

1983 BILL 110

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 110

LABOUR RELATIONS AMENDMENT ACT, 1983

THE MINISTER OF LABOUR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 110

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1983

LABOUR RELATIONS AMENDMENT ACT, 1983

(Assented to _____, 1983)

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

- 1 *The Labour Relations Act is amended by this Act.*
- 2 *Sections 105(3), 106(3) and 107(3) are repealed.*
- 3 *Section 133 is amended by renumbering it as section 133(1) and by adding the following after subsection (1):*
 - (2) This section does not apply to businesses, undertakings or activities in the construction industry.
- 4 *The following is added after section 133:*

133.1(1) On the application of a trade union or on its own motion, when, in the opinion of the Board, associated or related activities or businesses, undertakings or other activities are carried on under common control or direction by or through more than one corporation, partnership, person or association of persons,

 - (a) if a trade union is certified with respect to a unit of employees of any of the corporations, partnerships, persons or association of persons, the Board may issue one or more certificates to the trade union for the same unit of employees of any of the other corporations, partnerships, persons or associations of persons that are not affected by a certificate, and

Explanatory Notes

1 This Bill will amend chapter L-1.1 of the Revised Statutes of Alberta 1980.

2 Sections 105(3), 106(3) and 107(3) presently read:

105(3) No employee, bargaining agent or person acting on behalf of a bargaining agent shall threaten to strike or cause a strike unless the strike is permitted by this Act.

106(3) No employer shall threaten to lock out unless the lockout is permitted by this Act.

107(3) No employers' organization shall threaten to cause a lockout unless the lockout is permitted by this Act.

3 Section 133 presently reads:

133 On the application of a trade union or on its own motion when, in the opinion of the Board, associated or related activities or businesses, undertakings or other activities are carried on under common control or direction by or through more than one corporation, partnership, person or association of persons, the Board may declare the corporations, partnerships, persons or associations of persons to be one employer for the purposes of this Act.

4 Spin-offs in the construction industry.

(b) if a collective agreement is in effect with respect to a unit of employees of any of the corporations, partnerships, persons or associations of persons, the Board may declare the collective agreement to be in effect with respect to any of the other corporations, partnerships, persons or associations of persons that are not affected by the collective agreement.

(2) No certification or declaration under subsection (1) shall be issued or made by the Board unless a majority of the employees employed in a unit of employees of the corporation, partnership, person or association of persons that is not affected by the certificate or collective agreement, as the case may be, vote in favour of the trade union as their bargaining agent at a vote conducted by the Board.

(3) This section applies only to businesses, undertakings or activities in the construction industry.

5 *Section 142(5)(a) is amended by striking out “, trade union organization”.*

6 *The following is added after section 143:*

143.1 Nothing in this Act shall be interpreted to limit or otherwise affect the right of the employer to communicate to an employee a statement of fact or opinion reasonably held with respect to the employer's business.

*In accordance with section 4(1) of the Interpretation Act,
this Bill comes into force on the date it receives Royal
Assent.*

5 Section 142(5)(a) presently reads:

(5) When the Board is satisfied after an inquiry that an employer, employers' organization, employee, trade union or any other person has failed to comply with any provision of this Act that is specified in a complaint, the Board may issue a directive to rectify the act in respect of which the complaint is made and without restricting the generality of the foregoing

(a) may issue a directive or interim directive to the employer, employers' organization, employee, trade union, trade union organization or other person concerned to cease doing the act in respect of which the complaint was made;

6 Right of employer to communicate with employee.