

1991 BILL 211

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 211

LABOUR RELATIONS CODE AMENDMENT ACT

MR. SIGURDSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 211
Mr. Sigurdson

BILL 211

1991

LABOUR RELATIONS CODE AMENDMENT ACT

(Assented to , 1991)

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

1 The Labour Relations Code is amended by this Act.

2 The preamble is amended:

(a) by striking out the first paragraph and substituting the following:

WHEREAS it is in the public interest that cooperative efforts by labour and management towards the development of good relations and constructive collective bargaining practices be promoted and supported, and

WHEREAS the Legislature of Alberta recognizes that the development of harmonious industrial relations is crucial to ensure that the fruits of progress can be shared by all, and

(b) by adding the following after the third paragraph:

WHEREAS Alberta workers, trade unions and employers recognize and support freedom of association and free collective bargaining as the bases of effective industrial relations for the determination of good working conditions and sound labour-management relations, and

(c) in the fifth paragraph, by adding "between employers and trade unions as the freely-designated representatives of

Explanatory Notes

- 1** This Bill will amend chapter L-1.2 of the Statutes of Alberta, 1988.
- 2** Amends preamble to emphasize importance of harmonious industrial relations and role of collective bargaining.

employees" *after the word "bargaining"*.

3 *Section 1 is amended:*

(a) by repealing clause (f) and substituting the following:

(f) "collective agreement" means an agreement in writing between an employer or an employer's organization and a bargaining agent which complies with section 61.1, contains terms and conditions of employment, and consists of 1 or more documents containing 1 or more agreements;

(b) in clause (x), by adding "and, where the context so requires, includes a bargaining unit of a trade union" after "employers and employees".

4 *The following is added after section 30:*

30.1 An employer shall provide to a trade union seeking to be certified as a bargaining agent for a unit of employees a list of all employees in the unit within 15 days of receiving a written request for that information.

5 *Section 31 (a)(ii) is amended by striking out "and paying on their own behalf a sum of not less than \$2".*

6 *The following is added after section 31:*

31.1(1) Where, at the time of the application for certification, evidence in accordance with section 31 indicates that at least 55% of the employees in the unit applied for have indicated their support for or selection of the trade union and the Board has satisfied itself of the matters referred to in section 32(1)(a), (b), (c), and (e), then the trade union shall be certified as the bargaining agent for that unit, unless a valid objection is filed with the board by the employer or an employee in the unit.

(2) There, at the time of the application for certification, evidence in accordance with section 31 indicates that at least 40% of the employees in the unit applied for have indicated their support for or selection of the trade union, then the trade union may request that the Board conduct a representation vote of employees in the unit.

7 *Section 32 is amended:*

(a) in subsection (1)(d), by adding "where pursuant to section 31.1(2), the trade union applying for certification as a bargaining agent has requested that a representation vote be

3 Amends definitions of "collective agreement" and "trade union".

4 Requires compliance by employer with written request for list of employees.

5 Amends section dealing with requirements relating to evidence of support for trade union.

6 Amends requirements respecting the holding of a representation vote.

7 Amends section dealing with inquiry into certification application.

held" *before* "the employees";

(b) *in subsection (2), by adding "pursuant to section 31.1(2)" after "representation vote";*

(c) *by adding the following after subsection (2):*

(2.1) Before certifying a trade union as a bargaining agent the Board shall satisfy itself, on the basis of the evidence submitted in support of the application and the Board's investigation in respect of that evidence, that at the time of

(i) the application, in the case of circumstances where an objection is filed as contemplated in section 31.1(1), or

(ii) the representation vote, in the case of circumstances contemplated in section 31.1(2),

the union had the support of at least 55% of the employees in the unit applied for.

8 *Section 35(1) (a) is amended by striking out the number "60" and substituting "30".*

9 *Section 35(2) is amended*

(a) *in clauses (b) and (c), by striking out the words "the expiration of 10 months from", and*

(b) *in clause (c), by striking out "unless the Court quashes the decision of the Board to certify the bargaining agent" and substituting "unless certification is upheld and a collective agreement has been entered into by the bargaining agent".*

10 *The following is added after section 37:*

37.1(1) Where, in contravention of section 146(1) (a), any employer, employers' organization or person acting on behalf of an employer or employers' organization has improperly interfered with an attempt by a trade union to be certified as a bargaining agent, the trade union shall be granted certification.

(2) Nothing in this section affects the liability pursuant to section 159 of a person contravening section 146(1) (a).

11 *The following is added after section 51(1) (b):*

8 Amends subsection providing for time within which application for certification may be made.

9 Amends subsection dealing with application for certification.

10 Eases certification requirements in the case of wrongful interference by an employer.

11 Amends section dealing with inquiry into revocation application.

(b.1) in the case of an application by the employees in the unit, that the application has not in any way been influenced by unfair pressure or other improper tactics of the employer.

12 The following is added after section 53:

53.1 Notwithstanding any other provision of this Act, a trade union's certification as a bargaining agent shall not be revoked solely for the reason that no collective agreement has been reached with the employer or employers' organization within 10 months after the date of certification of the bargaining agent.

13 Section 55 is amended by repealing clause (a).

14 Section 56 is repealed.

15 The following is added after section 61:

61.1(1) In the collective bargaining process, a bargaining agent shall be entitled to stipulate that the collective agreement

(a) contain a provision recognizing the bargaining agent as the exclusive bargaining agent for the employees in the unit;

(b) require the employer to do 1 or more of the following:

(i) deduct monthly dues from the wages paid to each employee in a unit, submit all amounts so deducted to the bargaining agent for the unit and provide to the bargaining agent for the unit a list of all employees from whose wages dues have been deducted,

(ii) show just cause for any discipline or discharge of an employee in the unit,

(iii) act fairly and reasonably on employment issues, giving equal consideration to the legitimate interests of the employer and those of the union,

(iv) refrain from dealing with employees in bad faith or in a manner that is arbitrary or discriminatory,

(v) provide to the bargaining agent advance notice of any proposed technological change in the employer's operation that may significantly disrupt the terms and

12 Restricts ability of Board to revoke certification.

13 Amends section dealing with restrictions on the ability of an applicant to make substantially the same application after the original application has been refused or withdrawn.

14 Repeals section dealing with representation vote.

15 Allows bargaining agent to stipulate for certain protective provisions in collective agreement.

conditions of employment of members of the unit, which notice shall entitle the bargaining agent to require that the collective agreement be renegotiated with respect to that issue.

(2) The employer or employers' organization shall comply with any stipulations made by a bargaining agent pursuant to subsection (1).

16 Section 145(2) is amended by striking out "until 60 days after the date on which the notice is served".

17 Section 149(d) is amended by adding the following after the word "union":

"however, nothing in this Act prohibits a trade union or person acting on behalf of a trade union access to an employee at his or her place of employment during the normal break periods of the employee".

18 Sections 157 through 159 are amended

(a) by striking out "\$1000" wherever it occurs and replacing it with "\$10000", and

(b) by striking out "\$10000" wherever it occurs and replacing it with "\$50000".

19 Section 159(b) is amended by striking out "\$5000" and replacing it with "\$25000".

20 The following is added after section 159:

159.1 In the case of a violation of a right or duty referred to in sections 19, 20, 58(1), 145, 146(1), 147, 149 or 152, a Court shall be entitled to take into account the need for deference of similar conduct in imposing a penalty under this Act.

21 This Act comes into force on Proclamation.

16 Amends section dealing with alteration of terms of employment by the employer.

17 Amends section setting forth practices by a trade union which are prohibited.

18 Increases penalties applying to violations of strike and lockout provisions.

19 Increases individual penalty for a general offence.

20 Allows court to consider deterrence in setting penalties.

21 Coming into force.