976

THE ALBERTA LABOUR AMENDMENT ACT, 1976

(Assented to

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

- 1. The Alberta Labour Act, 1973 is hereby amended:*
- 2. Section 11.2 is amended by striking out the word "officer,".*

3. Section 72 is amended by striking out subsection (2) and substituting the following:

(2) Where the Board is satisfied

(a) that the trade union applying for certification is a proper bargaining agent, and

(b) that the unit on behalf of which the trade union is applying for certification is an appropriate unit for collective bargaining,

it shall further satisfy itself, by way of evidence before it or pursuant to a vote directed to be taken by it, that

(c) a majority of the employees in the unit by

(i) membership in good standing in the trade union, or

Explanatory Notes

1. This Bill will amend chapter 33 of the Statutes of Alberta, 1973.

2. Section 11.2 presently reads:

11.2 A member of the Board, the Director, secretary, officer, a conciliation commissioner appointed pursuant to section 104, any person appointed pursuant to section 163 or 164 or any person designated by the Minister to endeavour to effect settlement of a dispute, is not a competent or compellable witness in proceedings before any court respecting any information, material or report obtained by him.

3. Section 72, subsection (2) presently reads:

(2) Where the Board is satisfied

(a) that the trade union applying for certification is a proper bargaining agent,

(b) that the unit on behalf of which the trade union is applying for certification is an appropriate unit for collective bargaining, and

(c) that

(i) a majority of the employees in the unit by

*(A) membership in good standing in the trade union,
or*

(B) having applied for membership in the trade union and having paid on their own behalf a sum of not less than \$2 on or not longer than three months before the date the application for certification was made,

(ii) having applied for membership in the trade union and having paid on their own behalf a sum of not less than \$2 on or not longer than three months before the date the application for certification was made,

or both of them, have selected the trade union to be a bargaining agent on their behalf, or

(d) a majority of those employees in the unit on the date the application for certification was made (or on such other date or dates fixed by the Board) who voted at a vote conducted by the Board, voted for the trade union to be the bargaining agent on their behalf,

and thereupon the Board shall certify the trade union to be the bargaining agent of the employees.

4. Section 120, subsection (2) is amended by adding to the end thereof the words "and thereupon the Minister shall notify each party of the other party's decision".

5. Section 121 is amended by adding the following subsection after subsection (2):

(3) Where a party to a dispute accepts the recommendations sent to it pursuant to section 120, subsection (1) but is notified by the Minister that the other party to the dispute has rejected the recommendations, the party who accepts the recommendations ceases to be bound by its acceptance.

or both of them, have selected the trade union to be a bargaining agent on their behalf, or

(ii) a majority of those employees in the unit on the date the application for certification was made (or on such other date or dates fixed by the Board) who voted at a vote conducted by the Board, voted for the trade union to be the bargaining agent on their behalf,

the Board shall certify the trade union to be the bargaining agent of the employees:

4. Section 120 presently reads:

120. (1) Where the Minister

(a) receives the recommendations of a conciliation board on the matters in dispute pursuant to section 117, or

(b) accepts the proposal of a conciliation commissioner pursuant to section 108, subsection (2), clause (b) to refer the recommendations of a conciliation commissioner to the parties to the dispute for them to accept or reject,

the Minister shall notify the parties to the dispute in writing, refer the recommendations to the parties and require them to accept or reject the recommendations and to notify him of their decision before a date fixed by him.

(2) Upon receipt of the recommendations sent pursuant to subsection (1), the parties to the dispute shall respectively decide whether to accept or reject the recommendations and shall each notify the Minister of their decision on or before such date as is fixed by the Minister.

(3) The Minister may publish the recommendations received by him in such manner as he thinks fit.

5. Section 121 deals with acceptance by a party to a dispute of conciliation recommendations.

6. *Section 122 is amended*

(a) as to subsection (2) by adding the word "or" at the end of clause (b) and by adding the following clause after clause (b):

(c) accepts the recommendations sent to it pursuant to section 120, subsection (1) but is notified by the Minister that the other party to the dispute has rejected the recommendations,

(b) as to subsection (3) by adding the word "or" to the end of clause (b) and by adding the following clause after clause (b):

(c) accepts the recommendations sent to it pursuant to section 120, subsection (1) but is notified by the Minister that the other party to the dispute has rejected the recommendations,

7. *Section 125, subsection (2), clause (b), subclause (i) is amended by adding the word "or" to the end of paragraph (B) and adding the following paragraph after paragraph (B):*

(C) where he accepts the recommendations referred to him pursuant to section 120 and is notified by the Minister that the other party to the dispute has rejected the recommendations, decides to lockout,

6. Section 122, subsections (2) and (3) presently read:

(2) Where a bargaining agent

(a) receives a notification pursuant to subsection (1), or

(b) rejects the recommendations sent to it pursuant to section 120, subsection (1) and notifies the Minister thereof,

the bargaining agent may notify the Board that it wishes a strike vote to be supervised by the Board.

(3) Where an employers' organization

(a) receives a notification pursuant to subsection (1), or

(b) rejects the recommendations sent to it pursuant to section 120, subsection (1) and notifies the Minister thereof,

the employers' organization may notify the Board that it wishes a lockout vote to be supervised by the Board.

7. Section 125, subsection (2) presently reads:

(2) No employer, employers' organization or employer on whose behalf an employers' organization bargains collectively shall lockout or cause a lockout

(a) until at least 14 days after the date the Minister

(i) refers a copy of the recommendations of a conciliation commissioner or conciliation board to the parties to the dispute pursuant to section 120, or

(ii) notifies the parties to the dispute that he accepts the proposal of a conciliation commissioner that the parties decide whether to lockout or strike pursuant to section 122,

(b) until

(i) a single employer affected by a dispute

(A) where he is the subject of a notification pursuant to section 122, decides to lockout, or

(B) rejects the recommendations referred to him pursuant to section 120 and decides to lockout,

or

(ii) employers affected by a dispute in respect of whom an employers' organization bargains collectively, vote to lockout pursuant to section 123,

and

(c) until the employer or employers' organization gives written notice to the bargaining agent that the employees will be locked out and not less than two working days elapse from the date the notice is given.

8. *Section 133 is amended by adding the following subsection after subsection (4):*

(5) Nothing in this section or section 51 excludes the jurisdiction of the Court with respect to the matters referred to in this section.

9. *Section 153, subsection (3) is amended by striking out clause (h) and by substituting the following:*

(h) discriminate against a person in regard to employment or membership in a trade union or intimidate or threaten to dismiss or in any other manner coerce a person or impose a pecuniary or other penalty on a person, because he

(i) has testified or otherwise participated or may testify or otherwise participate in a proceeding authorized or permitted under a collective agreement or a proceeding under this Part, or

(ii) has made or is about to make a disclosure that he may be required to make in a proceeding authorized or permitted under a collective agreement or a proceeding under this Part, or

(iii) has made an application or filed a complaint under this Part.

10. *Section 155, clause (1) is amended by striking out subclauses (i) and (ii) and substituting the following:*

(i) has testified or otherwise participated or may testify or otherwise participate in a proceeding authorized or permitted under a collective agreement or a proceeding under this Part, or

8. Section 133 presently reads:

133. (1) Where a strike or lockout occurs and either of the parties alleges that it is illegal pursuant to section 132, the matter may be referred to the Board.

(2) The Board shall upon receipt of a reference under subsection (1) make such inquiry as it considers necessary.

(3) Where the Board decides that the strike or lockout is illegal the Board shall issue a declaration to that effect and in the declaration may require any person, employee, employer, employers' organization, trade union and their officers and representatives to cease and desist from doing anything to continue the strike or lockout.

(4) If, after service of the declaration under subsection (3) the declaration or any requirement thereof is not complied with, the Board may file a copy of the declaration with the clerk of the Court in the judicial district in which the strike or lockout occurs and thereupon the declaration is enforceable as a judgment or order of the Court.

9. Section 153, subsection (3), clause (h) presently reads:

(3) No employer or employers' organization and no person acting on behalf of an employer or employers' organization shall

(h) seek by intimidation, threat of dismissal or any other kind of threat, by the imposition of a pecuniary or other penalty or by any other means, to compel a person to refrain from

(i) testifying or otherwise participating in a proceeding under this Part, or

(ii) making a disclosure that he may be required to make in a proceeding under this Part, or

(iii) making an application or filing a complaint under this Part.

10. Section 155, clause (l), subclauses (i) and (ii) presently read:

155. No trade union and no person acting on behalf of a trade union shall

(l) discriminate against a person in regard to employment or membership in a trade union, or intimidate or coerce a person or impose a pecuniary or other penalty on a person, because he

(i) has testified or otherwise participated or may testify or otherwise participate in a proceeding under this Part, or

(ii) has made or is about to make a disclosure that he may be required to make in a proceeding under this Part, or

(ii) has made or is about to make a disclosure that he may be required to make in a proceeding authorized or permitted under a collective agreement or a proceeding under this Part, or

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